

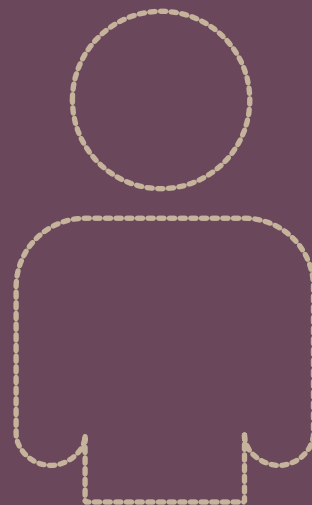


Oifig an Ombudsman
Office of the Ombudsman

Annual Report 2014



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Report Number 31

Designed by:

CATALYSTO 



Oifig an Ombudsman
Office of the Ombudsman

Annual Report 2014

Contents

Chapter 1: Introduction from the Ombudsman 7

1.1	Introduction	7
1.2	Thirty Years of the Ombudsman	7
1.3	Ombudsman Investigations	8
1.4	Sharing the Learning	8
1.5	Team Effort	9
1.6	My Jurisdiction	9
1.7	International Developments	10
1.8	Health Complaints Investigation	10
1.9	Make it Easy to Complain	11
1.10	Staffing Matters	11
1.11	Oireachtas Committee on Public Service Oversight and Petitions	12

Chapter 2: Business Review of the Year 15

2.1	Role of the Ombudsman	15
2.2	Overview of Statistics	16
2.3	Enquiries Team	17
2.4	Complaints under the Disability Act 2005	17
2.5	Section 7 Notices - Failures to Cooperate with the Ombudsman	18
2.6	The Ombudsman's Casebook	18
2.7	Oireachtas Committee on Public Service Oversight and Petitions (PSOP)	19
2.8	Tusla (Child and Family Agency) - New Procedures for Social Workers	20
2.9	IPA/Ombudsman 30th Anniversary Conference	21
2.10	European Region of the International Ombudsman Institute	22
2.11	Bringing the Ombudsman Service to the Regions	22
2.12	Strategic Plan 2013-2015	24

Chapter 3: Ombudsman Reports 27

3.1	Mobility Allowance and Motorised Transport Grant Schemes - Update	27
3.2	A Good Death - A Reflection on Ombudsman Complaints about End of Life Care in Irish Hospitals	27
3.3	Local Rules for National Schemes - Inequities in the Administration of the Long Term Illness Card Scheme	28
3.4	Home Care Grant Denied	30
3.5	Passports for Children of Non-EEA Workers	31

Chapter 4: Selected Case Studies 35

4.1 Man with rare condition refused treatment abroad - weaknesses identified in scheme	35
4.2 Procedures changed after hospital contacts wrong woman for medical procedure	37
4.3 Funeral costs refused when Department paid bereavement grant to wrong person	38
4.4 Hospital failed to carry out proper examination of patient	38
4.5 Department unfairly seeks €105,000 from dead woman's daughter	39
4.6 Poor treatment of organ donor's remains results in improved procedures	40
4.7 Department accepts that man is habitually resident and pays Disability Allowance arrears of €79,468	41
4.8 Woman who fled to her mother in Ireland refused Child Benefit	42
4.9 Woman wrongly billed for terminally ill husband's treatment	43
4.10 Man unfairly denied Rent Allowance	43
4.11 Council waives unfair debt	44
4.12 Student grant approved following the provision of additional documentation	45
4.13 Student Grant Scheme changed after complaint to the Ombudsman	45

Annex A: Statistics 49

Annex B: Ombudsman Engagements 63

Annex C: Annual Energy Efficient Report 2014 67



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 31st 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 written in a cursive, flowing style.

Peter Tyndall
Ombudsman
June 2015



Bernadette McNally
Director General

CHAPTER

01 / Introduction from the Ombudsman



Chapter 1: Introduction from the Ombudsman

1.1 Introduction

Every Ombudsman has two fundamental aspirations. The first is to put things right for people who have suffered an injustice because of poor administration or who have not received a service to which they are entitled. The second is to improve services by making sure that lessons are learned from mistakes. The Office of the Ombudsman in Ireland has been doing both for thirty years and there continues to be a high demand for our services.

1.2 Thirty Years of the Ombudsman

2014 marked the thirtieth anniversary of the Office, and the first full year for me as the current Ombudsman. From the initial work of Michael Mills to establish the Office and his fight to keep it independent in very difficult circumstances, through the deft stewardship of Kevin Murphy and the highly regarded work of my predecessor Emily O'Reilly in raising the profile and modernising the service to make it fit for the 21st century, there is an unbroken chain of careful consideration of complaints and delivery of individual redress and systemic improvement.

I was happy to be able to take part in the celebration of the Office's thirty years with two key events. Firstly, I would like to again extend my thanks to President Higgins for his warm welcome to the reception at Áras on Uachtaráin where staff old and new had their contributions recognised. Secondly, I am grateful to the IPA for co-hosting a conference to mark our anniversary. The conference featured high quality Irish and international speakers led by Mr Brendan Howlin, the Minister for Public Expenditure and Reform, who spoke about the new Ombudsman legislation he introduced in 2012 and his vision for the future of public administration in Ireland. It was an opportunity to reflect on the achievements of the Office and to consider how to move forward in the changing national and international contexts.

1.3 Ombudsman Investigations

During the year we also continued with the mainstream work of the Office. We published our report about the Long Term Illness Card Scheme addressing concerns about inconsistency in awarding the cards in different parts of the country. I was pleased that the HSE introduced changes to the administration of the scheme to ensure that a person's address is not a factor in determining eligibility.

We also issued a report on passports for Irish-born children of non-EEA parents. We found that the current process was complex and not joined up, and we made recommendations which will bring about improvements in the future.

I was also very pleased to launch '*A Good Death – a reflection on Ombudsman complaints about end of life care in Irish hospitals*'. The report sets out lessons to be learned from our examinations and investigations in providing excellent and compassionate care to people at the end of their lives. The report was prepared in co-operation with the Irish Hospice Foundation and we continue to work with the HSE to ensure that the recommendations designed to improve the quality of care and environment for people at the end of their lives are implemented. More detail on each of these investigations is contained later in this report.

1.4 Sharing the Learning

Another key development during the year was the launch of "The Ombudsman's Casebook". Many of the cases we consider are examined or settled and do not lead to the publication of reports. Consequently, there has been a risk that the learning from these cases is being lost. By regularly publishing a digest of case summaries, it becomes possible for bodies in the jurisdiction of the Office to learn not just from their own mistakes, but from those of others. This approach can help to avoid mistakes being made in the first place. The Casebook has been very well received and has a growing audience across public service providers and amongst elected representatives and NGOs. As well as offering a useful perspective to service providers, it helps my Office to be alert to any developing trends where there are clusters of complaints which might suggest systemic problems which need to be addressed. I would urge all public service providers to take steps to aggregate any information they have about things which have not gone well, whether they learn about them through complaints they have dealt with themselves, through the work of my Office, through whistleblowers or through their own monitoring so that they are aware of any trends and take action appropriately to address them.

The Office is committed to working with the bodies in our jurisdiction to resolve complaints promptly and effectively, often without the need for formal investigation. We have worked through the year to develop good working relationships to enable us to achieve such prompt outcomes, but also to resolve long standing difficult issues. Our developing links

with the Department of Health, the HSE and the Association of County and City Managers have been very valuable in this context, as have our continuing good working relationships with other Government Departments. The Department of Social Protection accounts for a high proportion of the complaints we receive. This does not reflect a particularly poor performance on its part but rather a very high volume of contact with people using its service. The Department is typically very helpful in assisting our consideration of complaints and prompt in putting things right where there has been a mistake.

1.5 Team Effort

Our ability to deal well with the continuing high volume of complaints we receive is highly dependent on the staff of the Office and I would like to pay tribute to their work, led by our outgoing Director General Bernadette McNally, whose contribution to the improvement and development of the Office has been substantial. We have been fortunate to receive funding for additional staffing which will enable us to address cases on hand. I am grateful to the Department of Public Expenditure and Reform for its assistance in this regard. The retirement of experienced staff during the year and delays in filling the vacant posts caused us some difficulties but as newly appointed staff come on board we expect to see further performance gains in 2015. We continue to seek improvements in our processes and need particularly to address the need for new case management systems to better support staff and complainants in dealing with our work.

1.6 My Jurisdiction

I have welcomed extensions to the jurisdiction of the Office and this year we have been dealing with complaints from over 200 additional bodies which were brought into our jurisdiction following the 2012 Ombudsman (Amendment) Act. There are still elements of public service which remain outside jurisdiction



The Irish Times. Saturday, June 14, 2014

including Direct Provision for asylum seekers and patients in private nursing homes who are often funded by the State through the Nursing Home Support Scheme (Fair Deal). I have been working with Government to address these gaps. That said, I have also been concerned to ensure that people are aware that my Office can consider complaints about public nursing homes, or residential facilities such as Áras Attracta where allegations of the abuse of residents were so graphically brought to the attention of the public during the year.

Finally, on the subject of jurisdiction, there is a tendency for services which are privatised or transferred to semi-state bodies, such as Irish Water, to be removed from my jurisdiction. This is a retrograde step. There is no need for a change to redress arrangements because there is a change to service provider. The implementation of the European Directive on Alternative Dispute Resolution provides an opportunity for a rethink of the redress landscape in Ireland and I hope it will be taken.

1.7 International Developments

The Office has a long tradition of engagement in international networks and during 2014 we provided the secretariat for the European Region of the International Ombudsman Institute, of which I was President. The Region hosted a very successful conference in Tallinn as well as a number of projects including one on human trafficking and one developed by the Northern Irish Ombudsman in conjunction with their Human Rights Commission designed to train Ombudsman staff to recognise and deal appropriately with human rights issues when considering complaints.

1.8 Health Complaints Investigation

The work on our first own initiative investigation into health



The Herald. Saturday, June 14, 2014

complaints is now complete and I look forward to the publication of the report around the time of this Annual Report. Compared to other jurisdictions, complaints about health treatment are very low in Ireland and the investigation was partly designed to discover why. If people do not bring concerns to the attention of health service providers, and if concerns which are brought are not properly dealt with, then lives will be lost as underlying problems won't be addressed. The evidence from elsewhere, notably for instance in the Mid-Staffordshire NHS Trust in the UK, shows that patients and services suffer when providers do not systematically consider data on adverse incidents and act decisively to address failings.

1.9 Make it Easy to Complain

I expect the report to also highlight one of our key concerns across public services in Ireland, the lack of a consistent approach to dealing with complaints. I will continue to advocate the adoption of a standard approach to dealing with complaints so that service users know what to expect and there is a consistent, prompt and effective response regardless of who provides services. We want to make it easy for people to complain, and for complaints to be seen as a valuable source of learning and driver of improvement.

There should be a single portal available to enable people to make complaints about public services and we will continue to press the case for its introduction, and would welcome the opportunity to lead on the development of a common complaints system and a single portal. Members of the public would still be able to complain directly to a service provider but this service would provide a parallel route for people who find it difficult to know how to complain at the moment. We will work with our partners in the healthcomplaints.ie initiative to see if this can be further developed as a pilot for the approach.

1.10 Staffing Matters

I wish to acknowledge the continued commitment of both the current team in the Office of the Ombudsman and all who have worked in the Office over the last thirty years. They have shown their willingness to adapt to and meet all the challenges presented to them over the years.

2014 saw new staff join the Ombudsman's team and there were some significant departures. A number of staff retired following many years of service to the Office. These were Fintan Butler, Patricia Doyle, Elizabeth Martin, Aoife Nic Reamoinn, Marie O'Brien, Anne O'Reilly, Donal O'Sullivan, Richard Philpott and David Waddell. In addition, Catherine Rousset moved to pastures new. I want to thank all of them for the contributions they made in 2014 as well as in the years prior to their departure and to wish them well in the future.

During 2014 we were joined by Anthony Mulhaire, and Maire Ní Fhiacháin re-joined the Office. I am delighted to welcome them and look forward to working with them in the years ahead.

1.11 Oireachtas Committee on Public Service Oversight and Petitions

This Annual Report is provided to the Oireachtas, in line with the arrangements for all Parliamentary Ombudsman. It highlights the important relationship between the Ombudsman and the Oireachtas. The link underpins the independence of the Office and allows the Oireachtas to ensure that the Ombudsman's recommendations are implemented and that public services can be held to account. The Ombudsman works closely with the Joint Committee on Public Service Oversight and Petitions which considers this Annual Report. During the year the Committee has taken a keen interest in our activity and worked to ensure that the Office's reports have maximum impact. I would like to conclude by thanking the Chair and the members for their support.

"I just want to thank you so much for all the work you put in getting back my medical card recently. It has been well used since it was returned. You dealt with me with empathy and professionalism at all times."



"Thank you so much for your intervention on our behalf. You are the only person who has cared through this period and it's very much appreciated.

My daughter.....is indeed beside herself that she at least now can contribute towards her children's upbringing as a mother."



CHAPTER

02 / Business Review of the Year



Chapter 2: Business Review of the Year

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 public bodies, including:

- government departments
- local authorities
- the Health Service Executive (HSE)
- public hospitals and
- publicly-funded third level education institutions.

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 public body complained about.

When considering complaints we will 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.

In practice, many complaints are resolved informally after my Office has brought the complaint to the attention of the public body 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, and not to any particular Minister of the Government.

2.2 Overview of Statistics

In 2014, the total number of complaints received by my Office was 3,535 compared to 3,190 in 2013. This is an increase of 11% and considerably higher than the average for the previous 10 years (2,872).

In 2014, 60% of cases were closed within 3 months and 91% were closed within 12 months. Before complainants bring complaints to my Office they must take “reasonable steps” to resolve their complaint with the public body concerned. In a number of cases (1,407 in 2014) 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.

The Civil Service, which includes the Department of Social Protection, is the largest source of complaints (at 41.3% compared to 46.5% in 2013), followed by Local Authorities (25.5% compared to 27.5%) and the HSE (19.7% compared to 17.3%). (This is broadly consistent with the volume of interactions that these bodies have with service users).

Excluding ‘premature’ complaints, 25% of cases were fully or partially upheld, assistance was provided in 21% of cases, 42% were not upheld and 12% were either discontinued or withdrawn. In 46% of cases members of the public directly benefitted from contacting the Office but even where complaints are not upheld, we are often able to provide an explanation or reassurance.

Of the 1,459 complaints made against the Civil Service, 898 were against the Department of Social Protection, 196 against the Revenue Commissioners, 155 against the Department of Agriculture, Food and the Marine, and 58 against the Department of Justice and Equality.

93 of the 900 Local Authority complaints were against Dublin City Council, 60 were against Limerick City and County Council, 58 against both Cork County and Galway County Councils, and 52 against Wicklow County Council.

262 of the 698 complaints against the HSE were against hospitals. 164 involved medical or GP cards.

A total of 467 complaints were received about the public bodies which came within my jurisdiction in May 2013. These include publically funded-third level education bodies such

as universities and institutes of technology. 89 complaints were received against Student Universal Support Ireland (SUSI) and we have worked closely with SUSI to resolve many of these complaints.

2.3 Enquiries Team

Our Enquiries Team is our 'front of house' unit that screens all complaints, responds to all enquiries and meets visitors to the Office. In 2014 the unit provided assistance in 1,806 complaints we received against bodies outside our remit e.g. An Garda Síochána and the ESB. The complainants were advised of the correct way to proceed with their complaint and which body to contact, where appropriate.

The team also dealt with over 15,000 telephone calls and met over 200 personal callers during 2014.

2.4 Complaints under the Disability Act 2005

The Disability Act 2005 imposes significant obligations on Government Departments and other public bodies to work proactively towards the improvement of the quality of life of people with disabilities. A complaint can be made to the Ombudsman regarding a public body's failure to comply with Part 3 of the Disability Act. Specifically, the Ombudsman may investigate complaints about access by people with disabilities to public buildings, services and information.

While 2014 saw an increase in complaints, the relatively low number received under the Disability Act 2005 is disappointing. It is vitally important that people with a disability are informed as to 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 and the Ombudsman's remit.

Disability Act – Complaints received in 2014	
Complaints Handling (S.38 to S.39)	6
Accessibility of Services Provided to Public Body (S.27)	3
Access to Information (S.28)	1
Access to Services (S.26)	1
Total	11

2.5 Section 7 Notices - Failures to Cooperate with the Ombudsman

Section 7 of the Ombudsman Act 1980 (as amended) confers very significant powers on the Ombudsman in terms of acquiring documents and information necessary for the examination or investigation of complaints. Under the Act, there is a legal obligation placed on “any person who, in the opinion of the Ombudsman, is in possession of information, or has a document or thing in his power or control, that is relevant to the examination or investigation” to provide that material to the Ombudsman.

In almost every case the information I need is provided to my Office without the necessity to issue a section 7 notice. My Annual Report is used to publish the number of occasions where I have issued a section 7 notice.

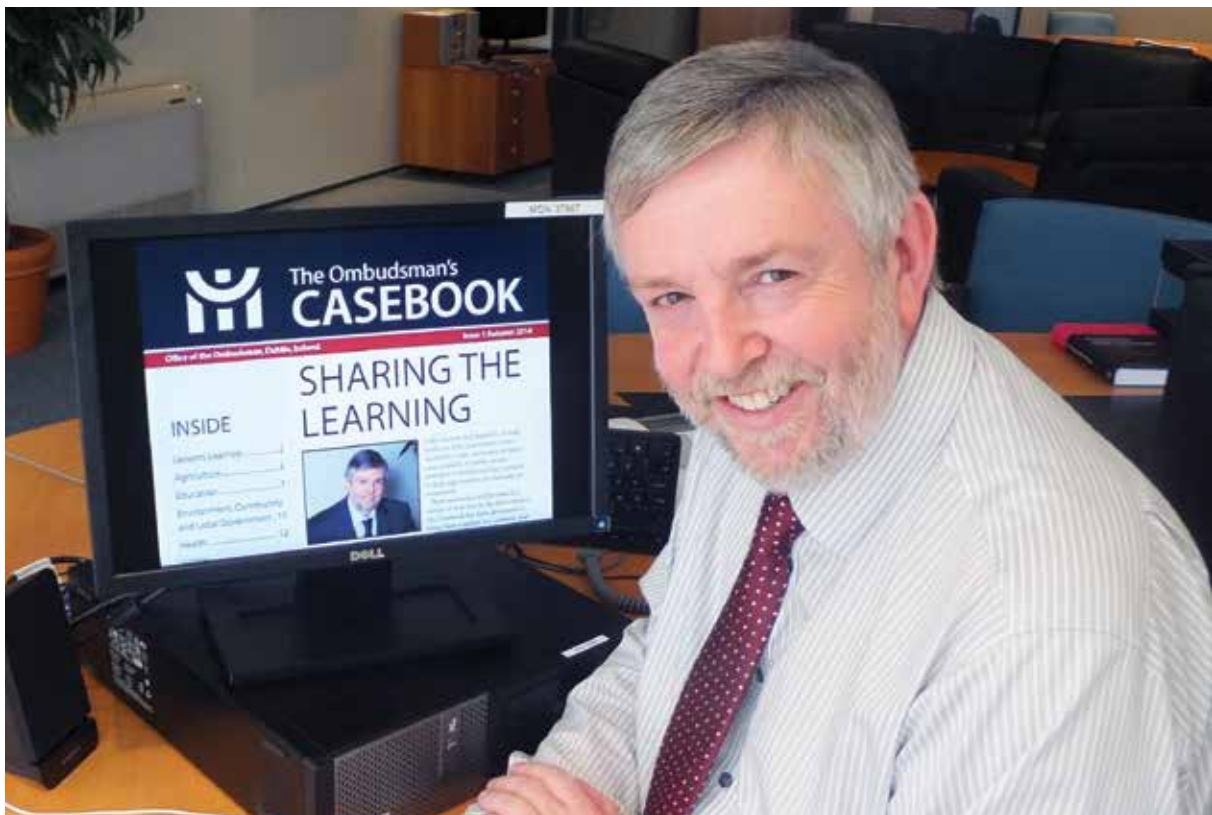
During 2014 my Office was required to issue two section 7 notices. One notice related to a complaint against Westmeath County Council and the other one related to a complaint concerning the HSE. After issuing the section 7 notices I am pleased to report that the records were received.

Year	Number of Section 7 Notices Issued
2014	2
2013	4
2012	7
2011	5
2010	8

2.6 The Ombudsman’s Casebook

One of my objectives since becoming Ombudsman has been 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’. I published my first edition of The Ombudsman’s Casebook in October 2014. The quarterly publication provides summaries of cases we have dealt with over the previous months. The Casebook describes complaints across all the areas the Office deals with, such as Health, Social Welfare, Education, Local Government, Environment, Agriculture and Taxation.

It is circulated in digital format to officials in public bodies, members of the Oireachtas and other public representatives. I am pleased with the response the Casebook has received. It is encouraging to see that service providers are interested in learning from our examination of complaints and seeing what other similar organisations are doing well, and not so well.



The Casebook is published on my website and can be read online, downloaded or printed. If you wish to be notified when the Casebook is published, please email casebook@ombudsman.gov.ie with the subject **SUBSCRIBE**.

2.7 Oireachtas Committee on Public Service Oversight and Petitions (PSOP)

During 2014 my Office continued its fruitful engagement with the Joint Oireachtas Committee on Public Service Oversight and Petitions (PSOP). On 4 June 2014, I appeared before the Committee to discuss my 2013 Annual Report, on-going issues of major importance to my Office and my vision for the future of the Office of the Ombudsman. On 1 July 2014, I was pleased to be invited before the Committee to discuss my Office's publication "A Good Death" (see also Chapter 3 of this Report).

During the year the Committee commenced a general review of the role and remit of Ombudsman Offices in Ireland. Each of the Ombudsman post holders made presentations on the matter to the Committee. I appeared before PSOP on 1 October 2014, to outline my views. I look forward with interest to the outcome of the Committee's deliberations on the matter.

PSOP's role includes the consideration of petitions received from the public regarding public administration in Ireland. Under its terms of reference petitions relating to complaints which are being or have been examined by my Office are excluded from examination by PSOP.

However, during the year the Committee sought my Office's views and observations on a number of general issues relating to public administration arising from some of the petitions which the Committee was able to consider. My Office is happy to support and assist the Committee in this important work.

2.8 Tusla (Child and Family Agency) - New Procedures for Social Workers

Prior to the setting up of Tusla in January 2014, I received a number of complaints about the way social workers handled historic allegations of abuse. The role of the social worker is to carry out an initial assessment by talking to the alleged victim and then, in line with fair procedure, to the person against whom allegations have been made. If the allegations are considered to be credible, then social workers will ask the person not to have unsupervised contact with any child until the assessment has been completed. The social workers are also required to let the parents of the child or children who are potentially at risk know about the allegations so that they can take appropriate steps to protect them. Once a comprehensive assessment has taken place, the social workers will be in a better position to determine whether there may be any ongoing risk to children. This is what is provided for in the Children First Guidelines.

The complaints which I received primarily related to social workers not following fair procedure or natural justice in their interactions with the complainants. In some instances, the complainants had not been given a full account of the allegations made against them, they were not allowed have a support person attend with them when being interviewed, and information about the unproven allegations were disclosed to others without the complainant being afforded any avenue of appeal. While the protection of children must be a priority for social workers in accordance with their statutory role, adults against whom allegations have been made must be afforded due process.

My staff had a number of productive meetings with Tusla to highlight the issues arising from these complaints and to see whether steps could be taken to ensure fairness and consistency in the handling of retrospective allegations of abuse against adults. I was pleased that Tusla issued new guidelines for social workers effective from September 2014. Training was provided for social workers regarding the implementation of these new guidelines. I am hopeful that the new guidelines and the training will help to ensure that adults who are the subject of abuse allegations are treated more fairly while maintaining the key focus which is child protection.

2.9 IPA/Ombudsman 30th Anniversary Conference

As part of a series of events to mark 30 years of the Office of the Ombudsman, I jointly held a conference with the Institute of Public Administration on the theme of 'Accountability in the Public Service' in November.

The conference was opened by the Minister for Public Expenditure and Reform, Mr Brendan Howlin. Other speakers included Baroness Nuala O'Loan (former Police Ombudsman for Northern Ireland), Dame Beverley Wakem (New Zealand Ombudsman), Jane Tinkler (London School of Economics), and Kevin Rafter (Associate Professor of Political Communication at Dublin City University).

The conference focused on a number of themes including:

- the role of the Ombudsman and how this is evolving
- citizen participation in government
- accountability and
- integrity and ethics in public administration.

The conference was attended by officials from public bodies under my jurisdiction. The speakers provided their perspectives on the conference themes and I am delighted that the conference was so well received.



Ombudsman Peter Tyndall, Minister for Public Expenditure and Reform, Brendan Howlin and Director General of the Institute of Public Administration, Brian Cawley at the IPA/Ombudsman 30th Anniversary Conference

2.10 European Region of the International Ombudsman Institute

In 2014, I held the position of President of the European Region of the International Ombudsman Institute (IOI). The IOI is a global organisation which fosters co-operation between Ombudsman institutions. There are currently 80 Ombudsman institution members in the European region, including the oldest, and some of the newest Ombudsman institutions in the world. In 2014, I (as President) chaired three Board meetings – in Warsaw (April), Tallinn (September) and Vienna (October). I also chaired the General Assembly of the European Region held in Tallinn in September.

During the course of my Presidency, a number of initiatives were introduced. These included a redrafting of the Regional bye-laws, the introduction of electronic voting to fill any vacancies on the Regional Board and a survey of members on best practice in relation to “own initiative” investigations.

In October 2014, I was elected as 2nd Vice President of the IOI (World Board).

2.11 Bringing the Ombudsman Service to the Regions

Visits to Citizens Information Centres (CICs)

Most of our complaints are received by letter, by email and through telephone calls but sometimes people want to talk to us in person.

To improve access to people living outside Dublin, staff from my Office visit CICs to take complaints from members of the public. Monthly visits to Cork, Limerick and Galway continue to provide a valuable local service, easily accessible to people living there. During 2014, Ombudsman staff were available on 34 occasions to provide advice and assistance and to take complaints on behalf of the public.

Limerick CIC in 2014

58 valid complaints were received.

Galway CIC in 2014

61 valid complaints were received.

Cork CIC in 2014

42 valid complaints were received.

Our visits to the CICs also gave us the opportunity to provide assistance to 212 people whose cases were not within our remit or where they had not taken the matter up with the public body in the first instance.

Cork Adult Education & Training Exhibition

The Office was represented at this two day exhibition in September. Attendance at this exhibition has been extremely useful in promoting the role and function of the Office in the southern region.

Over 50's Show

The Over 50's Show is a popular event attracting approximately 23,000 people over three days. Staff members were present in both Cork and Dublin to answer questions about the role of the Office and to provide advice and assistance to members of the public.

I would like to thank all those involved in our Outreach programme during 2014. As ever, my staff continue to bring our service directly to the people in a courteous and professional manner.



Elaine Brady and Rebecca Connolly at the Over 50's Show

"We were first pleasantly surprised that you took the time to phone us to keep us updated and ecstatic when we received your letter to say that her grant appeal had been allowed. Thank you for all your help and I'd like to say that you've restored my faith in government departments."



2.12 Strategic Plan 2013-2015

Over half way through the implementation of our three year Strategic Plan my Office continues to score well against the key measures of success that we set ourselves. The plan sets out how we will seek to improve standards of public administration and promote the principles of openness, transparency, accountability and effectiveness. The key objectives of the plan are detailed below:



Many developments in delivering the above objectives are outlined in detail elsewhere in this report. Significant initiatives include:

- publication of a quarterly 'Casebook' to share learning from our work with public bodies,
- further enhancement of our quality assurance procedures, including mechanisms to ensure that we learn from any shortcomings identified,
- strengthening expertise within the organisation through the delivery of a focussed caseworker development programme and the recruitment of specialist health and social care staff,
- sharing insights gained from my examination of complaints through the publication of my report A Good Death concerning end of life care, and
- launching an investigation into complaint handling in public hospitals, the first Ombudsman 'own initiative' investigation since the Office was established.

Progress on improving case completion times was impacted by delays, outside my Office's control, in replacing some key staff who retired in 2014. However, significant reductions in the number of older cases and in the time it took to close cases in 2013 were still achieved. I look forward to improving case closure times in 2015 when the staffing complement is restored and further efficiency initiatives are implemented.

The work of my Office is dependent on an organisation that is strong and independent. In 2014, I continued to make the case for constitutional status for my Office to safeguard its independence. I also advocated for the introduction of a standardised public sector complaint process and a single portal for all public sector complaints. These initiatives have the potential to radically alter complaint handling in the public sector to the benefit of members of the public and public bodies alike.

"My family and I want to thank you for all of your hard work and dedication - for all the time and effort you put into ensuring that my father's case was heard. I hope that this will make a difference for those that have no one to fight for them."



CHAPTER

03 / Ombudsman Reports



Chapter 3: Ombudsman Reports

3.1 Mobility Allowance and Motorised Transport Grant Schemes - Update

The Annual Reports for 2012 (pages 33-36) and 2013 (page 31) outlined the background to the decision of the Department of Health to discontinue the Mobility Allowance (MA) and Motorised Transport Grant (MTG) schemes to new applicants and the subsequent developments arising from that decision.

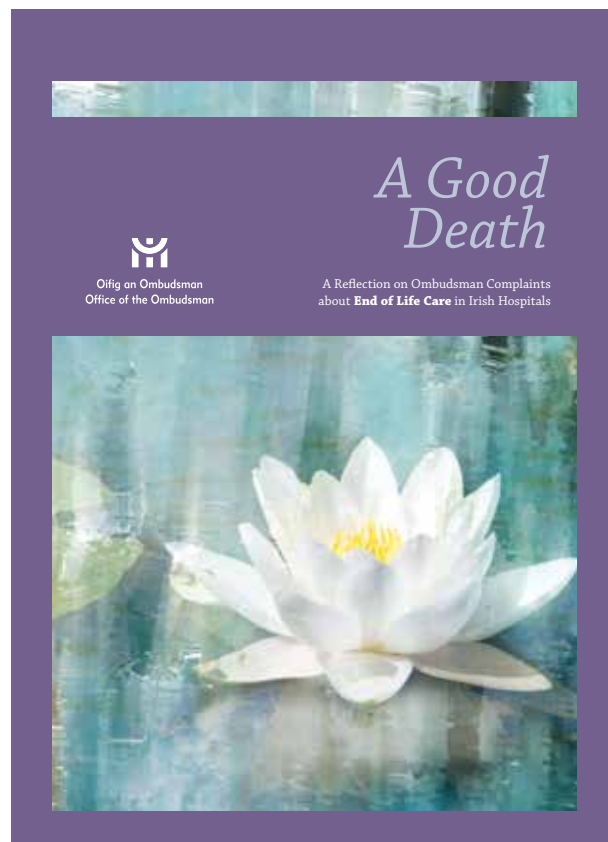
As previously outlined, in 2013 the Government decided to introduce a new statutory travel subsidy scheme for disabled persons with mobility needs. In the absence of any clear evidence of progress on the matter I wrote to the Secretary General of the Department of Health on 12 November 2014 asking for a progress update and some indication as to the likely timescale for the legislation. I also discussed the matter with the Department. I was given assurances that the matter was being actively pursued by the Department. I am keen to see progress being made as the lack of a scheme is undoubtedly having an adverse effect on potential beneficiaries.

3.2 A Good Death - A Reflection on Ombudsman Complaints about End of Life Care in Irish Hospitals

On 27 June 2014, my Office published '*A Good Death - A Reflection on Ombudsman Complaints about End of Life Care in Irish Hospitals*'. The report was launched at an event organised with the Irish Hospice Foundation (IHF). The IHF is a national charity dedicated to improving the quality of care available to people in life limiting circumstances and to the bereaved.

The report reflects on some of the complaints my Office has received over the years around 'end of life' care. From these complaints we have drawn common themes that may assist service providers and policy makers to improve practice. The complaints are set out under various thematic headings including Communications, Patient Autonomy, and Support for Family and Friends.

The report is available on my Office's website (www.ombudsman.ie) and copies of it have been widely disseminated throughout the care sector. My Office has received much positive feedback about the report from health professionals and others. I am anxious to build on the lessons learned from the report and I want to ensure that it makes a lasting positive impact on the care and treatment of terminally ill patients throughout the acute hospital service. With this in mind, my Office has drawn up a template of Action Plans with suggested follow up actions to be taken by individual hospitals. With the cooperation of the Health Service Executive the Action Plans will be sent to each hospital in 2015 and I will be asking them to come back to my Office regarding their follow-up actions. I then propose to publish a further progress report on the implementation of the Action Plans.



3.3 Local Rules for National Schemes - Inequities in the Administration of the Long Term Illness Card Scheme

During the year I completed an investigation into a complaint about the refusal of the Health Service Executive (HSE) to award a Long Term Illness Card (LTI card) to a woman for her son who was diagnosed as having attention deficit hyperactivity disorder (ADHD) and autistic spectrum disorder (ASD). The HSE refused the application on the grounds that the applicant did not meet the medical criteria for eligibility. Those eligible under the statutory scheme are supplied with drugs, medicines or medical/surgical appliances free of charge. Regulations list the diseases or disabilities which qualify an applicant for the card. The list includes "persons suffering from a mental illness".

During the investigation the HSE acknowledged disparities in the way both ADHD and ASD were being classified by individual medical officers in processing LTI card applications. In some geographical areas, children under 16 with these disorders were classified as having a mental illness and as such entitled to a LTI card, in others they were not. The HSE accepted that this system was inequitable and, in January 2013, informed me that the Department of Health was carrying out a review of the scheme. This wide-ranging policy review commenced prior to my investigation and was not prompted by it.

In March 2012, as a result of my intervention, the HSE issued a LTI card to the complainant for her son but at that stage refused to reimburse her for the cost of medication incurred from the time her initial application was made at the end of June 2009.

Following the investigation I found that the complainant was adversely affected by the refusal of her applications for a LTI card in July 2009 and in September 2010, and that the decisions to refuse her applications were based on erroneous or incomplete information, on irrelevant grounds and were improperly discriminatory.

I also found that:

- the decision to refuse to recompense the complainant for her son's medication for the period of her application prior to March 2012,
- the different treatment of cases depending on their geographical location,
- the failure of the HSE to ensure a uniform approach to the administration of the scheme and
- the failure to provide the HSE administrators of the scheme with adequate and clear guidance in relation to it, amounted to maladministration.

I also found that, in light of the fact that the scheme was under review by the Department of Health at the time and the outcome of that review was not yet known, a HSE proposal to alter the approach of its medical officers who heretofore had accepted ASD and ADHD as conditions which conferred eligibility under the scheme, was contrary to fair or sound administration.

As a consequence of my findings, I made the following recommendations:

- that the HSE refund the complainant the cost of medications for her son in the period from when she first made an application for him under the LTI scheme to the time when her application was granted (approximately €3,000);
- that, as the outcome from the Department of Health Review Group was awaited by the HSE at the time and in the absence of any substantive amendments to the governing legislation, the HSE should continue to administer the LTI scheme as it had done for many years in the greater part of the country, thereby including ADHD as constituting a mental illness which, in the case of persons under 16 years, gave entitlement to a LTI card;
- that the LTI Scheme, as a national scheme, should be administered in a uniform fashion throughout the country.

The HSE accepted the findings and recommendations made to it. The complainant was reimbursed the cost of medications for her son for the period involved.

Following the general policy review the HSE subsequently developed new operational guidelines which took account of the available national and international clinical evidence.

The new guidelines, directed that ADHD be regarded as a mental illness for the purposes of the LTI scheme. The guidelines outlined the factors which must be present in such cases. These set a clinical threshold which has to be met in order to establish eligibility in any given case. The guidelines have been implemented on a national basis to ensure consistency and clarity in the administration of the scheme.

3.4 Home Care Grant Denied

During the year, I completed an investigation into a complaint about an application for a Home Care Grant (HCG), on behalf of an elderly, dependent woman, which was refused by the HSE, even though it was submitted several weeks before the grant scheme was abolished. My investigation looked at how the HSE dealt with the application, how it communicated with the applicant, and how the decision to abolish the grant was communicated to key stakeholders. The HCG (a cash grant paid to assist older people to buy in extra care which could not be provided by the HSE) had been a feature of the Home Care Package Scheme (HCPS) until December 2010. At that point, new national guidelines for the HCPS were published and the payment of cash grants was to be phased out. The HSE told me that training and briefing sessions for HSE staff about changes to the scheme were held across each region and at local level with all of the key stakeholders. However, these briefing sessions did not take place until mid November 2010 which meant that the Public Health Nurse (PHN) was unaware that the grant was being abolished when she advised the woman to apply for it. In this case, the woman applied for the cash grant in October 2010 and her application was being considered on financial and medical grounds. While she had been deemed eligible on means grounds, her application had to be signed off by the PHN and the woman's General Practitioner (GP), who had to verify that she was medically eligible as well. The form was signed by both the PHN and the GP on 10 November 2010 but, unfortunately, her application was not approved because the form was not returned by the GP until January 2011. At that stage, the grant had been abolished.

While the woman was offered some additional home help hours, which were provided by the HSE, her family considered that the cash grant should have been paid given that the delay in processing her application was not of her making.

As a result of my investigation, I found that the decision to abolish the grant was not communicated to all of the key stakeholders in a timely way, that no arrangements were in place to track applications received before the cut-off date, and that no appeals process was offered to the applicant. In light of my findings and the recommendations which followed, the HSE apologised to the family and made a payment of €8,500 to them in settlement of their complaint. Sadly, the woman passed away in February 2013.

3.5 Passports for Children of Non-EEA Workers

In 2014, I completed an investigation into three separate complaints from Brazilian men about the difficulties faced by non-EEA workers in obtaining passports for their children born in Ireland. Such workers, to live and work in Ireland, must interact with two separate government agencies in maintaining their legal status here; the Department of Jobs, Enterprise and Innovation and the Department of Justice and Equality. The Department of Foreign Affairs and Trade has responsibility for processing passport applications. Following the investigation, I found that, while the laws in relation to both the processing of passport applications and employment permits were being correctly applied in the three cases, the administrative processes of the three agencies were likely to cause difficulties for members of the public that could amount to unfairness and unnecessary delay in individual cases.

The work of the Department of Justice and Equality in these areas of administration does not come within my jurisdiction so that Department could not be included in the investigation. It was necessary, however, to clarify certain issues with that Department during the investigation and officials of the Department of Justice and Equality met with staff from my Office to provide factual information about its systems.

Two of the men came to live and work in Ireland in 2002 and the third came in 2006. They had arranged employment, and employment permits, prior to their arrival. They settled down here. The two who came in 2002 lived and worked in Donegal and had been with the same employer over the years. The more recent arrival lived and worked in Waterford. They each had a child born in Ireland in the years between 2007 and 2010. All three applied for an Irish passport for their child and believed that their children would qualify for a passport based on the length of their own residence here.

They were surprised to discover that their children did not qualify for an Irish passport. It turned out that although they had lived and worked in Ireland for more than four years prior to the births, they did not, in fact, meet the legal requirement that they must have at least three years lawful residence in the State in the four years prior to the child's birth. The problem lay in the fact that some of their residence was recorded by the authorities



here as unlawful and the total period of lawful residence recorded for them did not add up to three years. In order to qualify for an Irish passport, an Irish born child must meet the requirements for citizenship. The right to citizenship is solely determined by the Minister for Justice and Equality. The relevant legislation provides that if one of the child's parents has had lawful residence in Ireland for three of the four years prior to the child's birth, citizenship may be granted.

In the majority of the European Economic Area member states, there is a unified employment permit and visa application system. These arrangements are a consequence of what is known as the Schengen Agreement, which allowed for the abolition of certain border controls between countries. Ireland (along with the United Kingdom and Denmark) is not a party to the Agreement. Certain immigrants who come to take up work in Ireland are obliged to register and maintain appropriate permissions from two State organisations. These are the Irish Naturalisation and Immigration Service in relation to the residence system and the Department of Jobs, Enterprise and Innovation for employment permits. They must keep those permissions up to date for all the time they are here. The three men with whom the investigation was concerned had permission to work here for all the years involved. Their employment permits had no gaps and were kept up to date, which suggested, on the face of it, that they had been legally employed in Ireland since 2002 in the case of the Donegal men and since 2006 in the case of the man in Waterford. Their residency permissions, on the other hand, had not always been kept up to date (for a variety of reasons, not all of them the fault of the worker) and contained gaps which had the unfortunate consequence of rendering periods of residence in Ireland as officially unlawful. So, they were in the odd position of living here for many years, working (with permits from the State), paying income tax and social insurance to the State and yet not "lawfully resident" for certain periods of time during those years.

I noted that it is a complex system and there was little doubt that the people concerned had engaged with it to the best of their abilities. They had paid numerous fees for their residency permits over the years. Fees had also been paid by their employers for the employment permits. They were, in addition, engaged in full-time employment far from the capital, with little access to advice or services. While the investigation was underway, two of the cases were reviewed and passports issued for the children concerned, which was good news for the families involved. Following the publication of my investigation report a passport was also issued in the third case.

Following my investigation, I recommended closer co-operation between the agencies involved. My recommendations have been accepted.

The Department of Jobs, Enterprise and Innovation and the Department of Justice and Equality have established a working group to investigate the feasibility of introducing a unified employment permit and visa applications system as part of the Action Plan for Jobs 2014. This is a positive step which, if pursued to an effective conclusion, as I hope it will be,

will help overcome difficulties of the kind identified during my investigation and which are faced by workers coming to Ireland from outside the European Economic Area.

The Department of Jobs, Enterprise and Innovation and the Department of Foreign Affairs and Trade have also given me assurances about the introduction of improvements in their practices which all involved hope will assist such workers in the future.

“Words spoken at the right time are very valuable and I want you to know that I appreciated very much your kindness, empathy and wonderful human spirit. You have no idea how much your support meant to me at such a difficult and trying time.”



Chapter 4: Selected Case Studies

In this Chapter, I describe just some of the complaints my Office dealt with in 2014. A number of the selected cases involve the Department of Social Protection and the HSE which reflects the large number of interactions they have with the public and the subsequent large number of complaints to my Office.

4.1 Man with rare condition refused treatment abroad - weaknesses identified in scheme

A woman complained to my Office that her son's application for funding under the Health Service Executive's Treatment Abroad Scheme was refused. Her son suffers from a rare and painful hereditary medical condition (Elhers-Danlos Syndrome - EDS).

As a result, Sean (not his real name) frequently experiences partial and severe dislocation of his joints. In recent years his medical condition has been deteriorating. His shoulder dislocates as often as every seven to ten days. While he is generally able to reset his joints himself, he has been unable to reset his shoulder. When it dislocates he has to travel to hospital to have it surgically reset, under a general anaesthetic, causing him great pain, anxiety and distress.

On a number of occasions Sean's consultant referred him to a 'centre of excellence' in the UK for the treatment of EDS. His referrals were supported by the HSE and funding under the Treatment Abroad Scheme was provided.

Because Sean's medical condition was continuing to deteriorate and the severity of his symptoms was intensifying, his consultant decided it was necessary to refer him once again to the 'centre of excellence', where he hoped Sean would receive the necessary treatment to alleviate his severe pain and suffering, and which might eliminate the need for surgical interventions. Sean's mother said that his medical team's view was that weekly or fortnightly visits to the Emergency Room for surgical treatment under a general anaesthetic could not be sustained indefinitely.

By this time, the HSE had centralised the administration of the Treatment Abroad Scheme to its offices in Kilkenny. An application was submitted for funding under the scheme. The application was refused.

The main reason for refusing Sean's application was that the treatment for which he was being referred was not specified by his consultant. Whereas 'specifying treatment' is a qualifying condition for funding under the scheme, it emerged in the course of my examination that there are circumstances when it is not a mandatory condition. Where a consultant refers a patient for assessment or treatment to a centre of excellence abroad, funding may be approved without specifying the treatment. After complaining to my Office and following three further unsuccessful applications, Sean was approved for funding and attended the UK centre of excellence.

My examination of this complaint raised concerns about in the Treatment Abroad Scheme's administration, including:-

- the clarity of the HSE's information publications and brochures about the scheme
- transparency in the assessment and administration processes and
- the criteria in the qualifying conditions.

In correspondence with the HSE I expressed my concern at the absence of sensitivity and consideration for Sean's extremely traumatic medical condition and symptoms, shown by the Treatment Abroad Scheme administration in the course of processing his funding applications. I upheld Sean's complaint and considered that the HSE should award €2,000 by way of payment to Sean in recognition of his pain and suffering, and for the time and trouble experienced by Sean and his mother in pursuing his applications for funding over a period of 14 months.

The HSE responded - "This case has highlighted our systems and processes both clinical and non-clinical were not sufficiently aligned to optimise [Sean's] journey through to the medical care and support he was seeking". The HSE also made a commitment to "identifying the challenges and leveraging the learning points that arose in this case, on a whole system basis".

The HSE issued an apology and the payment.

Dialogue between my Office and the HSE is continuing about the issues arising from my examination of this complaint.

4.2 Procedures changed after hospital contacts wrong woman for medical procedure

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

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

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

Beaumont Hospital has now brought in the following changes in procedures:

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

4.3 Funeral costs refused when Department paid bereavement grant to wrong person

A man complained that the Department of Social Protection had refused his application for a bereavement grant for the funeral expenses he had incurred to bury his late father. The Department said that the grant had already been paid to another party. The man said that he was able to provide a coroner's certificate and proof of payment of the funeral bill and that this was the documentation required under the terms and conditions of the Bereavement Grant scheme.

I was satisfied that the man had provided the correct documentation for his grant application. I was concerned that there was insufficient documentary evidence on the Department's file to show that the other party had made a valid application. The Department agreed that errors had been made in dealing with the man's grant application. The Department accepted that the man was the person responsible for paying the funeral bill for his late father, that he had made a valid application, and that he had supplied the required documentation in respect of his application.

The Department agreed to pay the grant of €850 to him and to issue an apology for the way in which his application was dealt with by the Department and for the distress and inconvenience this had caused him.

4.4 Hospital failed to carry out proper examination of patient

A man complained to me about the care his late wife received at University Hospital, Galway. He said that no adequate history of her symptoms had been recorded and no comprehensive assessment of her condition was ever undertaken. He felt that she had been examined in a new light each time she attended the hospital. His wife had lost considerable weight, suffered pain after eating, had mobility difficulties and her toes were black. Yet some of these clinical details were not documented in her notes. The man felt that an accurate diagnosis of his wife's condition could have been made sooner, had his wife been properly assessed and her symptoms recorded.

In view of her weight loss and stomach pains, she had undergone an operation for the removal of gallstones. However, she was ultimately diagnosed with having a vascular condition which led to her developing a blood clot blocking the supply of blood to her lower body from which she died. The man complained that he had been given false hope regarding his wife's prognosis from the treating consultant during the final few days of her life.

I sought independent clinical advice about these matters before writing to the Clinical Director of the hospital. On reviewing the woman's records, the Clinical Director accepted

that there was inadequate documentation by medical staff of the examinations undertaken. He agreed that there was nothing in the records to indicate, for instance, that the woman's toes were black. He met with the woman's husband to apologise for the care his late wife had received and for the way he had been misled about her terminal condition.

I welcome the fact that the Clinical Director supported my view that comprehensive documentation forms an essential part of the care of every patient and that a thorough and documented examination should be made during each presentation in accordance with standard practice. The hospital now does this. A compulsory induction portal has been introduced which must be completed by medical staff prior to receiving a contract which will provide information regarding note taking, IT systems, consent and prescribing.

4.5 Department unfairly seeks €105,000 from dead woman's daughter

I received a complaint from a woman whose mother had mental health problems. The woman had been asked by the Department of Social Protection to repay an overpayment of €105,000. The overpayment came to light when the woman wrote to the Department informing it of her mother's death in March 2012. She asked the Department to stop paying her mother the Widows Non Contributory Pension and State Pension (Non Contributory). The Department then carried out a review and discovered an overpayment dating back to 2003 and sought repayment of €105,000 from the woman. Following an examination of the relevant papers, it was discovered that the Department had not carried out a review of this case since 2000; that the review conducted in 2000 was prompted by the woman's mother which clearly indicated that she was not trying to shield her circumstances; and that there was medical evidence to indicate that she did not have the mental capacity to be fully aware of this complex situation. Prior to 2000, the Department had carried out regular reviews.

I was of the view that the Department's decision was unfair and I asked the Chief Appeals Officer (CAO), who is independent of the Department, to review the case. The CAO overturned the Department's decision and found that the medical evidence on file was sufficient to inform the Department that the woman had been unwell for a number of years. The CAO also found that if the Department had carried out a review on a regular basis, it would have alerted it to the overpayment at an earlier time. The basis of the CAO's decision was that the overpayment arose as a result of the Department not acting on information available to it and therefore it was not appropriate for it to seek repayment from the complainant.

4.6 Poor treatment of organ donor's remains results in improved procedures

I received a complaint from the family of a man who died unexpectedly at University Hospital, Limerick. The man's organs had been generously donated after his death. Their complaint was that nobody from the hospital contacted them, as had been promised, to let them know that the organ retrieval process was concluded and that their father's remains were ready for release. The family had to initiate contact with the hospital a day later to establish whether the remains were ready for release only to be told that the remains were no longer in the Intensive Care Unit. They were told that a doctor would phone them back to provide them with more information. They subsequently discovered that the hospital had not informed the Coroner of the man's death. As a result, the family had to accompany a Garda to identify the remains in the hospital mortuary. When the family viewed their father's remains, they became distressed because it appeared to them that he was covered only with a sheet and was undressed. This was not in line with hospital procedure which provides for the remains to be dressed in a hospital gown, covered in sheets and a green pall to cover the body from the neck down.

When the family made a formal complaint, the hospital commissioned a review of all the concerns raised and apologised in writing for any distress caused. However, the family remained unhappy because they felt the hospital had not taken full responsibility for the breakdown in communication or for the perceived lack of respect for their father's remains.

Following discussion with my Office, the hospital introduced an information leaflet for donor families on organ donation and transplantation together with guidelines for staff on the care of patients when death is imminent and after death at University of Limerick hospitals. The hospital undertook to ensure that the leaflets and guidance would reflect the issues which had been raised by this family's complaint to avoid any possible repetition of what they had experienced. A designated person from the Intensive Care Unit has now been appointed to liaise with families following organ donation as part of the new guidelines. The CEO of the hospital agreed to write a further letter of apology to the family which fully acknowledged the hospital's failure to contact them once their father's organ retrieval procedure had been completed.

'Habitual Residence' complaints

In order to receive certain social welfare payments such as Job Seekers Allowance and Disability Allowance the recipient must be 'habitually resident' in Ireland. Factors taken into account for determining whether an individual is habitually resident include:

- having a 'right to reside' in the State
- the length of time spent in Ireland

- the continuity of residence
- the general nature of residence.

In 2014 I received a number of complaints about the administration of the habitual residence condition. Two of these are summarised below:

4.7 Department accepts that man is habitually resident and pays Disability Allowance arrears of €79,468

A man, who is a non-Irish national, was refused Disability Allowance (DA) in 2010 by the Department of Social Protection on the grounds that he did not satisfy the Habitual Residence (HR) conditions. He was also refused on medical grounds. The man had an earlier Disability Allowance claim in 2009 and, while it too was disallowed on HR grounds, he was deemed to have satisfied the medical criteria on that occasion.

The Social Welfare Appeals Office (SWAO) refused his appeal. There were a number of factors considered by the Appeals Officer, including:

- no evidence of continuous residence in Ireland from March 2006 to May 2009
- he had not established a pattern of employment in the State
- his main centre of interest was not Ireland
- he intended to rely on State supports and benefits while in Ireland, and
- the evidence available did not substantiate habitual residence.

With regard to whether the man's main centre of interest was in Ireland, my Office established that his entire family (wife, son, mother, brothers and sister) were also living in Ireland, and his mother and one brother were in receipt of Social Welfare payments for which they had to be HR. The man's wife had not come to Ireland with him in 2006 but by the time of his DA application in May 2009, she had joined him here and had remained here ever since.

Another factor in the Department's decision was that the man had not established a pattern of employment in the State. The man had said that he had worked and paid PRSI contributions in this country for almost a year before he had made his DA claim and he provided a P60 as evidence. However, the Department said that it had no record of these contributions. My Office contacted the Department and established that the man's employment contributions had been sent in at the relevant time. However, because there was an error with his PPSN on the documentation submitted, the contributions were not recorded on his social insurance record. Instead, they were held on an 'emergency file'. The man's social insurance record was subsequently updated and now includes these employment contributions. I considered that this period of employment (43 weeks for one employer) established a pattern of employment in Ireland, and also that he had been living here during the relevant period. I also considered that the fact that the man had been employed here

demonstrated that it had not been his intention to rely on State supports and benefits while in Ireland.

In light of all this, I asked the SWAO to review its 2009 decision that the man did not satisfy the HR conditions. The SWAO revised its decisions of 2009 and 2010 and the man is now regarded as being habitually resident for Social Welfare purposes from June 2009. The Department then established that the man also satisfied the medical and means criteria for receipt of DA. The outcome was that he was awarded DA at a weekly rate of €312.80 and received arrears of €79,468.

4.8 Woman who fled to her mother in Ireland refused Child Benefit

A woman was refused Child Benefit (CB) in respect of her two children as she was not habitually resident.

The woman was a South African national. She lived in the United Kingdom for the previous six years. Following the end of her marriage, she became involved in another relationship which became abusive. The woman's mother, who had resided in Ireland since 2011, became increasingly worried for her daughter's and granddaughters' safety. The woman came to Ireland to join her mother, who is an EU citizen who has been in employment since 2012.

I took the view that the woman's centre of interest was in Ireland with her mother who was habitually resident in the State.

My Office asked the Social Welfare Appeals Office to consider whether the fact that the woman is dependent on her mother, an EU citizen and habitually resident in the State, validates her claim that she too is habitually resident here.

The Chief Appeals Officer (CAO) reviewed the case. She considered the Appeals Officer erred in law by attaching far too much significance to the appellant's financial dependence on her mother in coming to his decision and insufficient or no weight to the other very particular facts of this case. She also said that it seemed to her that the woman had indeed established that her centre of interest is here with her mother and her children, where she and her children are safe from domestic abuse and where she has a caring mother to support them. With regard to the woman's intentions to remain, the CAO noted that she had enrolled her child in school here and she applied to the Department of Justice and Equality for the right to reside. Both these factors indicate an intention to remain and 'put down roots' in this State. On that basis she allowed the appeal.

The SWAO informed the Department of Social Protection of its revised decision and the Department approved the woman's Child Benefit application for her two children and paid €4,420 in arrears.

4.9 Woman wrongly billed for terminally ill husband's treatment

A woman complained about an invoice she received from Galway University Hospital for the treatment of her husband shortly before he passed away. The woman felt that her husband should have had an emergency Medical Card which would have covered this bill given his terminal illness. She said she could not cover the bill as she was currently unemployed.

The HSE told me that an emergency Medical Card may be granted where the person has a terminal medical condition and was nearing the end of their life or was in receipt of palliative care. The person's application must include a certificate from a hospital or GP to that effect.

The HSE said that the Medical Card application did not include a medical report about the man's terminal illness, so it could not provide a refund as he was not eligible for an emergency Medical Card before he passed away. My Office sought a medical report from the GP who had been treating the man. The report indicated that he was terminally ill at the time he applied for a Medical Card. My Office then asked the HSE to review its position in light of this report as the man would have been eligible for an emergency Medical Card had this information been included with his application.

The HSE examined the information and said that it would not pursue collection of the invoice.

4.10 Man unfairly denied Rent Allowance

A man complained to my Office that he accumulated arrears of rent and lost his tenancy because his Supplementary Welfare Allowance was stopped by the Department of Social Protection. He maintained that he and his son ended up homeless as a result.

The reason for his allowance being stopped was that the man was suspected of cohabiting with his son's mother. He failed to satisfy the Department of Social Protection that this was not the case. Despite his protests the man's Basic Income and Rent Allowance were refused. In reaching the decision the Department relied on an investigation conducted by a Social Welfare Inspector.

The man appealed the decision, but the appeal was not decided for ten months. While waiting on the outcome of the appeal the man said he had to sell his possessions and rely on charity to support his son and himself.

The appeals officer in the Department overturned the decision to stop his allowance, finding that "cohabitation has not been established in this case". He awarded backdating of Basic Income and Rent Supplement to the date his allowance was stopped. However, as the man had lost his tenancy some four months after his rent supplement was stopped, the Department paid arrears of rent supplement for the period he was in the tenancy only.

The man complained that although he won his appeal his living circumstances were not restored to the way they were before the incorrect decision to disallow his Supplementary Welfare Allowance was implemented.

I concluded that the man had been treated unfairly by the Department and that there was an absence of natural justice in the Department's decision. I asked the Department to pay €3,500 to the man, i.e. the amount equivalent to the rent supplement he would have received had he remained in the tenancy between June, when he lost his tenancy, and December, when he won his appeal. The Department also agreed to apologise to the man and pay an additional amount of €1,000 in recognition of the adverse affect suffered by him and his son, as a result of the Department's actions.

4.11 Council waives unfair debt

A couple complained to my Office that they received a bill from Cork City Council which they maintained they did not owe. The amount demanded was made up of outstanding rent arrears, unpaid services charges (refuse collection) and maintenance charges.

The couple had been in communication with the Council over a number of years to try and resolve their differences but to no avail. As the Council was adamant the debt was owed and that it was considering escalating the recovery process by referring the matter to the courts, the couple decided to seek my intervention. The total debt demanded by the Council was €2,300.

In the course of my examination I established that the couple purchased their home from the Council in 1998. However, the Council insisted that outstanding rent arrears of €350 remained unpaid, from the time they were tenants. I was surprised that the sale was agreed by the Council without ensuring that any and all outstanding debts payable were discharged. It was a condition in the sale agreement between the Council and the couple that they would pay a weekly sum in respect of separate 'maintenance charges'. However, the Council did not send bills or seek payments from them for approximately four years after they purchased their home. Furthermore, the couple stated that the Council did not honour its obligations in the agreement to provide maintenance services as required.

The third strand in the debt demanded by the Council related to some unpaid 'service charges' in respect of refuse collection.

Between 1998 and 2010, when the debt was first raised, the couple had been making regular payments to the Council. They had a good record of payment. However, it was very difficult to reconcile the payments they made with the Council's own records of payments received, as the Council's records were difficult to decipher.

I formed the view that due to the passage of time, the non-demand of payment of rent arrears and service charges over a long time frame, and because of difficulties in accurately

reconciling payment and receipt records, that to seek payment of the full amount of the debt was unfair. The Council agreed to waive €1,700 of the charges.

4.12 Student grant approved following the provision of additional documentation

I received a complaint from a man whose application for a student grant was refused by Student Universal Support Ireland (SUSI) on the grounds that he had not provided documentary evidence of “independent residence”. SUSI’s decision was upheld by the Student Grants Appeals Board (SGAB).

The issue centred around the question of whether the man was living at his parent’s home or, as he maintained, at the home of a relative. He said that he had provided documentary evidence to support his case in the format specified by SUSI. This included having the Department of Social Protection (the Department) complete forms about the payments he had received from it. SUSI was not satisfied that he had provided evidence of “independent” living and his application was refused. When he appealed to SGAB, it contacted the Department and obtained details of addresses that it had the man residing at. This information was taken into account in the decision to refuse the appeal.

I was not satisfied that the addresses that SGAB had obtained from the Department corresponded with information that the man had provided to me. Therefore, I contacted the Department and asked for copies of all correspondence that the Department had with the man during a particular period. All of the correspondence that I received, including two ‘proof of residence’ forms, had been addressed to, or received from the man at his relatives’ address. With the man’s consent, I sent this information to SGAB and asked that it review its decision.

I am pleased to say that SGAB/SUSI then changed its decision and the man was awarded the student grant at the appropriate rate.

4.13 Student Grant Scheme changed after complaint to the Ombudsman

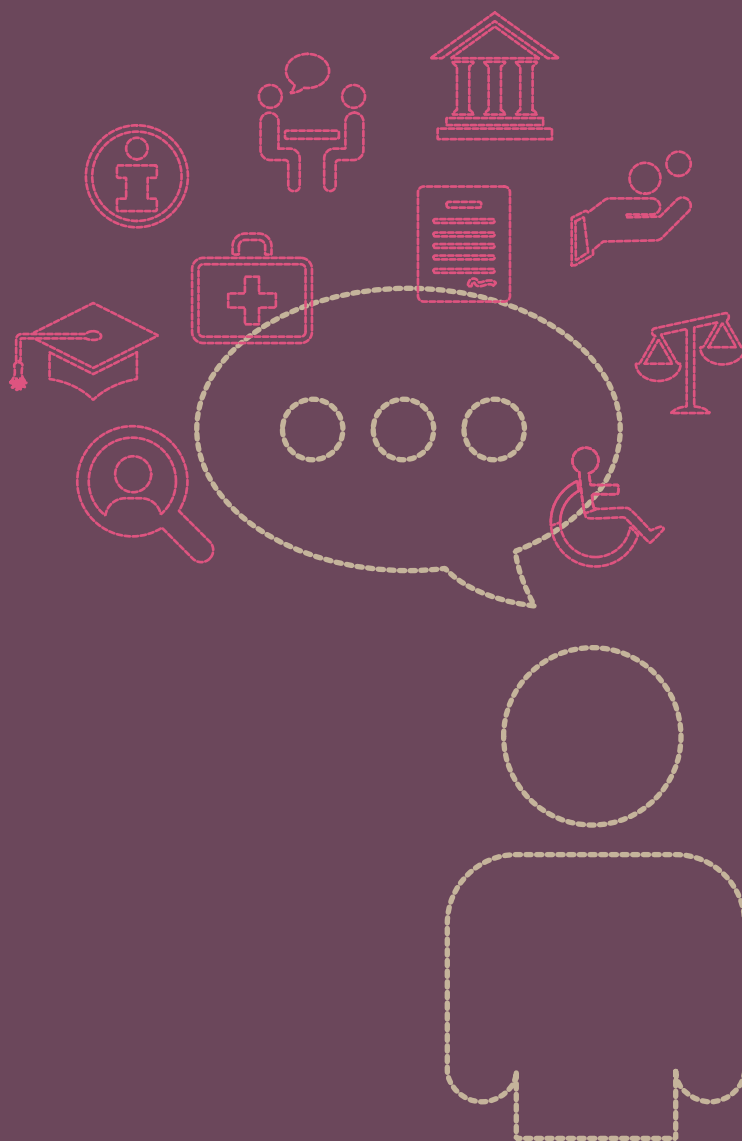
I received a complaint on behalf of a third level student in connection with her application for funding from SUSI. The woman had been fostered as a child and up until the time of her 18th birthday, she was in receipt of a Fostering Allowance, which was a qualifying payment under the Student Grant Scheme 2013 enabling her to receive funding from SUSI. When the applicant reached 18, she was no longer eligible for the Foster Allowance but she received an After Care Allowance. However, the After Care Allowance was not included as a qualifying payment under the Student Grant Scheme and therefore the student did not receive a grant from SUSI.

Following the complaint to my Office, the Student Grant Appeals Board recommended to the Department of Education and Skills that the After Care Allowance be included as a qualifying payment in the Student Grant Scheme 2014. The recommendation was accepted and the After Care Allowance is a qualifying payment from 2014 onwards.

"I can only thank you most sincerely for your efforts on my part - even though you would probably say you are simply doing your job- the sad fact is that different people do their jobs in different ways and not always with the courtesy, commitment and efficiency that you have."



ANNEXES



Annex A: Statistics

TABLE 1 - Totals

Complaints carried forward from 2013	695
Complaints received in 2014	3535
Complaints examined in 2014	3649
Complaints carried forward to 2015	581
Complaints against bodies outside remit (for example, banks, private companies) received in 2014	1806

TABLE 2 - Complaints Received By Sector

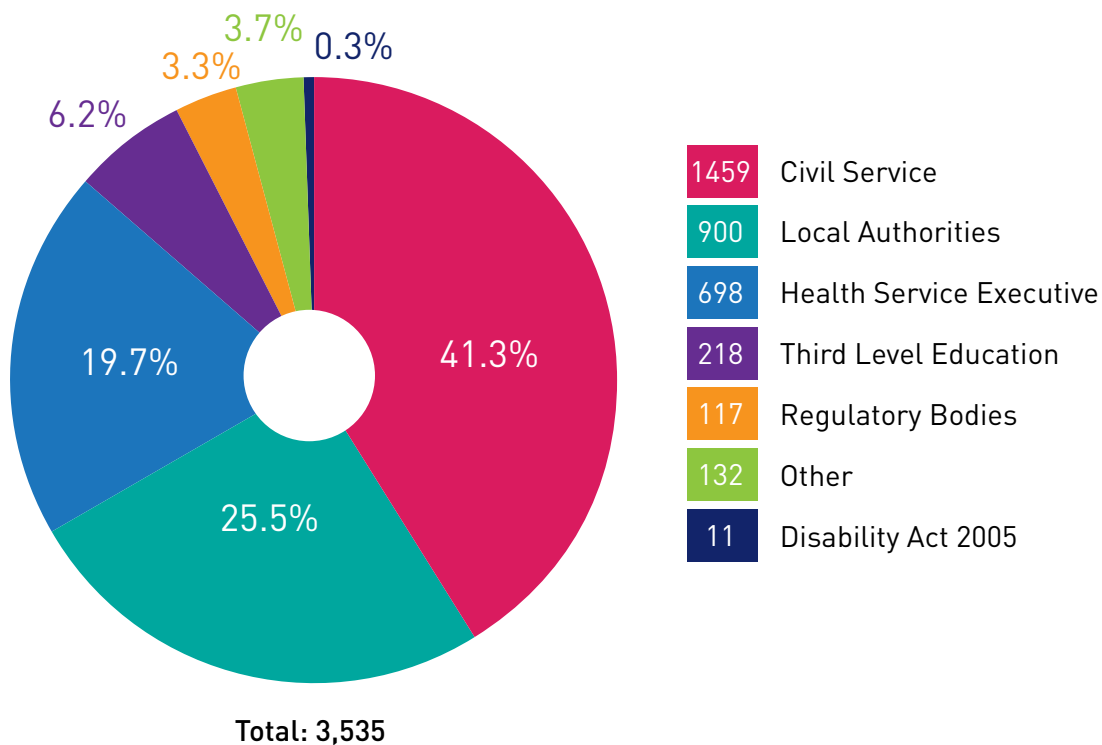


TABLE 3 - Complaints Completed By Outcome

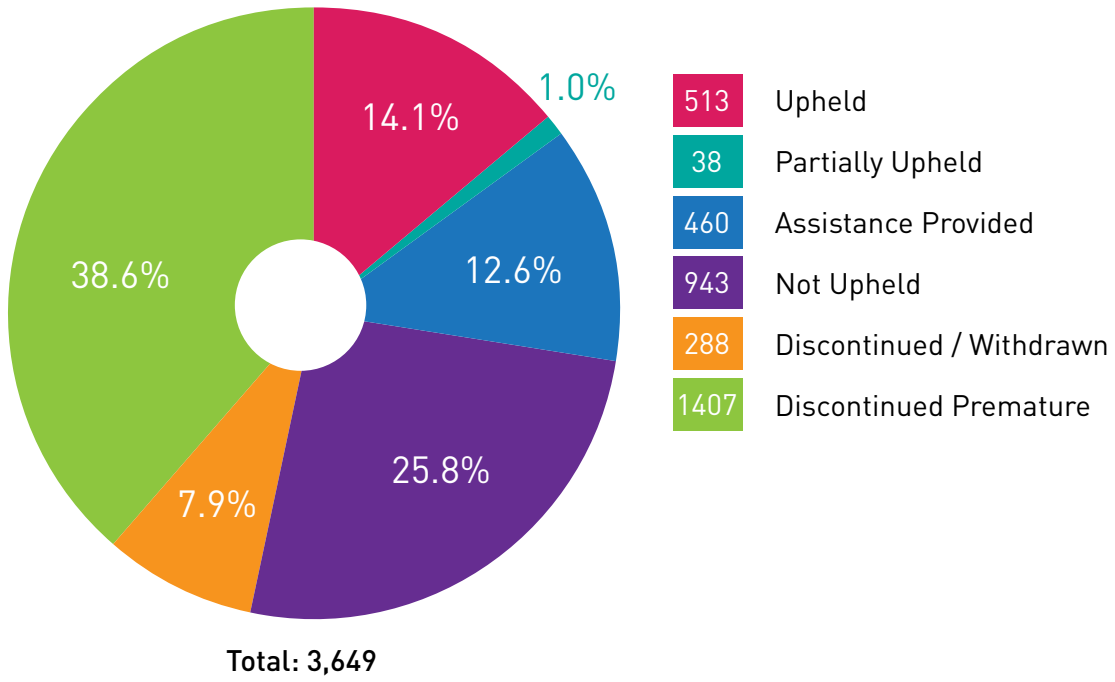


TABLE 4 - 10 Year trend of complaints received

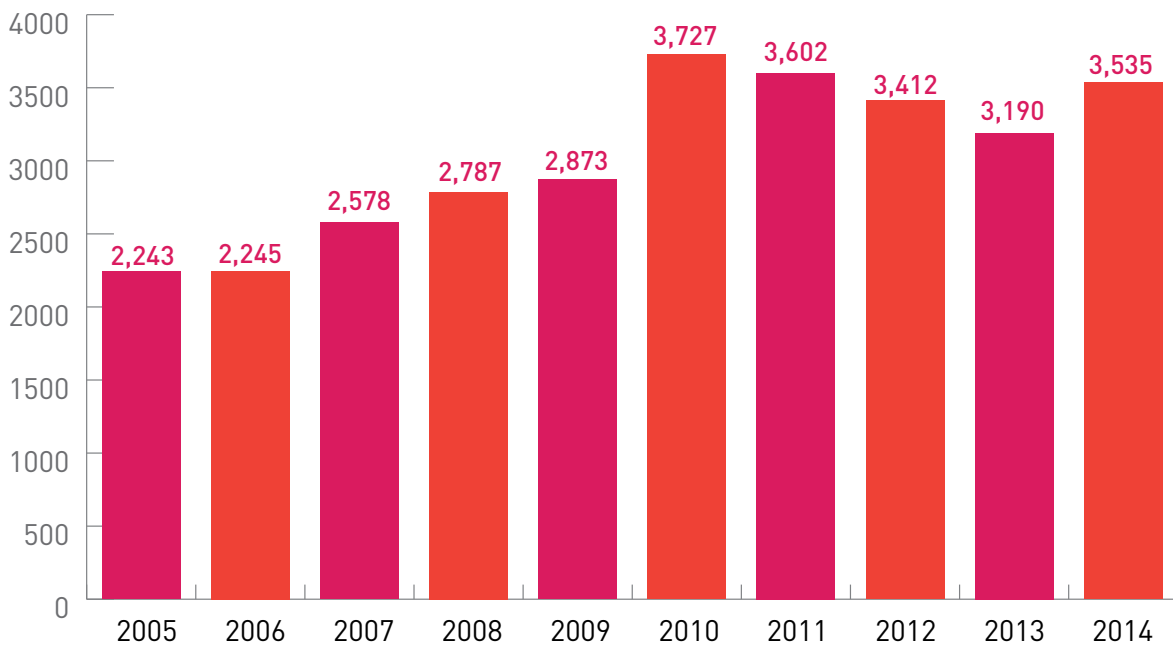
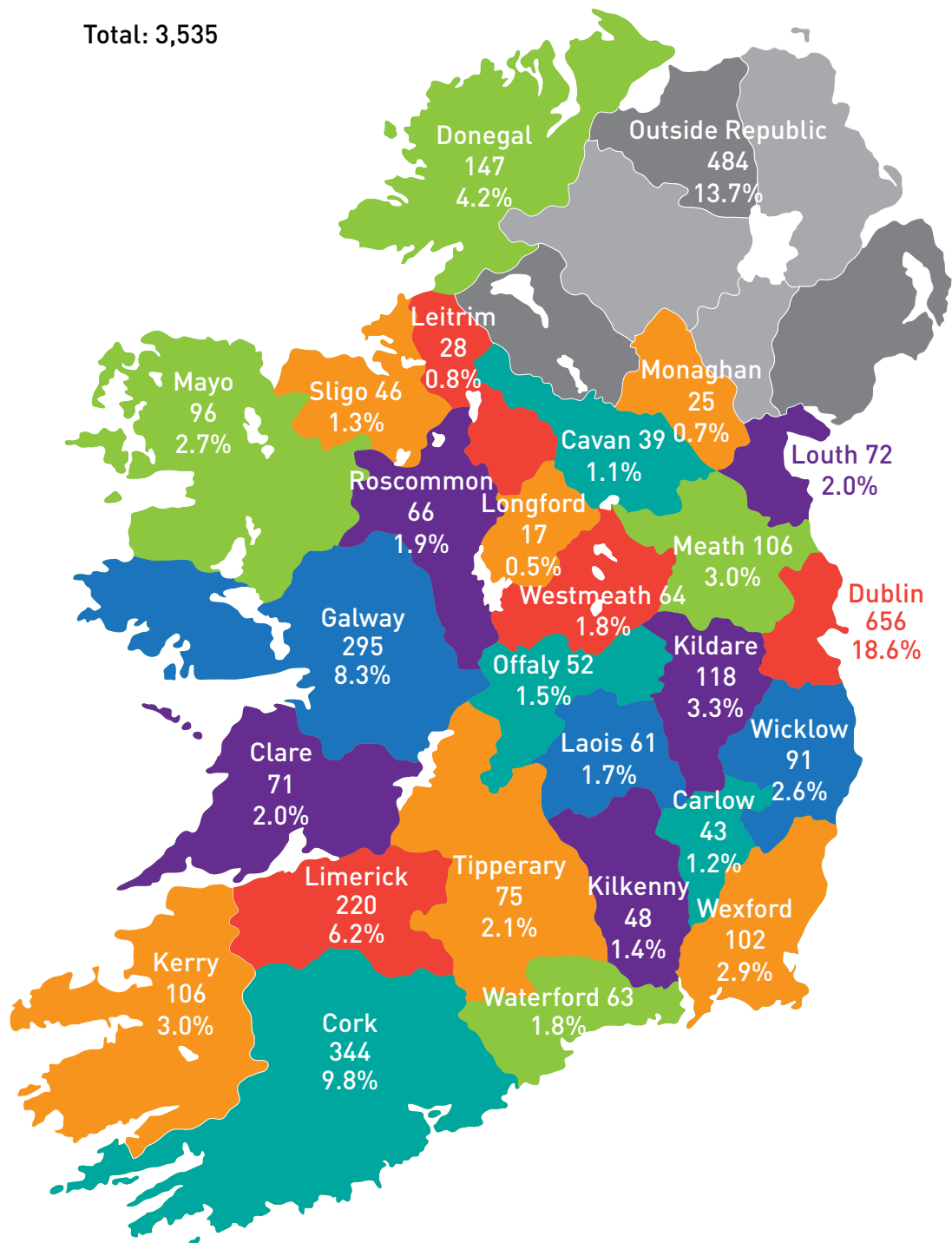


TABLE 5 - Complaints Received By County



Civil Service

TABLE 6 - Civil Service - Complaints Received about Government Departments and Offices	Complaints received in 2014
Social Protection	898
Revenue Commissioners	196
Agriculture, Food and the Marine	155
Justice and Equality	58
Environment, Community and Local Government	43
Foreign Affairs and Trade	30
Education and Skills	15
Communications, Energy and Natural Resources	9
Health	7
Civil Service (Others)	48
Total	1459

TABLE 6(a) - Department of Social Protection - Complaints received in 2014

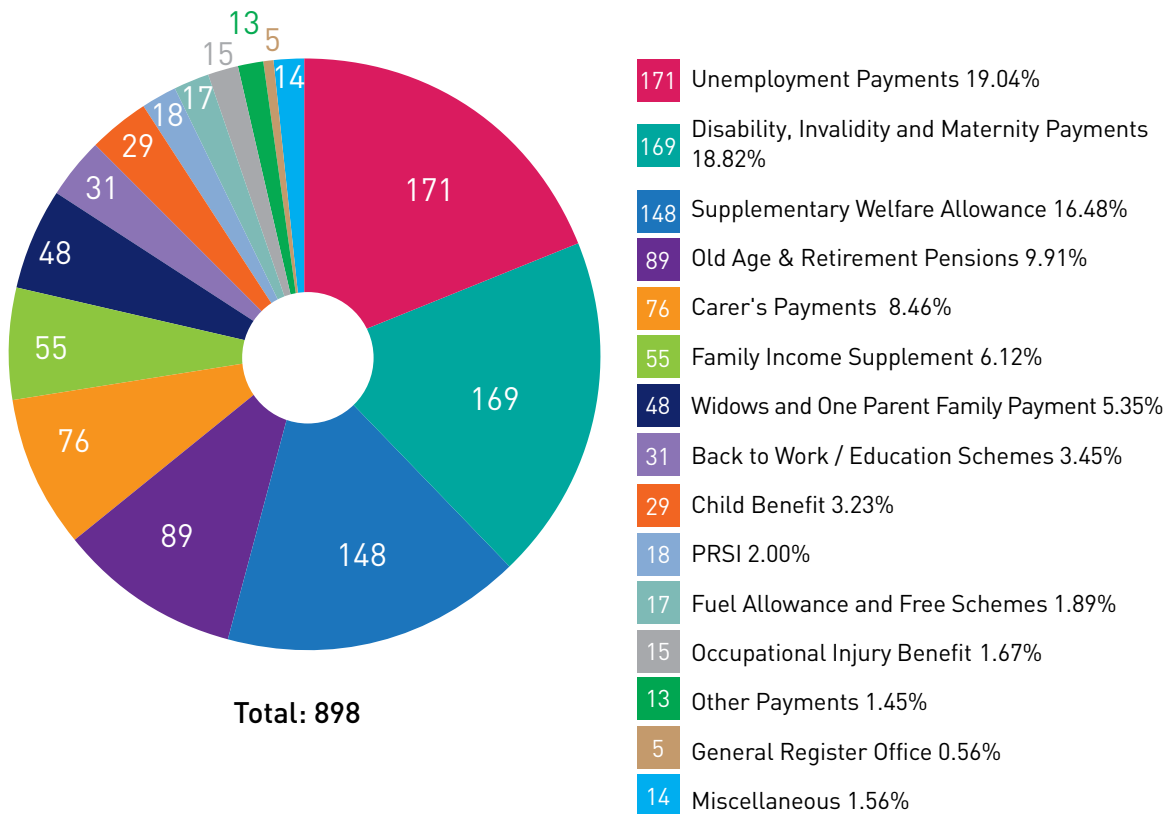
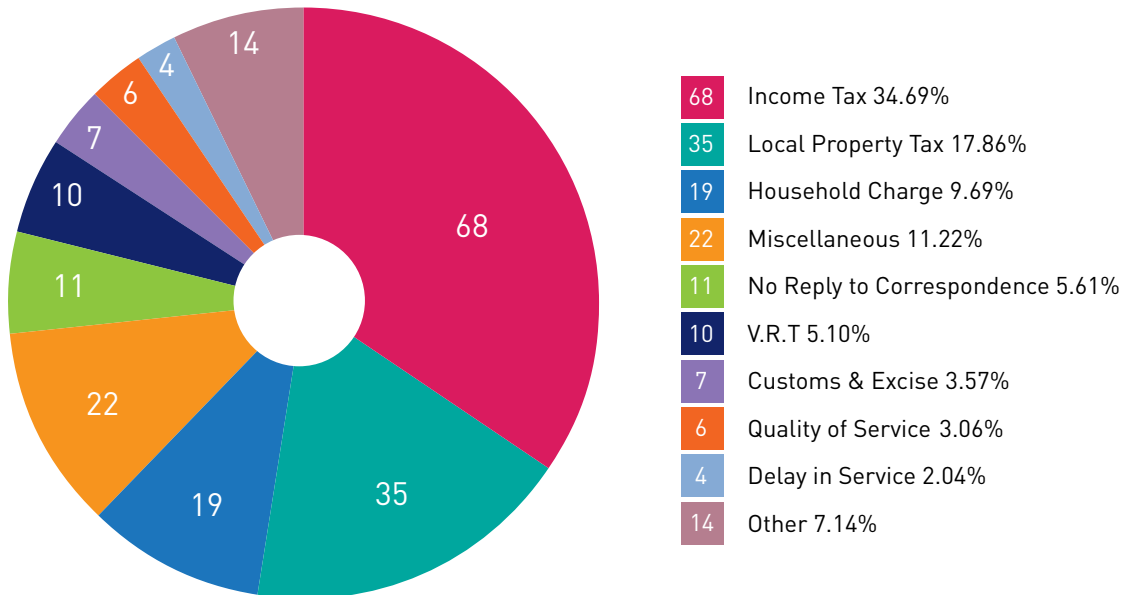


TABLE 6(b) - Office of the Revenue Commissioners - Complaints received in 2014



Total: 196

TABLE 6(c) - Department of Agriculture, Food and the Marine - Complaints Received in 2014

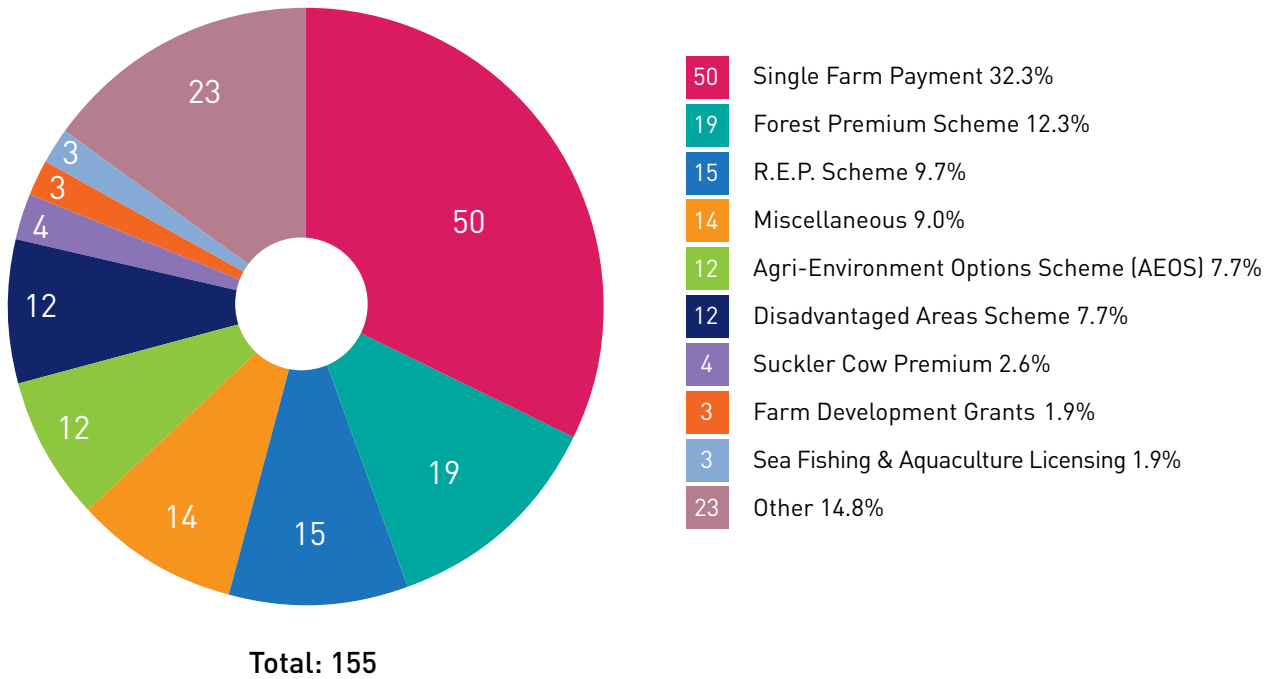


TABLE 7 - Civil Service - Complaints Completed By Outcome

	Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Total
Social Protection	106	7	80	63	412	255	923
Revenue Commissioners	20	0	9	5	23	135	192
Agriculture, Food & the Marine	20	1	24	21	119	26	211
Justice and Equality	8	0	4	5	21	16	54
Environment, Community & Local Government	9	1	11	1	9	6	37
Foreign Affairs & Trade	3	0	3	2	2	1	11
Education and Skills	4	0	2	2	5	2	15
Health & Children	0	0	0	0	0	1	1
Communications, Energy and Natural Resources	8	0	4	2	17	3	34
Jobs, Enterprise and Innovation	1	0	0	1	6	1	9
Civil Service (Others)	6	2	4	7	14	13	46
Total	185	11	141	109	628	459	1533

Local Authorities

TABLE 8 - Local Authority - Complaints Received	Complaints received in 2014
Carlow	11
Cavan	9
Clare	22
Cork City Council	40
Cork County Council	58
Donegal	40
Dublin City Council	93
Dún Laoghaire-Rathdown County Council	37
Fingal County Council	30
Galway City Council	46
Galway County Council	58
Kerry	46
Kildare	29
Kilkenny	15
Laois	28
Leitrim	9
Limerick City & County	60
Longford	6
Louth	17
Mayo	22
Meath	25
Monaghan	7
Offaly	13
Roscommon	25
Sligo	16
South Dublin County Council	20
Tipperary	16
Waterford City & County	16
Westmeath	10
Wexford	24
Wicklow	52
Total	900

TABLE 8(a)- Local Authority - Complaints Received by Category		Complaints received in 2014
Housing - Allocations and Transfers		390
Planning - Enforcement		86
Planning - Administration		66
Roads/Traffic		61
No Reply to Correspondence / Delay		51
Housing - Repairs		45
Motor Tax & Driver Licence		25
Water Supply		14
Housing - Loans and Grants		11
Housing - Rents		10
Parks/Open Spaces		10
Waste Disposal		10
Sewerage & Drainage		9
Rates		6
Quality of Service		9
Housing - Sales		5
Acquisition of land/rights		1
Miscellaneous		91
Total		900

TABLE 9 - Local Authority - Complaints Completed by Outcome							
	Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Total
Carlow	3	1	1	4	3	0	12
Cavan	4	0	2	0	3	1	10
Clare	7	0	3	0	5	7	22
Cork City Council	16	0	9	2	15	7	49
Cork County Council	10	1	5	4	19	14	53
Donegal	4	2	9	7	12	6	40
Dublin City Council	18	0	9	9	43	27	106
Dún Laoghaire-Rathdown Co. Council	8	0	3	4	12	9	36
Fingal County Council	4	0	8	4	11	5	32

Galway City Council	7	0	8	3	14	11	43
Galway County Council	14	1	7	0	22	20	64
Kerry	17	0	5	5	19	8	54
Kildare	5	1	9	1	11	8	35
Kilkenny	2	0	2	2	4	7	17
Laois	3	0	4	2	14	7	30
Leitrim	1	0	1	2	2	2	8
Limerick City & County	8	1	3	7	25	13	57
Longford	1	0	1	1	1	3	7
Louth	5	0	1	1	7	2	16
Mayo	8	0	2	3	6	5	24
Meath	1	0	5	2	8	10	26
Monaghan	0	0	1	0	4	3	8
Offaly	3	0	2	2	4	2	13
Roscommon	3	0	3	2	10	6	24
Sligo	3	0	1	3	4	6	17
South Dublin County Council	3	0	2	1	6	9	21
Tipperary	4	0	2	1	6	4	17
Waterford City & County	0	0	5	4	3	4	16
Westmeath	2	1	2	0	4	5	14
Wexford	2	0	3	3	6	9	23
Wicklow	9	0	11	2	21	7	50
Total	175	8	129	81	324	227	944

HSE

TABLE 10 - HSE - Complaints received in 2014

	Complaints received in 2014
Hospitals - General	262
Medical & GP Card	164
Other	65
Social Work Services	50
Primary & Community Care	32
Nursing Homes	32
Hospitals - Psychiatric	28
Health and social care related	21
HSE Payments	15
Disability Services	14
Dental Services	12
Treatment Abroad Scheme	3
Total	698

Table 11 - HSE - Complaints Completed By Outcome

	Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Total
Medical & GP Card	19	0	65	18	68	16	186
Hospitals - General	33	9	35	18	106	36	237
Social Work Services	2	0	10	5	30	4	51
Primary & Community Care	6	1	4	5	7	8	31
Hospitals - Psychiatric	1	1	2	2	17	3	26
Nursing Homes	1	1	3	1	15	7	28
Health Repayment Scheme	17	0	0	0	0	2	19
Health and social care related	1	0	2	2	9	2	16
Treatment Abroad Scheme	1	0	0	0	1	1	3
Dental Services	0	0	1	0	8	3	12
Disability Services	3	1	1	1	3	2	11
Other HSE Payments	10	0	3	2	3	13	31
Other	8	1	7	7	22	11	56
Total	102	14	133	61	289	108	707

TABLE 12 - Other Public Bodies (within jurisdiction from May 2013)

	Received in 2014	Closed in 2014
EDUCATION:		
Athlone Institute of Technology	1	1
Central Applications Office	1	1
City of Dublin Education and Training Board	2	0
Cork Institute of Technology	1	1
Donegal Education and Training Board	1	0
Galway Roscommon Education and Training Board	1	1
Limerick and Clare Education and Training Board	2	2
Dublin City University	7	9
Dublin Institute of Technology	8	7
Dún Laoghaire Institute of Art, Design and Technology	1	1
Dublin and Dún Laoghaire Education and Training Board	1	1
Galway-Mayo Institute of Technology	2	2
HEAR/ DARE	5	7
Institute of Technology Carlow	0	1
Institute of Technology Sligo	2	2
Institute of Technology Tallaght	2	2
Institute of Technology Tralee	1	0
National University of Ireland	1	1
National University of Ireland Galway	7	5
National University of Ireland Maynooth	2	2
Quality and Qualifications Ireland	2	2
State Examinations Commission	43	40
Student Grant Appeals Board	14	14
Student Universal Support Ireland (SUSI)	89	100
Trinity College Dublin	5	5
University College Cork	2	1
University College Dublin	6	6
University of Limerick	7	6
Waterford Institute of Technology	2	1
	218	221
REGULATORY:		
Adoption Authority of Ireland (*CF)	0	1
An Bord Altranais (*CF)	4	4
Dental Council (*CF)	1	0
Equality Authority	1	1
Health and Safety Authority (*CF)	1	1

Health and Social Care Professionals Council (*CF)	3	1
Health Information and Quality Authority (HIQA)	1	2
Inland Fisheries Ireland	5	4
Law Society of Ireland	11	8
Medical Council (*CF)	3	2
National Consumer Agency	1	1
National Transport Authority	13	13
Property Services Appeals Board (*CF)	1	0
Property Services Regulatory Authority (*CF)	2	2
Railway Safety Commission	1	1
Road Safety Authority	62	60
Royal Institute of the Architects of Ireland	0	1
Sea-Fishing Boat Licensing Appeals	1	1
Teaching Council	4	4
The Pensions Authority	2	1
	117	108
OTHER:		
An Bord Bia	3	3
Arts Council (DAST)	2	2
Courts Service (*CF)	11	10
Disabled Drivers Medical Board of Appeal	49	43
Enterprise Ireland	2	1
Foras Áiseanna Saothair (FÁS)	1	3
Forfás	1	1
Galway City and County Enterprise Board	1	1
Industrial Development Authority	1	1
Irish Sports Council	2	1
Irish Water**	1	1
Commission for Energy Regulation	1	1
Legal Aid Board	8	7
National Roads Authority	4	3
Personal Injuries Assessment Board (*CF)	1	1
Pobal	1	1
Private Residential Tenancies Board (*CF)	19	22
Residential Institutions Statutory Fund Board	3	3
Science Foundation Ireland	1	1
Solas	10	9
Sustainable Energy Authority Ireland	5	3
Údarás na Gaeltachta	1	2

Waterways Ireland	2	2
Western Development Commission	2	2
	132	124
Total	467	453

Table 13 - Other Public Bodies (within jurisdiction from May 2013) Completed by Outcome

Upheld	51
Partially Upheld	5
Assistance Provided	57
Discontinued/Withdrawn	36
Discontinued Premature	159
Not Upheld	146
Total	454

*CF - Certain Functions of these bodies are within the Ombudsman's jurisdiction only.

** Complaint received before clarification that Irish Water was outside the Ombudsman's jurisdiction.

Annex B: Ombudsman Engagements

Meetings with Irish Ombudsmen

Rónán Ó Domhnaill Uas., an Coimisinéir Teanga
Mr William Prasifka, Financial Services Ombudsman
Mr Kieran Fitzgerald & Ms Carmel Foley, Garda Síochána Ombudsman Commission
Ms Emily Logan, former Ombudsman for Children
Mr Tony McCourt, Ombudsman for Defence Forces
Mr Paul Kenny, Pensions Ombudsman
Mr John Horgan, Press Ombudsman (since retired)
Mr Peter Feeney, Press Ombudsman
Irish Ombudsmen Forum

Meetings with International Ombudsmen

Ms Emily O'Reilly, European Ombudsman, in Dublin
Dr Josef Siegele, Secretary General of the European Ombudsman Institute, in Dublin
Dr Tom Frawley, Ombudsman for Northern Ireland, in Dublin
Mr Arne Fliflet, Ombudsman for Norway, in Dublin
Mr Jim Martin, Ombudsman for Scotland, in Dublin
Mr Stephan Sjouke, Head of International Affairs, Office of the Ombudsman for The Netherlands, in Dublin

International Delegations

The Ombudsman gave an address to the Anti-Corruption Division of the Ugandan High Court who were hosted by Trinity Law School, and to the 18th Annual Workshop of the Chief Justices and Senior Judiciary of Sub-Saharan African countries, also hosted by Trinity Law School.

Hosted delegation from the International Ombudsman Institute Secretariat, Dublin
Hosted delegation from the People's Procuratorate of Fujian Province in China, Dublin
Hosted delegation from the South Korean Anti-Corruption and Civil Rights Commission (ACRC), including staff from the South Korean embassy
Hosted delegation from the Welsh Ombudsman Office

Meetings with Political Representatives

Minister Brendan Howlin, Department of Public Expenditure and Reform
Minister of State Aodhán Ó Ríordáin, Department of Justice and Equality and Department of Arts, Heritage & the Gaeltacht
Mr Seán Barrett, TD, Ceann Comhairle, Dáil Éireann
Mr Pádraig Mac Lochlainn TD, Chairman of the Joint Committee on Public Service Oversight and Petitions
Appearances before the Joint Committee on Public Service Oversight and Petitions (4 June,

16 July, 1 October)
Mr Fergus O'Dowd, TD

Meetings with Senior Government Officials

Mr Martin Fraser, Secretary General in the Department of An Taoiseach
Mr John McCarthy, Secretary General in the Department of the Environment, Community and Local Government
Mr Jim Breslin, Secretary General in the Department of Health
Dr Ambrose McLoughlin, Secretary General in the Department of Health
Dr Tony Holohan, Chief Medical Officer in the Department of Health
Mr Tony O'Brien, Director General of the HSE
Mr Robert Watt, Secretary General in the Department of Public Expenditure and Reform
Mr William Beausang, Assistant Secretary General in the Department of Public Expenditure and Reform
Ms Niamh O'Donoghue, Secretary General in the Department of Social Protection

Meetings with Senior Public Officials

Ms Cathy Mannion, Director of the Commission for Energy Regulation
Ms Helen Dixon, Data Protection Commissioner
Mr Billy Hawkes, former Data Protection Commissioner
Mr Pat O'Mahony, CEO of the Health Social Care and Regulatory Forum
Ms Tracey Cooper, former CEO of HIQA
Ms Caroline Spillane, CEO of the Irish Medical Council
Mr Gordon Jeyes, CEO of Tusla (Child and Family Agency)
Ms Ginny Hanrahan, CEO and Registrar of CORU, and Ms Patricia Gilheaney, Chief Executive of the Mental Health Commission
Senior management at the Mater Hospital, Dublin
Senior management at St James's Hospital, Dublin
Senior management at the Revenue Commissioners
County and City Management Association (CCMA)

Meeting with Advocacy Groups

Dignity 4 Patients
Irish Patients Association
Irish Society for Quality and Safety in Healthcare
National Adult Literacy Agency (NALA)
Fr Peter McVerry (PMV) Trust
Respond Housing Association
Think-tank for Action on Social Change (TASC)

Conferences at home and abroad

The Ombudsman gave an address “The Ombudsman and Information Commissioner: Delivering Fairness and Transparency” at National University of Ireland, Galway – 19 February

The Ombudsman gave an address “Commissioners and Ombudsmen in Wales to date: An Overview” at the Commissioners and Ombudsmen Seminar, Cardiff – 20 March

The Ombudsman gave an address “Promoting Good Governance in the Public Interest” at the IPA Governance Forum, Ballsbridge – 27 March

The Ombudsman attended the Ombudsman for Children’s 10th Anniversary Symposium at Farmleigh House, Dublin – 25 April

The Ombudsman attended “Trusting the Middle man – impact and legitimacy of Ombudsmen” Workshop at the University of Oxford, 29-30 April

The Ombudsman participated in a panel “Open Government Partnership – Nordic Models” at the Open Government Partnership Europe Regional Meeting, Dublin Castle, 8-9 May

The Ombudsman gave an address “Listening to the Voiceless” at the Ninth Regional Seminar European Network of Ombudsmen, Cardiff – 22-24 June

The Ombudsman launched A Good Death - End-of Life Care report, Chester Beatty Library, Dublin – 27 June

The Ombudsman presented a paper at the Asian Ombudsman Association Global Conference, Seoul and attended the Regional Meeting as a guest of the Korean Anti-Corruption and Civil Rights Commission

The Ombudsman attended the launch of “Think Ahead - Phase 2”, hosted by the Irish Hospice Foundation and the Forum on End of Life Care in Ireland – 17 July

The Ombudsman gave an address alongside President Higgins at the 30th Anniversary of the Ombudsman’s Office, Áras an Uachtaráin - 8 September

The Ombudsman gave an address “The Importance of Plain English” at the launch of NALA’s Plain English Campaign, Royal College of Physicians – 22 September

The Ombudsman attended the Alternative Dispute Resolution (ADR) Directive Seminar in the Law Society, Blackhall Place – 30 September

The Ombudsman gave an address “Social Housing & Homelessness” at the Citizens Information Advocacy & Social Policy Seminar 2014 – 15 October

The Ombudsman hosted the Ombudsman/IPA 30th Anniversary conference, Dublin – 7 November

The Ombudsman gave an address “Complaints Driving Improvements” at the National Patient Safety Conference, Croke Park – 7 November

The Ombudsman attended a gathering of all Irish Ombudsmen Offices – 27 November

Ombudsman Association (OA)

In 2014, the Ombudsman attended the following OA meetings:

The Ombudsman presented at the 21st Annual Meeting, University of Manchester

The Ombudsman attended the Executive Committee meeting, Dublin

The Ombudsman attended the Validation Committee Meeting, London

The Ombudsman attended the OA Strategic Review Working Group meeting, London

The Ombudsman hosted the OA Secretary, Dublin

International Ombudsman Institute (IOI)

The Ombudsman chaired the IOI European Regional Board Meetings in Vienna, Warsaw and Tallinn, as well as the General Assembly in Tallinn

The Ombudsman attended the IOI World Board of Directors Meeting, Vienna

The Ombudsman gave an address at the IOI European Region Conference, Tallinn

(UK & Ireland) Public Services Ombudsman Network Meetings

The Ombudsman attended biannual meetings of the Public Service Ombudsmen Network, London

Other statutory functions of the Ombudsman

The Commission for Public Service Appointments

Standards in Public Office Commission

Referendum Commission

Annex C: Annual Energy Efficient Report 2014

Monthly Energy Report		OPW - Office of Public Works Office of the Ombudsman	
Dec 2014			
Summary			
Month to month			
<p>Energy usage has decreased by -19.1% from 58,955kWh in Dec 2010 to 47,719kWh in Dec 2014. As a result, CO₂ emissions for this period have decreased by -15.4% from 19,886kg to 16,828kg, (-3,058Kg).</p>			
Annual			
<p>The base year used for all these calculations is 2010.</p> <p>Compared to this base year, energy consumption on site has decreased by -100,512kWh or -21.7% over the last 12 months.</p> <p>In terms of total CO₂, production has decreased by -19.7%, since 2010 or by -40,650Kg.</p> <p>Normalised for weather variations, CO₂ has decreased by -15.3%, since 2010 or by -31,590Kg</p>			
Energy use - Dec 2014			
Annualised energy usage			
Description	Electricity	Gas	Total
Benchmark Year	284,062	179,086	463,148
Previous 12 months	232,449	130,187	362,636
% Difference	-18.2%	-27.3%	-21.7%



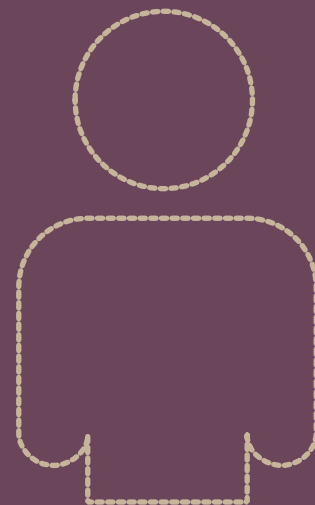


Oifig an Ombudsman
Office of the Ombudsman

Tuarascáil Bhliantúil 2014



NEAMHSPLEÁCH
NEAMHCHLAONTA
SAOR



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Tuarascáil Uimhir 31

Arna dearadh ag:

CATALYSTO 



Oifig an Ombudsman
Office of the Ombudsman

Tuarascáil Bhliantúil 2014

Clár Ábhar

Caibidil 1: Réamhrá ón Ombudsman 7

1.1 Réamhrá	7
1.2 Tríocha Bliain an Ombudsman	7
1.3 Imscrúduithe Ombudsman	8
1.4 An Fhoghlaim a Chomhroinnt	8
1.5 Saothar Foirne	9
1.6 Mo Dhlínse	10
1.7 Forbairtí Idirnáisiúnta	10
1.8 Imscrúdú ar Ghearáin Sláinte	11
1.9 Déanamh Gearán a Éascú	11
1.10 Cúrsaí foirne	12
1.11 An Coiste Oireachtais um Maoirseacht na Seirbhíse Poiblí agus Achainíocha	12

Caibidil 2: Athbhreithniú Gnó ar an mBliain 15

2.1 Ról an Ombudsman	15
2.2 Forbhreathnú ar Staitisticí	16
2.3 An Fhoireann Fiosrúchán	17
2.4 Gearáin faoin Acht um Míchumas 2005	17
2.5 Fógraí faoi alt 7 – Easpa Comhoibrithe leis an Ombudsman	18
2.6 Cásleabhar an Ombudsman	18
2.7 An Coiste Oireachtais um Maoirseacht na Seirbhíse Poiblí agus Achainíocha	19
2.8 Tusla (an Ghníomhaireacht um Leanaí agus an Teaghlach) - Nósanna Imeachta Nua d'Oibrithe Sóisialta	20
2.9 Comhdháil an Fhorais Riaracháin/Chomóradh 30 Bliain Oifig an Ombudsman	21
2.10 Réigiún na hEorpa de chuid Institiúid Idirnáisiúnta na nOmbudsman	22
2.11 Seirbhís an Ombudsman a thabhairt chuig na Réigiúin	22
2.12 Plean Straitéiseach 2013-2015	24

Chapter 3: Tuarascálacha Ombudsman 27

3.1 Na Scéimeanna um an Liúntas Soghluaisteachta agus an Deontas Mótariompair – An tEolas is Déanaí	27
3.2 'A Good Death – a Reflection on Ombudsman Complaints about End of Life Care in Irish Hospitals' ('Bás Maith - Machnamh ar Ghearáin chuig an Ombudsman faoi Chúram Deireadh Saoil in ospidéal na hÉireann')	27
3.3 Rialacha Áitiúla do Scéimeanna Náisiúnta - Éagothroime i Riar Scéim na gCártaí Breoiteachta Fadtéarmaí	28
3.4 Diúltaíodh don Deontas Cúram Baile	30
3.5 Pasanna do Leanaí a Rugadh d'Oibrithe Neamh-LEE	31

Caibidil 4: Cás-Staidéir Roghnaithe	35
4.1 Diúltaíodh cóireáil thar lear d'fhear a bhfuil riocht annamh air – sainaithníodh laigí sa scéim	35
4.2 Athraíodh nósanna imeachta tar éis d'ospidéal teagmháil a dhéanamh leis an mbean mhícheart maidir le gnáthamh liachta	37
4.3 Diúltaíodh do chostais sochraide nuair a d'íoc an Roinn deontas méala leis an duine mícheart	38
4.4 Theip ar ospidéal scrúdú ceart a dhéanamh ar othar	38
4.5 Lorgaíonn an Roinn €105,000 go héagórach ó iníon le bean mharbh	39
4.6 Cuireadh feabhas ar nósanna imeachta mar thoradh ar an drochdhóigh ar déileáladh le hiarsmaí deontóra orgán	40
4.7 Glacann an Roinn leis go bhfuil cónaí rialta ar fhear agus íocann sí riaráiste Liúntais Mhíchumais €79,468	41
4.8 Diúltaíodh Sochar Linbh do bhean a theith go dtí a máthair in Éirinn	42
4.9 Gearradh bille go mícheart ar bhean i leith chóireáil a fir chéile a bhí i mbéal an bháis	43
4.10 Diúltaíodh Liúntas Cíosa go héagórach d'fhear	44
4.11 Tarscaoileann an Chomhairle fiachas éagórach	44
4.12 Ceadaíodh deontas mac léinn tar éis doiciméid bhreise a sholáthar	45
4.13 Athraíodh an Scéim Deontas Mac Léinn tar éis gearáin chuig an Ombudsman	46
Iarscríbhinn A: Staitisticí	49
Iarscríbhinn B: Teagmhálacha an Ombudsman	63
Iarscríbhinn C: Tuarascáil Bhliantúil maidir le hÉifeachtúlacht Fuinnimh 2014	67



Tuarascáil don Oireachtas

Cuirim leis seo Tuarascáil Bhliantúil Oifig an Ombudsman faoi bhráid na Dála agus an tSeanaid de bhun fhorálacha Alt 6(7) den Acht Ombudsman 1980 (arna leasú). Is í seo an 31ú Tuarascáil Bhliantúil a cuireadh faoina mbráid i ndáil le hobair Oifig an Ombudsman ó bunaíodh an Oifig sa bhliain 1984.

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

Peter Tyndall
An tOmbudsman
Meitheamh 2015



Bernadette McNally
An tArd-Stiúrthóir

Caibidil 1: Réamhrá ón Ombudsman

1.1 Réamhrá

Tá dhá ardaidhm bhunúsacha ag gach Ombudsman. Is é an chéad ardaidhm cúrsaí a cheartú do dhaoine atá thíos le héagóir de bharr drochriaracháin agus do dhaoine nach bhfuair seirbhís atá siad i dteideal a fháil. Is é an dara hardaidhm seirbhísí a fheabhsú ach a chinntiú go bhfoghlaímítear ceachtanna ó mheancóga. Tá an dá cheann díobh á ndéanamh ag Oifig an Ombudsman in Éirinn le tríocha bliain anuas agus táthar ag leanúint den éileamh ard ar ár gcuid seirbhísí.

1.2 Tríocha Bliain an Ombudsman

Shonraigh an bhliain 2014 comóradh tríocha bliain na hOifige agus an chéad bhliain iomlán domsa ar an Ombudsman reatha. Ón obair thosaigh a rinne Michael Mills chun an Oifig a bhunú agus an comhrac a bhí aige í a choinneáil neamhspleách i gcúinsí an-deacair go dtí an mhaoirseacht dheaslámhach a rinne Kevin Murphy agus an obair ar a bhfuil ardmheas ar thug Emily O'Reilly, mo réamhtheachtaí, fúithi chun an phróifíl a ardú agus an tseirbhís a nuachóiriú le go mbeadh sí oiriúnach don 21ú haois, tá slabhra neamhbhriste de bhreithniú cúramach ar ghearáin agus de sholáthar sásaimh neamhspleách agus feabhais chórasaigh ann.

Bhí áthas orm bheith ábalta páirt a ghlacadh sa dá imeacht phríomha a cheiliúir tríocha bliain na hOifige. Ar an gcéad dul síos, ba mhaith liom mo bhuíochas a ghabháil an athuair leis an Uachtarán Ó hUiginn as an bhfáilte chroíúil a chuir sé romham chuig an bhfáiltiú ag Áras an Uachtaráin mar ar tugadh aitheantas don méid a chuir baill foirne reatha agus iarbhaill foirne léi. Ar an dara dul síos, táim buíoch den Fhoras Riaracháin as comhóstáil a dhéanamh ar chomhdháil lenár gcomóradh tríocha bliain a cheiliúradh. Chuimsigh an chomhdháil cainteoirí ardchaighdeáin Éireannacha agus idirnáisiúnta, lena n-áirítear an tUas. Brendan Howlin, an tAire Caiteachais Phoiblí agus Athchóirithe, a labhair faoin reachtaíocht nua Ombudsman a thug sé isteach in 2012 agus faoin bhfís atá aige do riarachán poiblí in Éirinn sa todhchaí. Ba dheis í machnamh a dhéanamh ar éachtaí na hOifige agus a bhreithniú conas dul ar aghaidh sna comhthéacsanna athraitheacha náisiúnta agus idirnáisiúnta.

1.3 Imscrúduithe Ombudsman

Leanamar d’obair phríomhshrutha na hOifige le linn na bliana freisin. D’fhoilsíomar ár dtuarascáil faoi Scéim na gCártaí Breoiteachta Fadtéarmaí lena dtabharfaí aghaidh ar ábhair imní faoi neamh-chomhsheasmhacht agus na cártaí á mbronnadh in áiteanna difriúla sa tír. Tá áthas orm gur thug FSS athruithe ar riar na scéime isteach chun a chinntiú nach bhfuil seoladh duine ina thoisic agus incháilitheacht á cinneadh.

Chomh maith leis sin, d’eisíomar tuarascáil faoi phasanna do leanaí a rugadh in Éirinn do thuismitheoirí neamh-LEE. D’aimsíomar gur casta agus scartha atá an próiseas reatha, agus rinneamar moltaí a sholáthróidh feabhsúcháin amach anseo.

Bhí an-áthas orm freisin seoladh a dhéanamh ar ‘A Good Death – a Reflection on Ombudsman Complaints about End of Life Care in Irish Hospitals’ (‘Bás Maith - Machnamh ar Ghearáin chuig an Ombudsman faoi Chúram Deireadh Saoil in ospidéal na hÉireann’). Leagtar amach sa tuarascáil ceachtanna atá le foghlaim ónár scrúduithe agus ónár n-imscrúduithe maidir le cúram sármhaith atruach a chur ar fáil do dhaoine ag deireadh a saoil. Ullmhaíodh an tuarascáil i gcomhar le Foras Ospíse na hÉireann agus táimid ag leanúint ar aghaidh ag oibriú le FSS chun a chinntiú go ndéanfar na moltaí arb é is aidhm dóibh cáilíocht an chúraim agus na timpeallachta do dhaoine ag deireadh a saoil a fheabhsú a chur chun feidhme. Tá tuilleadh sonraí faoi gach ceann de na himscrúduithe sin le fáil níos déanaí sa tuarascáil seo.

1.4 An Fhoghlaim a Chomhroinnt

Forbairt thábhachtach eile sa bhliain a bhí i seoladh “Cásleabhar an Ombudsman”. Déantar an-chuid de na cásanna a bhreithnímid a scrúdú nó a réiteach agus níl siad ina chúis le foilsiú tuarascálacha. Dá bharr sin, tá riosca ann go bhfuiltear ag cailleadh na foghlama ó na cásanna sin. Ach achoimriú ar achoimrí cásanna a fhoilsiú go rialta, is féidir le comhlachtaí i ndlínse na hOifige foghlaim óna meancóga féin agus ó na meancóga atá déanta ag comhlachtaí eile. Is féidir leis an gcur chuige sin cabhrú le meancóga a sheachaint ar an gcéad dul síos. Glacadh go han-mhaith leis an gCásleabhar agus tá líon na soláthraithe seirbhíse poiblí, na n-ionadaithe tofa agus na n-eagraíochtaí neamhrialtasacha a bhíonn ag breathnú air ag méadú. Chomh maith le dearcadh úsáideach a thairiscint do sholáthraithe seirbhíse, cabhraíonn sé leis an Oifig seo bheith ar a hairdeall ar threochtaí i mbéal forbartha mar a bhfuil braislí gearán a d’fhéadfadh a thabhairt le tuiscint gurb ann d’fhadhbanna córasacha nach mór aghaidh a thabhairt orthu. Mholfainn do gach soláthraí seirbhíse poiblí bearta a dhéanamh chun aon fhaisnéis atá acu faoi rudaí nár éirigh leo a chomhbhailiú, is cuma cé acu a fhoghlaimíonn siad fúthu trí ghearáin ar dhéileáil siadsan leo, trí obair na hOifige seo, trí sceithirí nó tríd an bhfaireachán a dhéanann siad féin ionas go mbeidh siad eolach ar aon treochtaí agus go ndéanfaidh siad beart cuí chun aghaidh a thabhairt orthu.

Tá an Oifig tiomanta d’oibriú leis na comhlachtaí inár ndlínse chun gearáin a réiteach go pras agus go héifeachtach. Is minic a dhéanann sí amhlaidh gan ghá le himscrúdú foirmiúil.

D'oibríomar ar fud na bliana chun dea-chaidreamh oibre a fhorbairt le go mbeadh sé ar ár gcumas torthaí prasa den chineál sin a bhaint amach agus saincheistean deacra fadtéarmacha a réiteach freisin. Is an-luachmhar sa chomhthéacs sin atá na naisc atáimid ag cothú leis an Roinn Sláinte, le FSS agus le Cumann na mBainisteoirí Contae agus Cathrach, mar aon leis an dea-chaidreamh oibre leantach atá againn le Ranna eile Rialtais. Is é an Roinn Coimirce Sóisialaí is cúis le céatadán ard de na gearáin a fhaighimid. Ní léiríonn sé sin drochfheidhmíocht ar leith thar a ceann. Ina ionad sin, léiríonn sé méid an-ard teagmhála leis na daoine a bhaineann úsáid as an tseirbhís a chuireann sí ar fáil. De ghnáth, bíonn an Roinn an-chabhrach maidir leis an mbreithniú a dhéanaimid ar ghearáin a éascú agus bíonn sí tapa maidir le cúrsaí a cheartú tar éis meancóg a dhéanamh.

1.5 Saothar Foirne

Bíonn ár gcumas chun déileáil go maith leis an ardlíon leantach gearán a fhaighimid ag brath go mór ar fhoireann na hOifige agus ba mhaith liom buíochas a ghabháil as a gcuid oibre, atá á stiúradh ag Bernadette McNally, ár nArd-Stiúrthóir atá ag éirí as, a bhfuil méid suntasach curtha aici le feabhsú agus forbairt na hOifige. Tá an t-ádh orainn cistiú a fháil le haghaidh soláthar foirne breise, rud a chuirfidh ar ár gcumas aghaidh a thabhairt ar chásanna os ár gcomhair. Táim buíoch den Roinn Caiteachais Phoiblí agus Athchóirithe as a cabhair ina leith sin. Tháinig roinnt deacrachtaí as baill foirne ag a bhfuil taithí ag dul ar scor le linn na bliana agus as moilleanna ar na poist fholmha a líonadh ach táimid ag súil le tuilleadh gnóthachain feidhmíochta a fheiceáil in 2015 de réir mar a thagann baill foirne nuacheaptha isteach. Leanaimid ar aghaidh ag iarraidh feabhsúchán inár bpróisis a bhaint amach agus teastaíonn uainn go háirithe aghaidh a thabhairt ar an ngá le córais nua chásbhainistíochta chun tacaíocht níos fearr a thabhairt do bhaill foirne agus do ghearánaigh agus iad ag déileáil lenár gcuid oibre.

Ombudsman seeks new powers to investigate health complaints

The Ombudsman is seeking far-reaching new powers to investigate health service complaints involving matters of clinical judgment.

Ombudsman Peter Tyndall says he has opened discussions with Government about changing the law so that his office could investigate such complaints for the first time.

The Health Service Executive is legally prohibited from investigating matters relating solely to the exercise of clinical judgment, but he says it is "not unusual" for his counterparts in other countries to have this power.

Mr Tyndall has announced an investigation into how complaints are handled by public hospitals and has asked the public for their assistance.

He says the investigation is motivated by the low number of health complaints received by his office compared to ombudsman offices in other countries. "Is it because the Irish health service is so much better than elsewhere? I suspect not," he said.

In Ireland, 130 health complaints were made last year to his office, compared to 682 to the equivalent office in Wales, which has a smaller population. Mr Tyndall was previously ombudsman in Wales before taking up his present post last December.

Members of the public are invited to contact the ombudsman's office at ombudsman.gov.ie, email hsecomplaints@ombudsman.gov.ie, 1890-223030 or by freepost at the office, 18 Lower Leeson Street, Freepost F5069, Dublin 2.

The Irish Times. Dé Sathairn an 14 Meitheamh, 2014

1.6 Mo Dhlínse

D'fháiltigh mé roimh shintí do dhlínse na hOifige seo agus táimid ag déileáil i mbliana le gearáin ó bhreis agus 200 comhlacht sa bhreis a tugadh isteach inár ndlínse leis an Acht Ombudsman 2012 (Leasú). Is ann do ghnéithe den tseirbhís phoiblí atá lasmuigh den dlínse fós, lena n-áirítear Soláthar Díreach don lucht iarrtha tearmainn agus d'othair i dtithe altranais príobháideacha a gcistíonn an Stát iad go minic tríd an Scéim Tacaíochta do Thithe Altranais (Scéim Chothrom na Féinne). Táim ag oibriú leis an Rialtas chun dul i ngleic leis na bearnaí sin. An méid sin ráite, rinne mé iarracht freisin a chinntiú go bhfuil daoine eolach gur féidir leis an Oifig seo breithniú a dhéanamh ar ghearáin faoi thithe altranais poiblí nó faoi shaoráidí cónaithe amhail Áras Attracta, mar ar tarraingíodh aird an phobail ar líomhaintí faoi mhí-úsáid cónaitheoirí ar bhealach chomh grafach sin le linn na bliana.

Mar chríoch, maidir le dlínse, tá claonadh ann seirbhísí a dhéantar a phríobháidiú nó a aistriú chuig comhlachtaí leathstáit, amhail Uisce Éireann, a bhaint de mo dhlínse. Céim ar gcúl atá ann. Níl sé riachtanach socrúithe sásaimh a athrú nuair a athraítear an soláthraí seirbhíse. Le cur chun feidhme na Treorach Eorpaí um Réiteach Malartach Díospóidí, tugtar deis le haghaidh athrú smaointe maidir leis an tírdhreach sásaimh in Éirinn agus tá súil agam go dtapófar í.

1.7 Forbairtí Idirnáisiúnta

Tá traidisiún fada rannpháirtíochta ag an Oifig i líonraí idirnáisiúnta agus chuireamar an rúnaíocht ar fáil le linn 2014 do Réigiún na hEorpa de chuid Institiúid Idirnáisiúnta na nOmbudsman, a raibh mise ar an Uachtarán air. Rinne an Réigiún óstáil ar chomhdháil an-rathúil i dTaillinn agus ar roinnt tionscadal, lena n-áirítear tionscadal amháin ar gháinneáil ar dhaoine agus tionscadal amháin ar fhorbair Ombudsman Thuaisceart Éireann é i gcomhar le Coimisiún Thuaisceart Éireann um Chearta



The Herald, Dé Sathairn an 14 Meitheamh, 2014

an Duine arbh é is aidhm dó oiliúint a chur ar fhoireann Ombudsman i saincheisteanna chearta an duine a aithint agus i ndéileáil go cuí leo agus gearáin á mbreithniú.

1.8 Imscrúdú ar Ghearáin Sláinte

Is críochnaithe anois atá an obair ar an gcéad imscrúdú a rinneamar ar ár gconlán féin ar ghearáin sláinte agus táim ag súil le foilsiú na tuarascála tráth fhoilsiú na Tuarascála Bliantúla seo. I gcomparáid le dlínsí eile, tá gearáin faoi chóireáil sláinte an-íseal in Éirinn agus bhí sé mar aidhm pháirteach ag an imscrúdú an fáth leis sin a fháil amach. Más rud é nach dtarraingíonn daoine aird na soláthraithe seirbhíse sláinte ar ábhair imní agus nach ndéileáiltear go cuí leis na hábhair imní a thugtar, caillfear saol daoine mar nach bhfuil aghaidh tugtha ar fhadhbanna bunúsacha. Léiríonn an fhianaise ó áiteanna eile, go háirithe in lontaobhas Mid-Staffordhire de chuid an NHS sa Ríocht Aontaithe mar shampla, go bhfulaíngíonn othair agus seirbhísí nuair nach mbreithníonn soláthraithe sonraí faoi dhrochtheagmhais go córasach agus nach ngníomhaíonn siad go diongbháilte chun aghaidh a thabhairt ar chlistí.

1.9 Déanamh Gearán a Éascú

Táim ag súil leis freisin go leagfaidh an tuarascáil béim ar cheann amháin de na príomhábhair imní atá orainn ar fud seirbhísí poiblí in Éirinn, is é sin, cur chuige comhsheasmhach maidir le déileáil le gearáin a bheith in éagmais. Leanfaidh mé de thacú le cur chuige caighdeánach a ghlacadh maidir le déileáil le gearáin ionas go mbeidh eolas ag úsáideoirí seirbhíse ar gach a dtarlóidh agus go mbeidh freagairt chomhsheasmhach phras éifeachtach ann beag beann ar an soláthraí seirbhíse. Ba mhaith linn an próiseas gearán a éascú do dhaoine agus go meastar gearáin a bheith ina bhfoinse luachmhar foghlama agus ina ní a bhrúnn feabhas chun cinn.

Ba cheart tairseach aonair a bheith ar fáil chun cur ar chumas daoine gearáin a dhéanamh faoi sheirbhísí poiblí agus leanfaimid den chás i bhfabhar a tabhairt isteach a bhrú chun cinn. Chomh maith leis sin, d'fháilteomis roimh an deis le bheith i gceannas ar chóras coiteann gearán agus ar thairseach aonair a fhorbairt. Bheadh baill den phobal ábalta gearán a dhéanamh go díreach le soláthraí seirbhíse fós ach bheadh an tseirbhís sin ina bealach comhthreomhar do dhaoine nach bhfuil an-eolach ar conas gearán a dhéanamh faoi láthair. Oibreoidimid lenár gcomhpháirtithe sa tionscnamh healthcomplaints.ie chun a fháil amach an féidir é sin a fhorbairt tuilleadh mar threoirthionscadal le haghaidh an chuir chuige nó nach féidir.

1.10 Cúrsaí foirne

Is mian liom aitheantas a thabhairt do thiomantas leantach na mball foirne reatha in Oifig an Ombudsman agus do thiomantas gach duine a d'oibrigh san Oifig le tríocha bliain anuas. Tá sé léirithe acu go bhfuil siad toilteanach oiriúnú do na dúshláin go léir a cuireadh orthu thar na blianta agus iad a shárú.

In 2014, tháinig baill foirne nua isteach i bhfoireann an Ombudsman agus d'imigh roinnt daoine suntasacha. Chuaigh roinnt baill foirne ar scor tar éis dóibh lear blianta a chaitheamh ar seirbhís san Oifig. Ba iad sin Fintan Butler, Patricia Doyle, Elizabeth Martin, Aoife Nic Reamoinn, Marie O'Brien, Anne O'Reilly, Donal O'Sullivan, Richard Philpott agus David Waddell. Anuas air sin, d'imigh Catherine Rousset chun tabhairt faoi rud éigin nua. Is mian liom buíochas a ghabháil le gach duine acu as an méid a chuir siad leis in 2014 agus sna blianta sular imigh siad agus guím gach rath orthu amach anseo.

Tháinig Anthony Mulhaire isteach san fhoireann agus d'fhill Maire Ní Fhiacháin ar an Oifig le linn 2014. Is cúis mhór áthais dom fáilte a chur rompu agus tá mé ag tnúth le bheith ag obair leo sna blianta amach romhainn.

1.11 An Coiste Oireachtais um Maoirseacht na Seirbhíse Poiblí agus Achainíocha

Cuirtear an Tuarascáil Bhliantúil seo faoi bhráid an Oireachtais ar aon dul leis na socruithe do gach Ombudsman Parlaiminteach. Leagann sí béim ar an gcaidreamh tábhachtach idir an tOmbudsman agus an tOireachtas. Tá an nasc mar bhonn agus thaca ag neamhspleáchas na hOifige agus ligeann sé don Oireachtas a chinntiú go gcuirtear moltaí an Ombudsman chun feidhme agus gur féidir seirbhísí poiblí a choimeád cuntasach. Oibríonn an tOmbudsman go dlúth leis an gComhchoiste Oireachtais um Maoirseacht na Seirbhíse Poiblí agus Achainíocha a dhéanann breithniú ar an Tuarascáil Bhliantúil seo. Le linn na bliana, thug an Coiste aird ar leith ar ár ngníomhaíocht agus d'oibrigh sé chun a chinntiú go bhfuil an tionchar is mó is féidir ag tuarascálacha na hOifige. Ba mhaith liom críochnú ach buíochas a ghabháil leis an gCathaoirleach agus leis na comhaltaí as an tacaíocht a thug siad.

“Is mian liom buíochas ó chroí a ghabháil leat as an obair a rinne tú le déanaí le go bhfaighinn mo chárta liachta ar ais. Baineadh an-úsáid as sular tugadh ar ais é. Chaith tú liom go tuisceanach agus go gairmiúil i gcónaí.”



“Go raibh míle maith agat as d’idirghabháil thar ár gceann. Tusa an t-aon duine nach cuma leis ar fud na tréimhse seo agus is an-mhór agam é. An iníon liom.....is cinnte go bhfuil sceitimíní uirthi gur féidir léi anois cur le tógáil a leanaí mar mháthair.”



Caibidil 2: Athbhreithniú Gnó ar an mBliain

2.1 Ról an Ombudsman

Mar Ombudsman is é mo phríomhról imscrúdú a dhéanamh ar ghearáin ó dhaoine a mheasann nár thug comhlachtaí poiblí áirithe cothrom na féinne dóibh, lena n-áirítear:

- ranna rialtais
- údaráis áitiúla
- Feidhmeannacht na Seirbhíse Sláinte (FSS)
- ospidéal poiblí agus
- institiúidí oideachais tríú leibhéal a fhaigheann cistiú poiblí.

Tá sé saor in aisce seirbhísí na hOifige seo a úsáid. Déanaimid scrúdú ar ghearáin ar bhealach cóir, neamhspleách agus neamhchlaonta. Roimh ghearán a thabhairt chuig an Oifig seo, caithfidh an duine a raibh drochthionchar air iarracht a dhéanamh an gearán a réiteach leis an gcomhlacht poiblí lena mbaineann an gearán.

Agus gearáin á mbreithniú againn, measfaimid an ndearnadh an gníomh lena mbaineann an gearán, mar shampla, cinneadh nó teip gníomhú:

- gan údarás cuí
- ar chúinsí míchuí
- ar bhealach faillíoch nó míchúramach
- bunaithe ar fhaisnéis mhícheart nó neamhiomlán
- ar bhealach a rinne leithcheal míchuí ar dhuine
- bunaithe ar dhroch-chleachtas riaracháin nó
- ar bhealach nár léirigh riarachán cóir ná fóna.

Dáiríre, is iondúil a réitítear an chuid is mó de ghearáin go neamhfhoirmiúil tar éis don oifig seo an gearán a chur in iúl don chomhlacht poiblí lena mbaineann.

Má sheasaim le gearán, molfaidh mé an sásamh cuí. Chomh maith leis sin, féadfaidh mé moltaí arb é is aidhm dóibh an dóchúlacht go rachfar i bhfeidhm ar dhaoine eile ar an mbealach céanna sa todhchaí a laghdú.

Mar Ombudsman, is féidir liom gearáin a scrúdú faoin Acht um Míchumas 2005. Baineann na gearáin sin le rochtain ar fhaisnéis agus ar sheirbhísí ag daoine faoi mhíchumas. Tuairiscím ar ghearáin faoin Acht um Míchumas níos faide anonn sa Chaibidil seo.

Cheap an tUachtarán mé agus tuairiscím chuig an Oireachtas, agus ní chuig aon Aire Rialtais ar leith.

2.2 Forbheathnú ar Staitisticí

Sa bhliain 2014, b'ionann líon iomlán na ngearán a fuair an Oifig seo agus 3,535 i gcomparáid le 3,190 gearán sa bhliain 2013. Is ionann sin agus méadú 11% agus figiúr atá i bhfad níos airde ná an meán do na 10 mbliana roimhe sin (2,872).

In 2014, dúnadh 60% de chásanna laistigh de 3 mhí agus dúnadh 91% díobh laistigh de 12 mhí. Sula gcuireann gearánach gearán faoi bhráid na hOifige is gá don té sin "céimeanna réasúnta" a ghlacadh chun réiteach a fháil ar a ghearán leis an gcomhlacht poiblí i gceist. I roinnt cásanna (1,407 sa bhliain 2014), chuir an Oifig seo comhairle agus cúnaimh ar fáil do dhaoine a rinne gearán "roimh am" leis an Oifig seo agus, de ghnáth, rinneamar iad a atreorú ar ais chuig an tseirbhís áitiúil, ag iarraidh orthu réiteach a fháil air ag an leibhéal áitiúil, agus dúramar leo teacht ar ais chugainn murar réitíodh ag an leibhéal sin é.

Is í an Státseirbhís, a chuimsíonn an Roinn Coimirce Sóisialaí, an fhoinse is mó gearán (41.3% i gcomparáid le 46.5% in 2013) agus is iad Údaráis Áitiúla (25.5% i gcomparáid le 27.5%) agus FSS (19.7% i gcomparáid le 17.3%) na foinsí gearán is mó ina dhiaidh sin. (Tagann sé sin den chuid is mó le líon na n-idirghníomhaíochtaí a bhíonn ag na comhlachtaí sin le húsáideoirí seirbhíse).

Gan gearáin 'roimh am' a áireamh, seasadh le 25% de chásanna go hiomlán nó go páirteach, cuireadh cúnaimh ar fáil in 21% de chásanna, níor seasadh le 42% díobh agus maidir le 12% díobh, scoireadh díobh nó tarraingíodh siar iad. I 46% de chásanna, bhain baill den phobal leas díreach as dul i dteagmháil leis an Oifig seo ach ba mhinic a bhíomar ábalta míniú nó athdhearbhú a chur ar fáil i gcásanna nár seasadh le gearáin.

As na 1,459 gearán a rinneadh i gcoinne na Státseirbhíse, rinneadh 898 ceann i gcoinne na Roinne Coimirce Sóisialaí, rinneadh 196 ceann i gcoinne na gCoimisinéirí Ioncaim, rinneadh 155 ceann i gcoinne na Roinne Talmhaíochta, Bia agus Mara agus rinneadh 58 ceann i gcoinne na Roinne Dlí agus Cirt agus Comhionannais.

Bhain 93 ceann as 900 gearán faoi Údaráis Áitiúla le Comhairle Cathrach Bhaile Átha Cliath, bhain 60 ceann le Comhairle Cathrach agus Contae Luimnigh, bhain 58 ceann le Comhairle Contae Chorcaí agus le Comhairle Contae na Gaillimhe araon agus bhain 52 ceann le Comhairle Contae Chill Mhantáin.

Bhain 262 ceann as 698 gearán in aghaidh FSS le hospidéal. Bhain 164 gearán le cártaí liachta nó le cártaí liachleachtóirí ginearálta.

Fuarthas 467 gearán san iomlán faoi na comhlachtaí poiblí a tháinig faoi mo dháil i mí na Bealtaine 2013. Áirítear leo sin comhlachtaí oideachais tríú leibhéal a fhaigheann cistiú poiblí amhail ollscoileanna agus institiúidí teicneolaíochta. Fuarthas 89 gearán in aghaidh Tacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (SUSI) agus d'oibríomar go dlúth le SUSI chun an-chuid de na gearáin sin a réiteach.

2.3 An Fhoireann Fiosrúchán

Is é ár bhFoireann Fiosrúchán aonad 'cheann an tí' dár gcuid a scagann gach gearán, a fhreagraíonn do gach fiosrúchán agus a bhuaileann le cuairteoirí na hOifige. In 2014, thug an t-aonad cúnamh do 1,806 gearán a fuaireamar in aghaidh comhlachtaí poiblí taobh amuigh dár sainchúram e.g. an Garda Síochána agus BSL. Cuireadh na gearánaigh ar an eolas faoin mbealach ceart le dul ar aghaidh lena ngearán agus faoin gcomhlacht ar cheart dóibh dul i dteagmháil leis, nuair is cuí.

Dhéileáil an fhoireann le breis agus 15,000 glao teileafóin agus bhuail sí le breis agus 200 glaoiteoir pearsanta le linn 2014 freisin.

2.4 Gearáin faoin Acht um Míchumas 2005

Cuireann an tAcht um Míchumas 2005 dualgais shuntasacha ar Ranna Rialtais agus ar chomhlachtaí poiblí eile oibriú go réamhghníomhach ar son cáilíocht beatha a fheabhsú do dhaoine faoi mhíchumas. Is féidir gearán a dhéanamh chuig an Ombudsman maidir le cliseadh comhlachta phoiblí cloí le Cuid 3 den Acht um Míchumas. Go sonrach, féadfaidh an tOmbudsman imscrúdú a dhéanamh ar ghearáin ó dhaoine faoi mhíchumas faoi rochtain ar fhoirgnimh phoiblí, ar sheirbhísí agus ar fhaisnéis.

Cé gur tháinig méadú ar ghearáin in 2014, is cúis díomá é an líon measartha íseal a fuarthas faoin Acht um Míchumas 2005. Tá sé ríthábhachtach go ndéantar daoine faoi mhíchumas a chur ar an eolas faoina gcearta chun rochtain a fháil ar sheirbhísí agus ar fhaisnéis agus go bhfuil siad eolach ar a gceart chun dul ar m'iontaoibh mar Ombudsman chun iniúchadh a dhéanamh ar a ngearáin neamhréitithe.

Tá sé thar a bheith tábhachtach freisin go bhfuil idir ghairmithe agus neamhghairmithe a bhíonn páirteach san earnáil míchumais eolach ar an Acht um Míchumas 2005 agus ar shainchúram an Ombudsman.

An tAcht um Míchumas – Gearáin a fuarthas in 2014	
Láimhseáil Gearán (alt 38 go halt 39)	6
Inrochtaineacht Seirbhísí arna gcur ar fáil do Chomhlacht Poiblí (alt 27)	3
Rochtain ar Fhaisnéis (alt 28)	1
Rochtain ar Sheirbhísí (alt 26)	1
Iomlán	11

2.5 Fógraí faoi alt 7 – Easpa Comhoibrithe leis an Ombudsman

Tugann alt 7 den Acht Ombudsman 1980 (arna leasú) cumhachtaí an-suntasach don Ombudsman ó thaobh doiciméid agus eolas riachtanach a fháil don imscrúdú nó don iniúchadh ar ghearáin. Faoin Acht, tá dualgas dlíthiúil ar “aon duine a bhfuil eolas nó doiciméad nó rud aige nó a bhfuil smacht aige ar an ábhar sin, ar ábhar é atá ábhartha don imscrúdú nó don iniúchadh dar leis an Ombudsman” an t-ábhar sin a sholáthar don Ombudsman.

I mbeagnach gach cás, tugtar an fhaisnéis a theastaíonn uaim don Oifig seo gan fógra faoi alt 7 a eisiúint. Baintear úsáid as mo Thuarascáil Bhliantúil chun foilsiú a dhéanamh ar thráthanna a raibh orm fógra faoi alt 7 a eisiúint.

Le linn 2014, b'éigean don Oifig seo dhá fhógra faoi alt 7 a eisiúint. Bhain fógra amháin le gearán in aghaidh Chomhairle Contae na hIarmhí agus bhain an fógra eile le gearán in aghaidh FSS. Tar éis dom na fógraí faoi alt 7 a eisiúint, táim sásta a rá go bhfuarthas na taifid a lorgaíodh.

Bliain	Líon na bhFógraí faoi alt 7 a Eisiúint
2014	2
2013	4
2012	7
2011	5
2010	8

2.6 Cásleabhar an Ombudsman

Ceann amháin de mo chuspóirí ó ainmníodh mar Ombudsman mé ná an fhoghlaim ó chásanna a bhreithnigh an Oifig seo a dhéanamh níos sorochtana. Ceann de na bealaí a rinne mé amhlaidh ba ea trí ‘Cásleabhar an Ombudsman’. D’fhoilsigh mé mo chéad eagrán de Chásleabhar an Ombudsman i mí Dheireadh Fómhair 2014. San fhoilseachán ráithiúil sin, cuirtear achoimrí ar fáil ar chásanna ar dhéileálamar leo sna míonna roimhe. Déantar cur síos sa Chásleabhar ar ghearáin ar fud na réimsí go léir lena ndéileálann an Oifig, amhail Sláinte, Leas Sóisialach, Oideachas, Rialtas Áitiúil, an Comhshaol, Talmhaíocht agus Cánachas.

Scaiptear é i bhformáid dhigiteach ar oifigigh i gcomhlachtaí poiblí, ar chomhaltaí den Oireachtas agus ar ionadaithe poiblí eile. Táim sásta leis an dóigh ar glacadh leis an gCásleabhar. Is cúis spreagtha é a fheiceáil go bhfuil spéis ag soláthraithe seirbhíse i bhfoghlaim ónár scrúdú ar ghearáin agus ar a fháil amach cad atá á dhéanamh go maith agus nach bhfuil á dhéanamh go maith ag eagraíochtaí den chineál céanna.



Foilsítear an Cásleabhar ar shuíomh Gréasáin na hOifige seo agus is féidir é a léamh ar líne, a íoslódáil agus a phriontáil. Más mian leat fógra a fháil nuair a fhoilsítear an Cásleabhar, seol ríomhphost chuig casebook@ombudsman.gov.ie agus **SUBSCRIBE** mar ábhar air.

2.7 An Coiste Oireachtais um Maoirseacht na Seirbhíse Poiblí agus Achainíocha

Le linn 2014, lean an Oifig seo dá teagmháil thairbhiúil leis an gComhchoiste Oireachtais um Maoirseacht na Seirbhíse Poiblí agus Achainíocha. An 4 Meitheamh 2014, tháinig mé os comhair an Choiste chun plé a dhéanamh ar mo Thuarascáil Bhliantúil do 2013, ar shaincheisteanna leanúnacha lena mbaineann mórtábhacht don Oifig seo agus ar an bhfís atá agam d'Oifig an Ombudsman sa todhchaí. An 1 Iúil 2014, bhí áthas orm cuireadh a fháil teacht roimh an gCoiste chun "A Good Death" ("Bás Maith"), foilseachán de chuid na hOifige seo, a phlé (féach Caibidil 3 den Tuarascáil seo freisin).

Le linn na bliana, chuir an Coiste tús le hathbhreithniú ginearálta ar ról agus shainchúram na nOifigí Ombudsman in Éirinn. Rinne gach duine atá i seilbh poist mar Ombudsman láithreoireacht faoin ábhar os comhair an Choiste. Tháinig mé roimh an gCoiste Oireachtais um Maoirseacht na Seirbhíse Poiblí agus Achainíocha an 1 Deireadh Fómhair 2014 chun breac-chuntas a thabhairt ar mo chuid tuairimí. Táim ag súil go mór le toradh bhreithniúcháin an Choiste ar an ábhar.

Áirítear le ról an Choiste Oireachtais um Maoirseacht na Seirbhíse Poiblí agus Achainíocha breithniú a dhéanamh ar achainíocha a fuarthas ón bpobal maidir le riarachán poiblí in Éirinn. Faoina théarmaí tagartha, níl cead ag an gCoiste Oireachtais um Maoirseacht na Seirbhíse Poiblí agus Achainíocha scrúdú a dhéanamh ar achainíocha a bhaineann le gearáin atá á scrúdú nó scrúdaithe ag an Oifig seo.

Mar sin féin, d'iarr an Coiste tuairimí agus barúlacha na hOifige seo faoi roinnt saincheistean ginearálta a bhaineann le riarachán poiblí a thagann as roinnt de na hachainíocha a raibh an Coiste ábalta iad a bhreithniú. Tá an Oifig seo sásta tacaíocht agus cabhair a thabhairt don Choiste san obair thábhachtach sin.

2.8 Tusla (an Ghníomhaireacht um Leanaí agus an Teaghlach) - Nósanna Imeachta Nua d'Oibrithe Sóisialta

Sular cuireadh Tusla ar bun i mí Eanáir 2014, fuair mé roinnt gearán faoin dóigh ar dhéileáil oibrithe sóisialta le líomhaintí stairiúla mí-úsáide. Is é ról an oibrí shóisialta measúnú tosaigh a dhéanamh ach labhairt leis an íospartach líomhnaithe agus, ar aon dul le nós imeachta cóir, labhairt leis an duine a ndearnadh na líomhaintí ina aghaidh ina dhiaidh sin. Má mheastar na líomhaintí a bheith inchreidte, iarrfaidh oibrithe sóisialta ar an duine gan teagmháil neamh-mhaoirsithe a bheith aige le leanbh ar bith go dtí go bhfuil an measúnú curtha i gcrích. Chomh maith leis sin, tá ceangal ar na hoibrithe sóisialta tuismitheoirí an linbh nó na leanaí a d'fhéadfadh bheith i mbaol a chur ar an eolas ar na líomhaintí le gur féidir leo bearta cuí a dhéanamh chun iad a chosaint. A luaithe is atá measúnú cuimsitheach curtha i gcrích, beidh eolas níos fearr ag na hoibrithe sóisialta chun a chinneadh an mbeadh aon riosca leanúnach do na leanaí ann nó nach mbeadh. Déantar foráil dó sin sna Treoirínte Tús Áite do Leanaí.

Bhain na gearáin a fuair mé go príomha le nós imeachta cóir nó ceartas nádúrtha gan a bheith á chomhlíonadh ag oibrithe sóisialta agus iad ag idirghníomhú leis na gearánaigh. I roinnt cásanna, níor tugadh cuntas iomlán do na gearánaigh faoi na líomhaintí a rinneadh ina n-aghaidh, níor tugadh cead dóibh duine tacaíochta a thabhairt leo agus iad á gcur faoi agallamh agus nochtadh faisnéis faoi na líomhaintí neamhchruthaithe do dhaoine eile gan aon bhealach achomhairc a thabhairt don ghearánach. Cé nach mór do chosaint leanaí a bheith ina tosaíocht d'oibrithe sóisialta de réir a róil reachtúil, ní mór próis chuí a thabhairt do dhaoine fásta a ndearnadh líomhaintí ina n-aghaidh.

Reáchtáil an fhoireann seo roinnt cruinnithe táirgiúla le Tusla chun béim a leagan ar na saincheistean a thagann as na gearáin sin agus chun a fháil amach an bhféadfaí bearta a dhéanamh chun cothroime agus comhsheasmhacht a chinntiú nuair atáthar ag déileáil le líomhaintí cúlghabhálacha mí-úsáide in aghaidh daoine fásta nó nach bhféadfaí. Bhí mé sásta gur eisigh Tusla treoirínte nua d'oibrithe sóisialta le héifeacht ó mhí Mheán Fómhair 2014. Cuireadh oiliúint ar oibrithe sóisialta i gcur chun feidhme na dtreoirínte nua sin. Tá súil agam go mbeidh na treoirínte nua agus an oiliúint ina gcabhair chun a chinntiú go

gcaithfear le daoine fásta is ábhar do líomhaintí mí-úsáide ar bhealach níos cothroime agus go gcoinneofar an príomhdhíriú, is é sin, cosaint leanaí, ag an am céanna.

2.9 Comhdháil an Fhorais Riaracháin/Chomóradh 30 Bliain Oifig an Ombudsman

Mar chuid de shraith imeachtaí chun 30 bliain d'Oifig an Ombudsman a cheiliúradh, rinne mé comhreáchtáil i gcomhar leis an bhForas Riaracháin ar chomhdháil faoin téama um 'Chuntasacht sa tSeirbhís Phoiblí' i mí na Samhna.

Ba é an tUas. Brendan Howlin, an tAire Caiteachais Phoiblí agus Athchóirithe, a thug an chéad aitheasc ag an gcomhdháil. Ar na cainteoirí eile bhí an Banbharún Nuala O'Loan (an t-iarOmbudsman Póilíneachta do Thuaisceart Éireann), an Dáma Beverly Wakem (Ombudsman na Nua-Shéalainne), Jane Tinkler (Scoil Eacnamaíochta Londan) agus Kevin Rafter (Ollamh Comhlach i gCumarsáid Pholaitiúil ar Ollscoil Chathair Bhaile Átha Cliath).

Dhírigh an chomhdháil ar roinnt téamaí, lena n-áirítear na téamaí seo:

- ról an Ombudsman agus conas atá sé ag forbairt
- rannpháirtíocht saoránach i rialtas
- cuntasacht agus
- ionracas agus eitic i riarachán poiblí.



Peter Tyndall, an tOmbudsman, Brendan Howlin, an tAire Caiteachais Phoiblí agus Athchóirithe, agus Brian Cawley, Ard-Stiúrthóir an Fhorais Riaracháin, ag Comhdháil an Fhorais Riaracháin/Chomóradh 30 Bliain Oifig an Ombudsman

D'fhreastail oifigigh ó chomhlachtaí poiblí faoi mo dhlínse ar an gcomhdháil. Chuir na cainteoirí a ndearcthaí faoi théamaí na comhdhála ar fáil agus tá ríméad orm gur glacadh leo ar bhealach chomh maith sin.

2.10 Réigiún na hEorpa de chuid Institiúid Idirnáisiúnta na nOmbudsman

In 2014, shealbhaigh mé an post mar Uachtarán ar Réigiún na hEorpa de chuid Institiúid Idirnáisiúnta na nOmbudsman. Is é is Institiúid Idirnáisiúnta na nOmbudsman ann ná eagraíocht dhomhanda a chothaíonn comhoibriú idir institiúidí Ombudsman. Tá 80 ball d'institiúid na nOmbudsman i réigiún na hEorpa faoi láthair. Áirítear leo cuid de na hinstitiúidí Ombudsman is sine agus cuid de na hinstitiúidí Ombudsman is nuáí ar domhan. In 2014, rinne mise (mar Uachtarán) cathaoirleacht ar thrí chruinniú Boird - i Vársá (Aibreán), i dTaillinn (Meán Fómhair) agus i Vín (Deireadh Fómhair). Chomh maith leis sin, rinne mé cathaoirleacht ar Chomhthionól Ginearálta Réigiún na hEorpa a cuireadh ar siúl i dTaillinn i mí Mheán Fómhair.

Tugadh roinnt tionscnamh isteach le linn m'Uachtaránachta. Áiríodh leo sin athdhréachtú fhodhlíthe an Réigiúin, tabhairt isteach ríomhvótála chun aon fholúntais ar Bhord an Réigiúin a líonadh agus suirbhé ar bhaill faoin dea-chleachtas i dtaca le himscrúduithe "ar do chonlán féin".

I mí Dheireadh Fómhair 2014, toghadh mé mar 2ú Leas-Uachtarán ar Institiúid Idirnáisiúnta na nOmbudsman (an Bord Domhanda).

2.11 Seirbhís an Ombudsman a thabhairt chuig na Réigiúin

Cuairteanna ar Ionaid Eolais do Shaoránaigh (CICanna)

Tagann formhór na ngearán a dhéantar linn tríd an bpost, tríd an ríomhphost nó ar an teileafón. Ó am go chéile, áfach, bíonn daoine ag iarraidh labhairt linn go pearsanta.

Chun rochtain a fheabhsú do dhaoine atá ina gcónaí lasmuigh de Bhaile Átha Cliath, tugann baill foirne ón Oifig seo cuairt ar CICanna chun gearáin a fháil ó bhaill den phobal. Cuireann cuairteanna míosúla ar Chorcaigh, ar Luimneach agus ar Ghailimh seirbhís luachmhar áitiúil ar fáil, ar seirbhís í atá éasca le rochtain do dhaoine atá ina gcónaí ann. Le linn 2014, bhí foireann an Ombudsman ar fáil 34 uair chun comhairle agus cúnaimh a sholáthar agus gearáin a fháil thar ceann an phobail.

CIC Luimnigh sa bhliain 2014

Fuarthas 58 gearán bailí.

CIC na Gaillimhe sa bhliain 2014

Fuarthas 61 gearán bailí.

CIC Chorcaí sa bhliain 2014

Fuarthas 42 gearán bailí.

Thug ár gcuairteanna ar na CÍCanna deis dúinn chomh maith cúnamh a thabhairt do 212 duine nach raibh a gcásanna laistigh dár sainchúram nó nár phléigh an tsaincheist leis an gcomhlacht poiblí ar an gcéad dul síos.

Taispeántas um Oideachas agus Oiliúint Aosach Chorcaí

Bhí ionadaíocht ón Oifig ag an taispeántas dhá lá seo i mí Mheán Fómhair. Bhí sé úsáideach freastal ar an taispeántas seo chun ról agus feidhm na hOifige a chur chun cinn i réigiún an deiscirt.



Elaine Brady agus Rebecca Connolly ag an Seó do Dhaoine os cionn 50 Bliain d'Aois

“Bhí dea-iontas orainn gur thóg tú an t-am glao a chur orainn agus sin a choinneáil ar an eolas agus bhíomar ríméadach nuair a fuairamar do litir lena rá gur ceadaíodh a hachomharc deontais. Go raibh maith agat as do chabhair agus ba mhaith liom a rá gur thug tú mo mhuintín as ranna rialtais ar ais.”

Seó do Dhaoine os cionn 50 Bliain d'Aois

Is imeacht mórélímh é an Seó do Dhaoine os cionn 50 Bliain d'Aois ar a bhfreastalaíonn timpeall 23,000 duine thar trí lá. Bhí baill foirne i láthair i gCorcaigh agus i mBaile Átha Cliath araon chun ceisteanna a fhreagairt maidir le ról na hOifige agus chun comhairle agus cúnaimh a chur ar fáil do bhaill den phobal.

Ba mhaith liom buíochas a ghabháil leo siúd ar fad a bhí páirteach inár gclár For-rochtana le linn 2014. Mar is gnách, tugann m'fhoireann ár seirbhís go díreach chuig an bpobal ar bhealach cúirtéiseach gairmiúil.

2.12 Plean Straitéiseach 2013-2015

Breis agus leath bealaigh trí chur chun feidhme ár bPlean Straitéisigh trí bliana, leanann an Oifig seo de bheith ag scóráil go maith in aghaidh na bpríomhthomhas ratha a shocraíomar dúinn féin. Leagtar amach sa phlean conas a fhéachfaimid le feabhas a chur ar chaighdeán an riaracháin phoiblí agus conas a chuirfimid prionsabail na hoscailteachta, na trédhearcachta, na cuntasachta agus na héifeachtachta chun cinn. Tá príomhchuspóirí an phlean leagtha amach thíos:



Tugtar breac-chuntas go mion in áiteanna eile sa tuarascáil seo ar roinnt mhaith forbairtí chun na cuspóirí thuas a chomhlíonadh. Áirítear leis na mórthionscnaimh:

- Cásleabhar' ráithiúil a fhoilsiú chun foghlaim ónár gcuid oibre le comhlachtaí poiblí a chomhroinnt,
- tuilleadh feabhais ar ár nósanna imeachta maidir le dearbhú cáilíochta, lena n-áirítear meicníochtaí chun a chinntiú go bhfoghlaimimid ó aon easnaimh a shaináithnítear,
- saineolas a neartú laistigh den eagraíocht trí chlár dírithe chun cásoibrithe a fhorbairt a sholáthar agus trí shainfhoireann cúram sláinte agus cúraim shóisialta a earcú,
- léargais a gnóthaíodh ón scrúdú a dhéanaim ar ghearáin a chomhroinnt trí 'A Good Death' ('Bás Maith'), mo thuarascáil maidir le cúram deireadh saoil, a fhoilsiú, agus
- imscrúdú a thosú ar láimhseáil gearán in ospidéal poiblí, a bhí ar an gcéad imscrúdú 'ar a chonlán féin' de chuid an Ombudsman ó bunaíodh an Oifig.

Moilleanna lasmuigh de smacht na hOifige seo ar roinnt baill foirne thábhachtacha a chuaigh ar scor in 2014, chuaigh siad i bhfeidhm ar an dul chun cinn ar agaí chun cásanna a chur i gcrích a fheabhsú. Mar sin féin, baineadh laghduithe suntasacha amach fós ar líon na seanchásanna agus ar rátaí dúnadh cáis ag leibhéal 2013. Táim ag súil le hagaí chun cásanna a dhúnadh a fheabhsú in 2015 nuair a thabharfar an líon foirne ar ais agus a chuirfear tuilleadh tionscnaimh éifeachtúlachta chun feidhme.

Bíonn obair na hOifige seo ag brath ar eagraíocht atá láidir agus neamhspleách. Lean mé in 2014 de chás a dhéanamh ar son stádas bunreachtúil a bhaint amach don Oifig seo chun a neamhspleáchas a chosaint. Thacaigh mé freisin le próiseas caighdeánach um ghearáin seirbhíse poiblí agus le tairseach aonair le haghaidh gach gearán seirbhíse poiblí a thabhairt isteach. D'fhéadfadh na tionscnaimh sin láimhseáil gearán san earnáil poiblí a athrú go mór le leas bhaill den phobal agus comhlachtaí poiblí araon.

"Ba mhaith liomsa agus le mo theaghlach buíochas a ghabháil leat as d'obair dhíograiseach agus do thiomantas agus as an am agus an fuinneamh a chaith tú chun a chinntiú go n-éistfí le cás m'athar. Tá súil agam go ndéanfaidh sé sin difear do na daoine sin nach bhfuil aon duine acu le dul i mbun troda ar a son."



CAIBIDIL

03 / Tuarascálacha Ombudsman



Chapter 3: Tuarascálacha Ombudsman

3.1 Na Scéimeanna um an Liúntas Soghluaisteachta agus an Deontas Mótariompair – An tEolas is Déanaí

Sa Tuarascáil Bhliantúil do 2012 (leathanaigh 33-36) agus sa Tuarascáil Bhliantúil do 2013 (leathanach 31), tugadh breac-chuntas ar an gcúlra don chinneadh a rinne an Roinn Sláinte scor de na scéimeanna um an Liúntas Soghluaisteachta agus an Deontas Mótariompair d'iaratasóirí nua agus ar na forbairtí ina dhiaidh sin a tháinig as an gcinneadh sin.

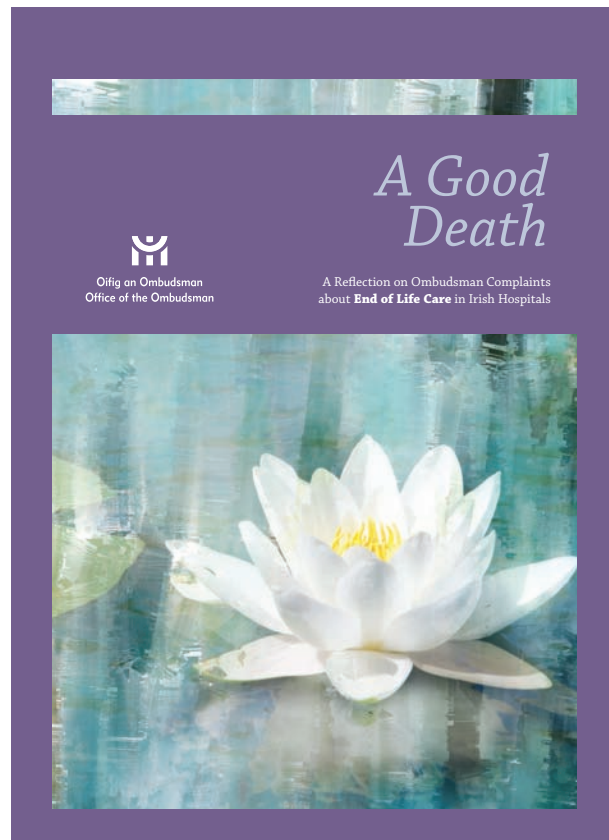
Mar a luadh roimhe seo, chinn an Rialtas in 2013 scéim reachtúil nua um fhóirdheontas taistil a thabhairt isteach do dhaoine faoi mhíchumas ag a bhfuil riachtanais soghluaisteachta. Cheal aon fhianaise soiléire ar dhul chun cinn ar an ábhar, scríobh mé chuig Ard-Rúnaí na Roinne Sláinte an 12 Samhain 2014 ag iarraidh an eolais is déanaí ar an dul chun cinn agus léiriú éigin ar an amscála dóchúil le haghaidh na reachtaíochta. Phléigh mé an t-ábhar leis an Roinn freisin. Tugadh gealltanais dom go raibh an Roinn ag saothrú an ábhair go gníomhach. Is mian liom a fheiceáil go bhfuil dul chun cinn á dhéanamh mar gur cinnte go bhfuil easpa scéime ag imirt drochthionchar ar thairbhithe féideartha.

3.2 'A Good Death – a Reflection on Ombudsman Complaints about End of Life Care in Irish Hospitals' ('Bás Maith - Machnamh ar Ghearáin chuig an Ombudsman faoi Chúram Deireadh Saoil in ospidéal na hÉireann')

An 27 Meitheamh 2014, d'fhoilsigh an Oifig seo 'A Good Death – a Reflection on Ombudsman Complaints about End of Life Care in Irish Hospitals' ('Bás Maith - Machnamh ar Ghearáin chuig an Ombudsman faoi Chúram Deireadh Saoil in ospidéal na hÉireann'). Seoladh an tuarascáil ag imeacht a eagraíodh le Foras Ospíse na hÉireann. Is é is Foras Ospíse na hÉireann ann ná carthanas náisiúnta atá tiomanta do cháilíocht an chúraim atá ar fáil do dhaoine ag a bhfuil riochtaí a chiorraíonn saol duine agus do mhuintir an mharbhánaigh a fheabhsú.

Déantar machnamh sa tuarascáil ar roinnt de na gearáin a fuair an Oifig seo thar na blianta maidir le cúram 'deireadh saoil'. Tharraingíomar téamaí coiteanna as na gearáin sin a d'fhéadfadh cabhrú le soláthraithe seirbhíse agus le lucht déanta beartas cleachtas a fheabhsú. Leagtar na gearáin amach faoi cheannteidil théamacha éagsúla, lena n-áirítear Cumarsáid, Féinriar Othar, agus Tacaíocht don Teaghlach agus do Chairde.

Tá an tuarascáil ar fáil ar shuíomh Gréasáin na hOifige seo (www.ombudsman.ie) agus scaipeadh cóipeanna di go leathan ar fud na hearnála cúraim. Tá roinnt mhaith aiseolas dearfach faighte ag an Oifig seo faoin tuarascáil ó ghairmithe sláinte agus ó dhaoine eile. Tá fonn orm forbairt a dhéanamh ar na ceachtanna a foghlaimíodh ón tuarascáil agus ba mhaith liom a chinntiú go n-imreoidh sí tionchar dearfach marthanach ar an gcúram agus ar an gcóireáil a chuirtear ar othair i mbéal an bháis ar fud na seirbhíse ospidéil ghéarmhíochaine. Agus aird á tabhairt air sin, dhréachtaigh an Oifig seo teimpléad Pleananna Gníomhaíochta a thugann bearta leantacha atá le déanamh ag ospidéil aonair. I gcomhar le Feidhmeannacht na Seirbhíse Sláinte, seolfar na Pleananna Gníomhaíochta chuig gach ospidéal in 2015 agus beidh mé ag iarraidh orthu freagairt don Oifig seo maidir lena mbearta leantacha. Tá sé beartaithe agam ansin tuarascáil bhreise a fhoilsiú ar an dul chun cinn atá déanta ar chur chun feidhme na bPleananna Gníomhaíochta.



3.3 Rialacha Áitiúla do Scéimeanna Náisiúnta - Éagothroime i Riar Scéim na gCártaí Breoiteachta Fadtéarmaí

Le linn na bliana, rinne mé cur i gcrích ar imscrúdú ar dhiúltú Fheidhmeannacht na Seirbhíse Sláinte (FSS) do Chárta Breoiteachta Fadtéarmaí (cárta LTI) a bhronnadh ar bhean le haghaidh mic léi a diagnósíodh go bhfuil neamhord hipirghníomhaíochta easnamh airde (NHEA) agus neamhord ar speictream an uathachais (NSU) air. Dhiúltaigh FSS an t-iarratas ar fhoras nár chomhlíon an t-iarratasóir na critéir liachta le haghaidh incháilitheachta. Soláthraítear drugaí, leigheasanna agus fearais liachta/mháinliachta saor in aisce do na daoine sin atá incháilithe faoin scéim reachtúil. Liostaítear sna rialacháin na cineálacha galair agus míchumais a cháilíonn iarratasóir le haghaidh an chárta. Áirítear leis an liosta “daoine a bhfuil meabhairghalar orthu”.

Le linn an imscrúdaithe, d'admhaigh FSS eagothromaíochtaí sa bhealach a bhí NHEA agus NSU á rangú ag dochtúirí oifigiúla aonair agus iarratais ar chárta LTI á bpróiseáil acu. I roinnt limistéir gheografacha, rangáíodh leanaí faoi bhun 16 bliana d'aois ar a bhfuil na neamhoird sin go bhfuil meabhairghalar orthu agus, dá bhrí sin, go raibh siad i dteideal cárta LTI. I limistéir gheografacha eile, níor rangáíodh na leanaí sin ar an dóigh chéanna. Ghlac FSS leis go bhfuil an córas sin éagothromasach agus chuir sí in iúl dom i mí Eanáir 2013 go raibh athbhreithniú á dhéanamh ar an scéim ag an Roinn Sláinte. Cuireadh tús leis an athbhreithniú beartais fadréimseach sin roimh m'imscrúdú agus níorbh é m'imscrúdú a spreag é.

Mar thoradh ar m'idirghabháil, d'eisigh FSS cárta LTI chuig an ngearánach le haghaidh mic léi i mí an Mhárta 2012. Mar sin féin, dhiúltaigh FSS ag an am sin do chúiteamh léi as an gcostas cógais a tabhaíodh ón uair a rinneadh a hiarratas tosaigh ag deireadh mhí an Mheithimh 2009.

Tar éis an imscrúdaithe, chinn mé gur imir an diúltú dá hiarratais ar chárta LTI i mí Iúil 2009 agus i mí Mheán Fómhair 2010 drochthionchar ar an ngearánach agus go raibh na cinntí chun diúltú dá hiarratais bunaithe ar fhaisnéis earráideach nó neamhiomlán agus ar fhoras neamhábharta agus go raibh siad idirdhealaitheach go míchuí.

Chinn mé freisin:

- gurb ionann an cinneadh chun diúltú do chúiteamh leis an ngearánach as cógas mic léi do thréimhse a hiarratais go mí an Mhárta 2012,
- an dóigh éagsúil ar déileáladh le cásanna ag brath ar a suíomh geografach,
- an teip ar FSS cur chuige aonfhoirmeach a chinntiú maidir le riar na scéime agus
- an teip chun treoir imleor shoiléir maidir leis an scéim a chur ar fáil do riarthóirí na scéime de chuid FSS agus míriarachán.

I bhfianaise na fírice go raibh an scéim á hathbhreithniú ag an Roinn Sláinte ag an am agus nárbh eol toradh an athbhreithnithe sin go fóill, chinn mé freisin gurb in aghaidh riarachán cothrom fónta a bhí an togra ó FSS athrú a dhéanamh ar chur chuige a dochtúirí oifigiúla a ghlac le NSU agus le NHEA mar riochtaí lenar bronnadh incháilitheacht faoin scéim go dtí seo.

Rinne mé na moltaí seo a leanas mar thoradh ar mo chinntí:

- go n-aisíocfadh FSS leis an ngearánach costas na gcógas do mhac léi ón uair a rinne sí iarratas dó faoin scéim LTI go dtí an uair a deonaíodh a hiarratas (thart ar €3,000);
- gur cheart do FSS, mar go raibh FSS ag fanacht leis an toradh ó Ghrúpa Athbhreithnithe na Roinne Sláinte ag an am agus mar nach ndearnadh aon leasuithe substainteacha ar an reachtaíocht rialaitheach, leanúint den scéim LTI a riar, mar a rinne sí ar feadh roinnt mhaith blianta sa chuid is mó den tír, lena gcuirfí NHEA san áireamh mar mheabhairghalar a thabharfadh teidlíocht i leith cárta LTI i gcás daoine faoi bhun 16 bliana d'aois;

- gur cheart an Scéim LTI, mar scéim náisiúnta, a riar ar bhealach aonfhoirmeach ar fud na tíre.

Ghlac FSS leis na cinntí agus leis na moltaí a rinneadh di. Cúitíodh leis an ngearánach costas na gógas do mhac léi le haghaidh na tréimhse i gceist.

Tar éis an athbhreithnithe beartais ghinearálta, d'fhorbair FSS treoirlínte oibriúcháin nua lenar cuireadh an fhianaise chliniciúil náisiúnta agus idirnáisiúnta ar fáil san áireamh.

Treoraíodh leis na Treoirlínte nua gur cheart NHEA a mheas mar mheabhairghalar chun críche na scéime LTI. Leagadh amach sna treoirlínte na tosca nach mór a bheith i láthair sna cásanna sin. Socraíodh tairseach chliniciúil leo nach mór a chomhlíonadh chun incháilitheacht a chinneadh in aon chás ar leith. Cuireadh na treoirlínte chun feidhme ar bhonn náisiúnta chun comhsheasmhacht agus soiléire i riar na scéime a chinntiú.

3.4 Diúltaíodh don Deontas Cúram Baile

Le linn na bliana, rinne mé cur i gcrích ar imscrúdú ar ghearán a rinneadh faoi iarratas ar Dheontas Cúram Baile (DCB) thar ceann bean chleithiúnach scothaosta ar dhiúltaigh FSS dó, cé gur cuireadh isteach é roinnt seachtainí sular cuireadh deireadh leis an scéim deontas. Rinneadh iniúchadh san imscrúdú ar conas a dhéileáil FSS leis an iarratas, ar conas a rinne sí cumarsáid leis an iarratasóir agus ar conas a cuireadh an cinneadh chun deireadh a chur leis an deontas in iúl do na príomhpháirtithe leasmhara. Gné de Scéim an Phacáiste Cúram Baile (SPCB) go dtí mí na Nollag 2010 a bhí sa Deontas Cúram Baile (ar deontas airgid é a íocadh chun cabhrú le daoine scothaosta le go bhféadfadh siad íoc as cúram breise nach raibh FSS in ann é a chur ar fáil). Ag an am sin, foilsíodh treoirlínte náisiúnta nua do Scéim an Phacáiste Cúram Baile agus bhí deireadh le cur le hÍoc na ndeontas airgid de réir a chéile. D'inis FSS dom gur reáchtáladh seisiúin oiliúna agus faisnéise do bhaill foirne FSS faoi athruithe ar an scéim ar fud gach réigiúin agus ag leibhéal áitiúil leis na príomhpháirtithe leasmhara go léir. Mar sin féin, níor cuireadh na seisiúin faisnéise sin ar siúl go dtí lár mhí na Samhna 2010, rud a d'fhág nárbh eol don Altra Sláinte Poiblí go rabhthas ag cur deireadh leis an deontas nuair a mhol sí don bhean iarratas a dhéanamh air. Sa chás seo, rinne an bhean iarratas ar an deontas airgid i mí Dheireadh Fómhair 2010 agus bhí á hiarratas á bhreithniú ar fhoras airgeadais agus ar fhoras liachta. Cé gur measadh í a bheith incháilithe ar fhoras acmhainne, ba ghá don Altra Sláinte Poiblí agus do Liachleachtóir Ginearálta na mná a séala a chur leis an iarratas. Bhí ar an Liachleachtóir Ginearálta a fhóru go raibh sí incháilithe ó thaobh liachta de freisin. Chuir an tAltra Sláinte Poiblí agus an Liachleachtóir Ginearálta lámh leis an bhfoirm an 10 Samhain 2010. Ar an drochuair, áfach, níor formheasadh a hiarratas mar nár chuir an Liachleachtóir Ginearálta an fhoirm isteach go dtí mí na Samhna 2011. Bhí deireadh curtha leis an deontas um an dtaca sin.

Cé gur tairgeadh roinnt uaireanta breise cúntóir baile don bhean ar chuir FSS iad ar fáil, bhí a teaghlach den tuairim gur cheart an deontas airgid a bheith íoctha mar nach raibh sise ina cúis leis an moill ar a hiarratas a phróiseáil.

Mar thoradh ar m'imscrúdú, chinn mé nár cuireadh an cinneadh chun deireadh a chur leis an deontas in iúl do gach duine de na príomhpháirtithe leasmhara go tráthúil, nach raibh aon socruithe i bhfeidhm chun iarratais a fuarthas roimh an scoithdháta a rianú agus nár tairgeadh aon phróiseas achomhairc don iarratasóir. I bhfianaise mo chinntí agus na moltaí a eisíodh ina ndiaidh, ghabh FSS a leithscéal leis an teaghlach agus rinne sí íocaíocht €8,500 leo chun a ngearán a shocrú. Ar an drochuair, fuair an bhean bás i mí Feabhra 2013.

3.5 Pasanna do Leanaí a Rugadh d'Oibrithe Neamh-LEE

In 2014, rinne mé cur i gcrích ar imscrúdú ar thrí ghearán ar leith ó fhir Bhrasáileacha faoi na deacrachtaí a bhíonn ag oibrithe neamh-LEE agus iad ag iarraidh pasanna a fháil dá leanaí a rugadh in Éirinn. Chun cónaí agus oibriú in Éirinn, ní mór do na hoibrithe sin dul i dteagmháil le dhá ghníomhaireacht rialtais ar leith chun a stádas dlíthiúil anseo a choimeád, is iad sin, an Roinn Post, Fiontar agus Nuálaíochta agus an Roinn Dlí agus Cirt agus Comhionannais. Tá freagracht ar an Roinn Gnóthaí Eachtracha agus Trádála as iarratais ar phas a phróiseáil. Tar éis an imscrúdaithe, chinn mé gur dhóigh go mbeadh próisis riaracháin na dtrí ghníomhaireacht ina gcúis le deacrachtaí do bhaill den phobal a d'fhéadfadh míchothroime a chruthú i gcásanna aonair agus moill neamhriachtanach a chur orthu, cé go rabhthas ag cur na ndlíthe i dtaca le próiseáil na n-iarratas ar phas agus na gceadanna fostaíochta i bhfeidhm i gceart sna trí chás. Ní thagann obair na Roinne Dlí agus Cirt agus Comhionannais sna réimsí riaracháin sin laistigh de mo dhlínse. Mar sin de, níorbh fhéidir an Roinn sin a chur san áireamh san imscrúdú. Bhí sé riachtanach, áfach, saincheistanna áirithe a shoiléiriú leis an Roinn sin le linn an imscrúdaithe agus bhuail oifigigh na Roinne Dlí agus Cirt agus Comhionannais le baill foirne ón Oifig seo chun faisnéis fhíorasach faoina córais a chur ar fáil.

Tháinig beirt de na fir chun cónaí agus oibriú in Éirinn in 2002 agus tháinig an tríú fear in 2006. D'eagraigh siad fostaíocht agus ceadanna fostaíochta sular tháinig siad. Lonnaigh siad anseo. Bhí an bheirt a tháinig in 2002 ina gcónaí agus ag oibriú i nDún na nGall agus bhí siad leis an aon fhostóir amháin thar na blianta. Bhí an duine is déanaí a tháinig ina chónaí agus ag oibriú i bPort Láirge. Bhí leanbh ag an mbeirt acu a rugadh in Éirinn sna blianta idir 2007



agus 2010. Rinne an triúr acu go léir iarratas ar phas Éireannach ar son a linbh agus chreid siad go gcáileodh a leanaí le haghaidh pas bunaithe ar fhad a chónaí anseo.

Bhí iontas orthu a fháil amach nár cháiligh a leanaí le haghaidh pas Éireannach. Mar a tharla sé, níor chomhlíon siad an ceanglas dlíthiúil gur gá dóibh cónaí dleathach trí bliana a bheith acu sa Stát sna ceithre bliana roimh bhreith an linbh, cé go bhfuil siad ina gcónaí agus ag oibriú in Éirinn ar feadh níos mó ná ceithre bliana roimh na breitheanna. Tháinig an fhadhb as an bhfíric gur thaifead na húdaráis anseo gur chónaí neamhdhleathach é a gcónaí anseo agus nárbh ionann tréimhse iomlán an chónaithe dhleathaigh a taifeadadh dóibh agus trí bliana san iomlán. D'fhonn cáiliú le haghaidh pas Éireannach, ní mór do leanbh a rugadh in Éirinn na ceanglais le haghaidh saoránachta a chomhlíonadh. Is é an tAire Dlí agus Cirt agus Comhionannais amháin a chinneann an ceart chun saoránachta. Déantar foráil sa reachtaíocht ábhartha go bhféadfar saoránacht a dheonú sa chás go bhfuil cónaí dlíthiúil in Éirinn ag tuismitheoirí an linbh ar feadh na gceithre bliana roimh bhreith an linbh.

Tá córas aontaithe um iarratas ceadanna fostaíochta agus víosaí i bhfeidhm i bhformhór na mballstát den Limistéar Eorpach Eacnamaíoch. Tháinig na socrúithe sin as rud ar a dtugtar Comhaontú Schengen lenar foráladh do dheireadh a chur le rialuithe teorann áirithe idir tíortha. Níl Éire (in éineacht leis an Ríocht Aontaithe agus leis an Danmhairg) ina páirtí sa Chomhaontú sin. Tá oibleagáid ar inimircigh áirithe a thagann chun dul i mbun oibre in Éirinn clárú agus ceadanna cuí a choinneáil ó dhá eagraíocht Stáit. Is iad na heagraíochtaí sin: Seirbhís Eadóirseachta agus Inimircce na hÉireann maidir leis an gcóras cónaithe agus an Roinn Post, Fiontar agus Nuálaíochta maidir le ceadanna fostaíochta. Ní mór do na hinimircigh sin na ceadanna a choinneáil cothrom le dáta ar feadh na tréimhse ar fad a chaitheann siad anseo. I gcás an triúir fear lenar bhain an t-imscrúdú, bhí cead acu obair anseo ar feadh gach ceann de na blianta a bhí i gceist. Ní raibh aon bhearnaí ann ina gceadanna fostaíochta agus coinníodh cothrom le dáta iad. Thug sé sin le tuiscint go raibh an bheirt fhear a raibh cónaí orthu i nDún na nGall i bhfostaíocht dhleathach in Éirinn ó 2002 agus go raibh an fear a raibh cónaí air i bPort Láirge i bhfostaíocht dhleathach anseo ó 2006. Os a choinne sin, níor coinníodh a gceadanna cónaitheachta cothrom le dáta don tréimhse ar fad (tharla sé sin ar roinnt cúiseanna éagsúla agus ní raibh an t-oibrí freagrach as gach ceann acu) agus bhí bearnaí iontu a d'fhág, ar an drochuair, gur neamhdhleathach go hoifigiúil a bhí tréimhsí cónaithe áirithe. Mar sin, tharla sé gur le blianta fada a bhí cónaí orthu anseo, a bhí siad ag obair anseo (agus ceadanna acu ón Stát) agus ag íoc cáin ioncaim agus árachas sóisialach leis an Stát, cé nach raibh "cónaí dleathach" orthu ar feadh tréimhsí ama áirithe le linn na mblianta sin.

Thug mé faoi deara gur córas casta é agus nach raibh aon amhras ann gur oibrigh na daoine lenar bhain leis chomh fada agus ab fhéidir leo. D'íoc siad roinnt táillí éagsúla as a gceadanna cónaitheachta thar na blianta. D'íoc a bhfostóirí táillí as na ceadanna fostaíochta freisin. Chomh maith leis sin, bhí siad i mbun fostaíochta lánaimseartha i bhfad ar shiúl ón bpríomhchathair, áit ar bheag an rochtain ar chomhairle ná ar sheirbhísí. Agus an t-imscrúdú á dhéanamh, rinneadh athbhreithniú ar dhá cheann de na cásanna agus eisíodh

pasanna do na leanáí lenar bhain, rud ar dhea-scéala é do na teaghlaigh. Eisíodh pas sa tríú cás freisin tar éis mo thuarascáil imscrúdaithe a fhoilsiú.

Mhol mé tar éis an imscrúdaithe gur cheart comhoibriú níos dlúithe a bheith ann idir na gníomhaireachtaí a bhí i gceist. Glacadh le mo chuid moltaí ina leith sin.

Chuir an Roinn Post, Fiontar agus Nuálaíochta agus an Roinn Dlí agus Cirt agus Comhionannais grúpa oibre ar bun, agus é de dhualgas air imscrúdú a dhéanamh ar a indéanta a bheadh sé córas aontaithe um iarratas ceadanna fostaíochta agus víosaí a thabhairt isteach mar chuid den Phlean Gníomhaíochta do Phoist 2014. Beart dearfach is ea sin. Má shaothraítear é go héifeachtach agus go hiomlán – agus tá súil agam go ndéanfar amhlaidh – cabhróidh sé le deireadh a chur leis na deacrachtaí den chineál sin a sainathníodh le linn an imscrúdaithe, deacrachtaí a bhíonn roimh gach oibrí a thagann go hÉirinn as tíortha lasmuigh den Limistéar Eorpach Eacnamaíoch.

Thug an Roinn Post, Fiontar agus Nuálaíochta agus an Roinn Gnóthaí Eachtracha agus Trádála dearbhú dom freisin maidir le feabhsuithe a thabhairt isteach ina gcuid cleachtas agus tá súil ag gach duine lena mbaineann go gcabhróidh na feabhsuithe sin le hoibrithe den sórt sin amach anseo.

“Is an-luachmhar an rud é na focail chearta a chloisteáil ag an am ceart agus ba mhaith liom a chur in iúl duit gur mhór agam an cineáltas, an t-ionbhá agus an sárspiorad daonna a léirigh tú. Bhí an tacaíocht sin ríthábhachtach dom ag am a bhí fíordheacair.”



Caibidil 4: Cás-Staidéir Roghnaithe

Sa Chaibidil seo, cuirim síos ar roinnt de na gearáin ar dhéileáil an Oifig seo leo in 2014. Baineann roinnt de na cásanna roghnaithe leis an Roinn Coimirce Sóisialaí agus le FSS, rud a léiríonn an méid ard teagmhála a bhíonn acu leis an bpobal agus, dá bharr sin, an líon mór gearán a cuireadh faoi bhráid na hOifige seo ina leith.

4.1 Diúltaíodh cóireáil thar lear d'fhear a bhfuil riocht annamh air – sainathnódh laigí sa scéim

Rinne bean gearán chuig an Oifig seo toisc gur diúltaíodh d'iarratas mic léi ar chistiú faoi Scéim Cóireála Thar Lear Fheidhmeannacht na Seirbhíse Sláinte. Fulaingíonn mac léi riocht sláinte annamh nimhneach ó oidhreacht (Siondróm Elhers-Danlos – EDS).

Mar thoradh air sin, is minic a fhulaingíonn Seán (ainm bréagach) asaltú dian páirteach dá alt. Tá a riocht sláinte ag meath le blianta beaga anuas. Is minic a asaltaíonn a ghualainn idir gach seacht agus deich lá. Cé go mbíonn sé féin in ann a ailt a chur ar ais ina n-áit go minic, ní féidir leis a ghualainn a chur ar ais ina háit. Nuair a asaltaíonn a ghualainn, bíonn air dul chun an ospidéil chun go gcuirfead ar ais ina háit í mar ghnáthamh máinliachta, agus é faoi ainéistéiseach ginearálta, rud a chuireann an-phian agus an-imní air.

Ar roinnt ócáidí, d'atreoraigh comhairleach Sheáin é chuig 'ionad sármhaitheasa' maidir le cóireáil EDS sa Ríocht Aontaithe. Thacaigh FSS lena atreoruithe agus cuireadh cistiú faoin Scéim Cóireála Thar Lear ar fáil.

Ós rud é go raibh riocht sláinte Sheáin ag leanúint le dul i léig agus go raibh a shiomptóim ag éirí níos déine, chinn an comhairleach gur ghá é a atreorú arís eile chuig an 'ionad sármhaitheasa', áit a raibh dóchas aige go bhfaigheadh Seán an chóireáil riachtanach chun an dianphian agus an dianfhulaingt a mhaolú. D'fhéadfadh go gcuirfeadh sé sin deireadh leis an ngá le hidirghabhálacha máinliachta freisin. Dúirt máthair Sheáin go raibh an fhoireann liachta den tuairim nach bhféadfadh sé leanúint de shíor le cuairteanna seachtainiúla nó coicisiúla ar an Seomra Éigeandála le haghaidh cóireáil máinliachta faoi ainéistéiseach ginearálta.

Faoin am sin, rinne FSS riar na Scéime Cóireála Thar Lear a lárú ina hoifigí i gCill Chainnigh. Cuireadh iarratas ar chistiú faoin scéim isteach. Diúltaíodh don iarratas.

Ba é an phríomhchúis gur diúltaíodh d'iarratas Sheáin ná nár shonraigh a chomhairleach an chóireáil a raibh sé á atreorú ina leith. Cé gur coinníoll cáilitheach ar chistiú a fháil faoin scéim é 'cóireáil a shonrú', tháinig sé chun solais le linn an scrúdaithe go bhfuil imthosca ann nach coinníoll éigeantach é iontu. Féadfar cistiú a cheadú gan an chóireáil a shonrú i gcásanna ina ndéanann comhairleach othar a atreorú chuig ionad sármhaitheasa thar lear lena mheasúnú nó lena chóireáil. Tar éis dó gearán a chur faoi bhráid na hOifige seo agus trí iarratas neamhrathúla eile a chur isteach, ceadaíodh cistiú do Sheán agus d'fhreastail sé ar an ionad sármhaitheasa sa Ríocht Aontaithe.

D'ardaigh an scrúdú ar an ngearán sin roinnt ábhar imní faoi riar na Scéime Cóireála Thar Lear, lenar áiríodh iad seo a leanas:-

- soiléire na bhfoilseachán faisnéise agus na mbróisiúr faoin scéim ó FSS
- follasacht sna nósanna imeachta measúnaithe agus riaracháin, agus
- na critéir sna coinníollacha cáilitheacha.

I gcomhfhreagras le FSS, chuir mé imní in iúl faoin easpa íogaireachta agus tuisceana a léirigh foireann riaracháin na Scéime Cóireála Thar Lear i leith riocht sláinte agus shiomptóim an-choscraich Sheáin le linn dóibh próiseáil a dhéanamh ar a iarratais ar chistiú. Sheas mé le gearán Sheáin agus mheas mé gur cheart do FSS €2,000 a bhronnadh air chun aitheantas a thabhairt dá phian agus dá fhulaingt agus don am a chaith Seán agus a mháthair iarratais a dhéanamh ar chistiú ar feadh tréimhse 14 mhí agus don trioblóid a bhí acu lena linn.

D'fhreagair FSS mar seo a leanas – “Léirigh an cás seo nach raibh ár gcórais ná ár bpróisis, idir chinn chliniciúla agus chinn neamhchliniciúla, sách ailínithe chun freastal ar aistear [Sheáin] go dtí an cúram agus an tacaíocht liachta a raibh sé ar a lorg”. Thug FSS gealltanas freisin go ndéanfadh sí: “na dúshláin a tháinig chun solais sa chás seo a shainnithint agus na pointí foghlama a bhain leo a ghiaíil ar bhonn córais iomláin”.

D'eisigh FSS leithscéal agus an fócaíocht ina dhiaidh sin.

Tá comhphlé fós ar siúl idir an Oifig seo agus FSS faoi na saincheisteanna a tháinig as an scrúdú a rinne mé ar an ngearán.

4.2 Athraíodh nósanna imeachta tar éis d'ospidéal teagmháil a dhéanamh leis an mbean mhícheart maidir le gnáthamh liachta

Fuair bean glao ó Ospidéal Beaumont lena iarradh uirthi freastal ar an ospidéal le haghaidh Polladh Lumbach. Bhí iontas ar an mbean gur glaodh uirthi maidir leis an ngnáthamh toisc nach raibh aon teagmháil aici leis an ospidéal roimhe sin, cé gur cuireadh cóireáil uirthi in ospidéal eile le déanaí. Níor aontaigh foireann an ospidéil imscrúdú a dhéanamh ar an gcás ach amháin tar éis don bhean iad a cheistiú go dianseasmhach. Nuair a fuair an t-altra an comhad, ba léir go ndearna an t-ospidéal teagmháil leis an othar mícheart. B'ionann réamhainm, sloinne agus bliain bhreithe don bheirt othar. Sa ghearán a chuir sí faoi bhráid na hOifige seo, dúirt an bhean nár fhreagair an t-ospidéal mar ba cheart dá ceisteanna agus é ag déileáil lena gearán agus chreid sí nár ghlac sé a gearán dáiríre.

D'eisigh an t-ospidéal tuarascáil inar leagadh amach an próiseas as ar tháinig an earráid. Dúirt sé gurbh earráid dhaonna ba chúis leis an mbotún. Míníodh sa tuarascáil go n-úsáidtear an fhaisnéis seo a leanas chun othar a shainiú nuair a chuirtear é ar liosta feithimh: rud ar a dtugtar uimhir staire an othair, ainm an othair, seoladh an othair agus dáta breithe an othair. Sa chás seo, ba trí dhearmad a scríobh an tOifigeach Iontrálacha uimhir staire na mná ar bharr na litreach a bhí le seoladh chuig othar eile den ainm céanna. Bhain an t-altra úsáid as an uimhir staire sin ansin chun Córas Faisnéise Ospidéal Beaumont (BHIS) a sheiceáil. Fuarthas na sonraí teagmhála míchearta ón BHIS agus, dá dhroim sin, rinneadh teagmháil leis an mbean mhícheart.

Mhol an tOmbudsman gur cheart uimhir staire an othair nó uimhir thaifid liachta an othair a úsáid amach anseo in éineacht leis an tagairt trí phointe (dáta breithe, ainm iomlán agus seoladh) ar mhaithe le seiceáil slándála bhreise a chur ar fáil agus lena chinntiú nach ndéanfar an earráid chéanna arís.

Tá na hathruithe seo a leanas ar nósanna imeachta tugtha isteach in Ospidéal Beaumont anois:

- Cuireadh oiliúint bhreise ar fáil do gach ball foirne ar úsáid an BHIS, ar chuardaigh bhreise a dhéanamh agus ar an ngá atá ann lena chinntiú gur sainaithníodh an t-othar ceart.
- Cuireann baill foirne altranais glao ar othar anois agus téann siad tríd an tagairt aitheantais trí phointe sula socraíonn siad aon choinní.
- Ceanglaítear ar Othair Lae foirm toilithe a shíniú roimh ghnáthaimh anois, rud ar a bhfuil an fhaisnéis seo a leanas: an cineál gnáthaimh, ainm iomlán an othair, seoladh agus dáta breithe an othair agus uimhir staire an othair.

4.3 Diúltaíodh do chostais sochraide nuair a d'íoc an Roinn deontas méala leis an duine mícheart

Rinne fear gearán gur dhiúltaigh an Roinn Coimirce Sóisialaí dá iarratas ar dheontas méala do na speansais sochraide a thabhaigh sé chun a athair nach maireann a chur. Dúirt an Roinn gur íocadh an deontas le páirtí eile cheana féin. Dúirt an fear go raibh sé in ann deimhniú cróinéara agus cruthúnas ar íocaíocht an bhille sochraide a chur ar fáil agus gurb iad sin na doiciméid a éilítear faoi théarmaí agus choinníollacha scéim na nDeontas Méala.

Bhí mé sásta gur chuir an fear na doiciméid chearta ar fáil dá iarratas ar dheontas. Bhí imní orm go raibh fianaise dhoiciméadach neamhdhóthanach ann ar chomhad na Roinne chun a thaispeáint go ndearna an páirtí eile iarratas bailí. D'aontaigh an Roinn go ndearnadh earráidí nuair a bhíodhas ag déileáil le hiarratas an fhir ar dheontas. Ghlac an Roinn leis gurb ionann an fear sin agus an duine a d'íoc as an mbille sochraide dá athair nach maireann, go ndearna an fear iarratas bailí agus gur sholáthair an fear na doiciméid a bhí ag teastáil dá iarratas.

D'aontaigh an Roinn an deontas €850 a íoc leis an bhfear agus leithscéal a eisiúint dó as an dóigh ar chaith an Roinn lena iarratas agus as an imní agus as an míchaoithiúlacht a tháinig as sin.

4.4 Theip ar ospidéal scrúdú ceart a dhéanamh ar othar

Rinne fear gearán liom faoin gcúram a fuair a bhean chéile nach maireann ag Ospidéal Choláiste na hOllscoile, Gaillimh. Dúirt sé nár taifeadadh cuntas dóthanach ar a siomptóim agus nach ndearnadh aon mheasúnú cuimsitheach riamh ar a riocht. Bhraith sé gur scrúdaíodh í ar bhealach nua gach uair a d'fhreastail sí ar an ospidéal. Dúirt sé gur chaill a bhean chéile méid suntasach meáchain, gur fhulaing sí pian tar éis di ithe, go raibh fadhbanna soghluaisteachta aici agus go raibh a ladhracha dubh. Níor taifeadadh roinnt de na sonraí cliniciúla sin ina nótaí, áfach. Bhraith an fear go bhféadfaí diagnóis chruinn a dhéanamh ní ba luaithe ar riocht a mhná céile dá ndéanfaí measúnú ceart uirthi agus dá dtaifeadfaí a siomptóim.

I bhfianaise an mheáchain a chaill sí agus na bpianta boilg a bhí uirthi, chuaigh sí faoi scian chun clocha domlais a bhaint. Mar sin féin, diagnóisíodh ar deireadh go raibh riocht soithíoch uirthi, rud as ar fhorbair sí téachtán fola a chuir bac ar an soláthar fola don chuid íochtarach dá corp. Fuair sí bás dá bharr sin. Rinne an fear gearán gur thug an comhairleach cóireála dóchas bréagach dó maidir le prognóis a mhná céile le linn na laethanta deiridh dá saol.

Lorg mé comhairle chliniciúil neamhspleách maidir leis na hábhair sin sular scríobh mé chuig Stiúrthóir Cliniciúil an ospidéil. Ar thaifid na mná a athbhreithniú dó, ghlac an Stiúrthóir Cliniciúil leis nár thóg an fhoireann liachta nótaí dóthanacha faoi na scrúduithe a rinneadh. D'aontaigh sé nach raibh aon ní sna taifid lena dtabharfaí le fios, mar shampla, go raibh

ladhracha na mná dubh. Bhuail sé le fear céile na mná chun leithscéal a ghabháil leis as an gcúram a fuair a bhean chéile nach maireann agus as an dóigh ar cuireadh ar mhíthreoir é maidir lena riocht teirminéalach.

Cuirim fáilte roimh an bhfíric gur thacaigh an Stiúrthóir Cliniciúil le mo thuairim go bhfuil taifid chuimsitheacha ina gcuid riachtanach de chúram gach othair agus gur cheart grinnscrúdú doiciméadaithe a dhéanamh le linn gach coinne de réir cleachtas caighdeánach. Déanann an t-ospidéal amhlaidh anois. Tugadh tairseach éigeantach ionductúcháin isteach, rud nach mór do bhaill foirne liachta a chomhlánú sula bhfaighidh siad conradh. Soláthrófar leis an tairseach faisnéis faoi ghlacadh nótaí, faoi chórais TF, faoi thoiliú agus faoi ordú.

4.5 Lorgaíonn an Roinn €105,000 go héagórach ó iníon le bean mharbh

Fuair mé gearán ó bhean a raibh fadhbanna meabhairshláinte ag a máthair. D'iarr an Roinn Coimirce Sóisialaí ar an mbean ró-íocaíocht €105,000 a aisíoc. Tháinig an ró-íocaíocht chun solais nuair a scríobh an bhean chuig an Roinn chun fógra a thabhairt di faoi bhás a máthar i mí an Mhárta 2012. D'iarr sí ar an Roinn stop a chur leis an bPinsean Baintrí Neamh-Ranníocach agus leis an bPinsean Stáit (Neamh-Ranníocach) a íoc lena máthair. Rinne an Roinn athbhreithniú ansin agus d'aimsigh sí go raibh ró-íocaíocht á déanamh ón mbliain 2003 i leith agus lorg sí aisíocaíocht €105,000 ón mbean. Tar éis scrúdú a dhéanamh ar na páipéir iomchuí, fuarthas amach nach ndearna an Roinn athbhreithniú ar an gcás seo ón mbliain 2000; gurbh í máthair na mná a d'iarr an t-athbhreithniú sin sa bhliain 2000, rud a léirigh go soiléir nach raibh sí ag iarraidh a cúinsí a cheilt; agus go raibh fianaise liachta ann lena tugadh le tuiscint nach raibh inniúlacht meabhrach aici an cás casta sin a thuiscint go hiomlán. Dhéanadh an Roinn athbhreithnithe rialta roimh an mbliain 2000.

Bhí mé den tuairim gur éagórach a bhí cinneadh na Roinne agus d'iarr mé ar an bPríomh-Oifigeach Achomhairc, atá neamhspleách ar an Roinn, athbhreithniú a dhéanamh ar an gcás. Chuir an Príomh-Oifigeach Achomhairc cinneadh na Roinne ar ceal agus fuair sí amach gur leor an fhianaise liachta a bhí ar an gcomhad chun a léiriú don Roinn go raibh an bhean tinn le roinnt blianta. Fuair an Príomh-Oifigeach Achomhairc amach freisin go dtiocfadh an Roinn ar an ró-íocaíocht ní ba luaithe dá dtabharfadh sí faoi athbhreithniú ar bhonn rialta. Ba é cinneadh an Phríomh-Oifigigh Achomhairc gur tháinig an ró-íocaíocht chun cinn toisc nár ghníomhaigh an Roinn bunaithe ar an bhfaisnéis a bhí ar fáil di agus, dá bhrí sin, nár chúil don Roinn aisíocaíocht a lorg ón ngearánach.

4.6 Cuireadh feabhas ar nósanna imeachta mar thoradh ar an drochdhóigh ar déileáladh le hiarsmaí deontóra orgán

Fuair mé gearán ón gclann le fear a fuair bás gan choinne in Ospidéal Ollscoile Luimnigh. Deonaíodh orgáin an fhir go flaithiúil tar éis a bháis. Ba é an gearán a bhí acu nach ndearna duine ar bith ón ospidéal teagmháil leo, mar a gealladh, chun a chur in iúl dóibh go raibh an próiseas aisghabhála orgáin thart agus go raibh iarsmaí a n-athar réidh lena scaoileadh. Rinne an chlann iarracht dul i dteagmháil leis an ospidéal lá amháin ina dhiaidh sin chun a fháil amach an raibh na hiarsmaí réidh lena scaoileadh. Ba ag an am sin a insíodh dóibh nach raibh na hiarsmaí san Aonad Dianchúraim a thuilleadh. Insíodh dóibh go gcuirfeadh dochtúir glao ar ais orthu chun tuilleadh faisnéise a thabhairt dóibh. D'aimsigh siad ina dhiaidh sin nár thug an t-ospidéal fógra don Chróinéir faoi bhás an fhir. Mar thoradh air sin, b'éigean don chlann dul in éineacht le Garda chun iarsmaí an fhir a shainaithint i marbhlann an ospidéil. Tháinig imní ar an gclann nuair a d'amharc siad ar iarsmaí an fhir mar gur chosúil dóibh go raibh sé gan chóiriú agus nach raibh sé clúdaithe ach le braillín. Ní raibh sé sin ar aon dul le nós imeachta an ospidéil, rud lena bhforáiltear d'fhallaing ospidéil a bheith ar na hiarsmaí, do na hiarsmaí a bheith clúdaithe le braillíní agus do bhrat bróin glas a chur ar an gcorp ón muineál aníos.

Tar éis don chlann gearán foirmiúil a dhéanamh, choimisiúnaigh an t-ospidéal athbhreithniú ar na hábhair imní uile a ardaíodh agus ghabh sé leithscéal i scríbhinn as an anró a cuireadh orthu. Bhí an chlann fós míshásta, áfach, mar gur bhraith siad nár ghlac an t-ospidéal freagracht iomlán as an easpa cumarsáide a bhí ann ná as an easpa measa a bhraith siad a tugadh d'iarsmaí a n-athar.

Tar éis díospóireachta leis an Oifig seo, thug an t-ospidéal bileog faisnéise isteach do theaghlaigh dheontóirí, rud ina soláthraítear faisnéis ar dheonú orgán agus ar thrasphlandú. Chomh maith leis sin, thug sé treoirleite don fhoireann isteach maidir le cúram othar atá i mbéal an bháis agus maidir le cúram tar éis báis ag ospidéal Ollscoil Luimnigh. Gheall an t-ospidéal go gcinnteodh sí go léireofaí sna bileoga agus sa treoir na saincheistean a ardaíodh sa ghearán ón gclann d'fhonn a áirithiú nach dtarlódh a leithéid arís. Mar chuid de na treoirleite nua, táthar tar éis duine ainmnithe ón Aonad Dianchúraim a cheapadh chun idirchaidreamh a dhéanamh le teaghlaigh tar éis deonú orgán. D'aontaigh Príomhoifigeach Feidhmiúcháin an ospidéil litir leithscéil eile a scríobh chuig an gclann, rud inar admhaíodh go hiomlán gur theip ar an ospidéal teagmháil a dhéanamh leo a luaithe a bhí gnáthamh aisghabhála orgáin a n-athar thart.

Gearáin maidir le 'Cónaí Rialta'

D'fhonn íocaíochtaí áirithe leasa shóisialaigh amhail Liúntas Cuardaitheora Poist agus Liúntas Míchumais a fháil, ní mór don fhaighteoir 'cónaí rialta' a bheith air in Éirinn. Áirítear

iad seo a leanas leis na tosca a chuirtear san áireamh agus cinneadh á dhéanamh ar cé acu atá nó nach bhfuil cónaí rialta ar dhuine:

- ‘ceart chun cónaí’ sa Stát a bheith ag an duine
- an fad ama atá caite ag an duine in Éirinn
- leanúnachas an chónaithe
- cineál ginearálta an chónaithe.

Sa bhliain 2014, fuair mé roinnt gearán faoi riar an choinníll maidir le cónaí rialta. Tugtar achoimre ar dhá cheann de na gearáin sin thíos:

4.7 Glacann an Roinn leis go bhfuil cónaí rialta ar fhear agus íocann sí riaráiste Liúntais Míchumais €79,468

Sa bhliain 2010, dhiúltaigh an Roinn Coimirce Sóisialaí Liúntas Míchumais d’fhear, nach náisiúnach Éireannach é, ar an bhforas nár shásaigh sé na coinníollacha maidir le Cónaí Rialta. Diúltaíodh an Liúntas ar fhorais liachta freisin. Rinne an fear éileamh ar Liúntas Míchumais roimhe sin sa bhliain 2009. Cé gur dícheadaíodh é sin ar fhorais Chónaithe Rialta freisin, measadh gur shásaigh sé na critéir liachta ag an am sin.

Dhiúltaigh an Oifig Achomhairc Leasa Shóisialaigh (OALS) dá achomharc. Bhreithnigh an tOifigeach Achomhairc roinnt tosca éagsúla, lenar áiríodh iad seo a leanas:

- ní raibh aon fhianaise ann ar chónaí leanúnach in Éirinn ó Mhárta 2006 go Bealtaine 2009
- níor bhunaigh sé patrún fostaíochta sa Stát
- ní raibh a príomh-lárionad leasa lonnaithe in Éirinn
- bhí sé ar intinn aige a bheith ag brath ar thacaí agus ar shochair Stáit agus é in Éirinn, agus
- níor tugadh bunús le cónaí rialta san fhianaise a bhí ar fáil.

Maidir le cé acu a bhí nó nach raibh príomh-lárionad leasa an fhir lonnaithe in Éirinn, fuair an Oifig seo amach go raibh cónaí ar a theaghlach ar fad (bean chéile, mac, máthair, deartháireacha agus deirfiúr) in Éirinn freisin agus go raibh íocaíochtaí Leasa Shóisialaigh á bhfáil ag a mháthair agus ag deartháir amháin, nithe ar ghá dóibh Cónaí Rialta a bheith orthu chun iad a fháil. Níor tháinig bean chéile an fhir in éineacht leis go hÉirinn sa bhliain 2006 ach bhí sí anseo faoin am a chuir sé iarratas ar Liúntas Míchumais isteach i mBealtaine 2009 agus tá cónaí uirthi sa tír seo ó shin i leith.

Toisc eile i gcinneadh na Roinne ba ea nár bhunaigh an fear patrún fostaíochta sa Stát. Dúirt an fear gur oibrigh sé agus gur íoc sé ranníocaíochtaí ÁSPC sa tír seo ar feadh bliana, beagnach, sula ndearna sé iarratas ar Liúntas Míchumais. Chuir sé deimhniú P60

ar fáil mar fhianaise. Dúirt an Roinn nach raibh aon taifead aici ar na ranníocaíochtaí sin, áfach. Rinne an Oifig seo teagmháil leis an Roinn agus bhunaigh sí ansin gur seoladh ranníocaíochtaí fostaíochta an fhir isteach ag an am iomchuí. Ós rud é go raibh earráid ann maidir leis an uimhir PSP a bhí tugtha ar na doiciméid a cuireadh isteach, níor taifeadadh na ranníocaíochtaí ar a thaifead árachais shóisialaigh. Ina ionad sin, bhí na ranníocaíochtaí á gcoinneáil ar 'chomhad éigeandála'. Tugadh taifead árachais shóisialaigh an fhir cothrom le dáta ina dhiaidh sin agus tá na ranníocaíochtaí fostaíochta sin ar áireamh ann anois. Bhí mé den tuairim gur bunaíodh patrún fostaíochta in Éirinn sa tréimhse fostaíochta sin (43 seachtain le fostóir amháin) agus go raibh cónaí air anseo le linn na tréimhse iomchuí. Bhí mé den tuairim freisin gur thaispeáin an fhíric go raibh sé fostaithe anseo nach raibh sé ar intinn aige a bheith ag brath ar thacaí agus ar shochair Stáit agus é in Éirinn.

I bhfianaise an méid sin ar fad, d'iarr mé ar OALS athmhachnamh a dhéanamh ar an gcinneadh a rinne sí sa bhliain 2009 nár shásaigh an fear na coinníollacha maidir le Cónaí Rialta. Rinne OALS na cinntí a rinne sí sna blianta 2009 agus 2010 a athbhreithniú agus meastar anois go bhfuil cónaí rialta ag an bhfear chun críocha Leasa Shóisialaigh ó Mheitheamh 2009 i leith. Bhunaigh an Roinn ansin gur shásaigh an fear na critéir liachta agus acmhainne chun Liúntas Míchumais a fháil freisin. Ba é an toradh a bhí air sin gur bronnadh Liúntas Míchumais air de réir ráta seachtainiúil €312.80 agus go bhfuair sé riaráiste €79,468.

4.8 Diúltaíodh Sochar Linbh do bhean a theith go dtí a máthair in Éirinn

Diúltaíodh Sochar Linbh do bhean i dtaca lena beirt leanaí toisc nach raibh cónaí rialta uirthi anseo.

Bhí an bhean ina náisiúnach as an Afraic Theas. Chónaigh sí sa Ríocht Aontaithe sna sé bliana roimhe sin. Tar éis dheireadh a pósta, chuaigh sí i mbun caidreamh mí-úsáide. D'éirigh máthair na mná, a raibh cónaí uirthi in Éirinn ó 2011, níos buartha faoi shábháilteacht a hiníne agus a gariníonacha. Tháinig an bhean go hÉirinn chun cónaí lena máthair, ar saoránach AE í agus atá ag obair anseo ó 2012.

Bhí mé den tuairim go raibh lárionad leasa na mná in Éirinn lena máthair a raibh cónaí rialta uirthi sa Stát.

D'iarr an Oifig seo ar an Oifig Achomhairc Leasa Shóisialaigh breithniú a dhéanamh ar cé acu a bhí nó nach raibh éileamh bailí ag an mbean go raibh cónaí rialta uirthi anseo bunaithe ar an bhfíric go raibh sí spleách ar a máthair, ar saoránach AE í agus a raibh cónaí rialta uirthi sa Stát.

Rinne an Príomh-Oifigeach Achomhairc athbhreithniú ar an gcás. Bhí sí den tuairim go ndearna an tOifigeach Achomhairc earráid de réir dlí trí bharraíocht béime a chur ar

spleáchas airgeadais an achomharcóra ar a máthair agus breithniú á dhéanamh aige ar an gcás. Bhí sí den tuairim freisin nár leag sé go leor meáchain, nó aon mheáchan ar bith, ar fhíricí an-sonrach an cháis seo. Dúirt an Príomh-Oifigeach Achomhairc freisin gur chosúil di gur bhunaigh an bhean go bhfuil a lárionad leasa sa tír seo lena máthair agus lena leanaí, áit a bhfuil sí agus a leanaí sábháilte ar mhí-úsáid baile agus a bhfuil a máthair sásta tacaíocht a thabhairt dóibh. Maidir leis an intinn atá ag an mbean fanacht anseo, thug an Príomh-Oifigeach Achomhairc faoi deara gur rollaigh sí a leanbh i scoil anseo agus gur chuir sí iarratas ar cheart chun cónaí faoi bhráid na Roinne Dlí agus Cirt agus Comhionannais. Léiríonn an dá thoisc sin go bhfuil sé ar intinn aici fanacht anseo agus socrú síos sa Stát. Ba ar an mbonn sin a cheadaigh sí an t-achomharc.

Thug OALS fógra don Roinn Coimirce Sóisialaí faoin gcinneadh athbhreithnithe. Cheadaigh an Roinn iarratas na mná ar Shochar Linbh dá beirt leanaí agus d'íoc an Roinn riaráiste €4,420 léi.

4.9 Gearradh bille go mícheart ar bhean i leith chóireáil a fir chéile a bhí i mbéal an bháis

Rinne bean gearán faoi shonrasc a fuair sí ó Ospidéal Ollscoile na Gaillimhe i leith chóireáil a fir chéile go gairid sula bhfuair sé bás. Bhraith an bhean chéile gur cheart dá fear céile Cárta Liachta éigeandála a bheith aige, lena gclúdófaí an bille sin, mar gheall ar a thinneas teirminéalach. Dúirt sí nach bhféadfadh sí an bille a íoc mar go raibh sí dífhostaithe ag an am.

Dúirt FSS liom go bhféadfar Cárta Liachta éigeandála a dheonú i gcásanna ina bhfuil riocht liachta teirminéalach ar an duine agus ina bhfuil sé i mbéal an bháis nó ina bhfuil sé ag fáil cúram maolaitheach. Ní mór deimhniú ó ospidéal nó ó liachleachtóir ginearálta ina dtugtar sonraí faoin méid sin a bheith ag gabháil le hiarratas an duine.

Dúirt FSS nach raibh tuairisc liachta faoi thinneas teirminéalach an fhir san iarratas ar Chárta Liachta. Mar sin, ní raibh sí in ann aisíocaíocht a chur ar fáil toisc nach raibh sé incháilithe do Chárta Liachta éigeandála sula bhfuair sé bás. Lorg an Oifig seo tuairisc liachta ón liachleachtóir ginearálta a raibh cóireáil á cur aige ar an bhfear. Tugadh le tuiscint sa tuairisc go raibh an fear i mbéal an bháis ag an am a rinne sé iarratas ar Chárta Liachta. D'iarr an Oifig seo ar FSS ansin a seasamh a athbhreithniú i bhfianaise na tuairisce sin mar go mbeadh an fear incháilithe do Chárta Liachta éigeandála dá mbeadh an fhaisnéis sin ar áireamh ina iarratas.

Rinne FSS scrúdú ar an bhfaisnéis agus dúirt sí nach saothródh sí íocaíocht i leith an tsonrais a thuilleadh.

4.10 Diúltaíodh Liúntas Cíosa go héagórach d'fhear

Chuir fear gearán faoi bhráid na hOifige seo gur charn sé riaráiste cíosa agus gur chaill sé a thionóntacht mar gheall gur chuir an Roinn Coimirce Sóisialaí deireadh lena Liúntas Leasa Forlíontach. Mhaígh sé go raibh sé agus a mhac gan dídean mar thoradh air sin.

Cuireadh deireadh lena liúntas mar go raibh amhras ann faoi go raibh comhchónaí air le máthair a mhic. Theip air an Roinn Coimirce Sóisialaí a shásamh nach mar sin a bhí. Beag beann ar a chuid agóidí, diúltaíodh loncam Bunúsach agus Liúntas Cíosa don fhear. Agus an cinneadh sin á dhéanamh aici, bhí an Roinn ag brath ar imscrúdú a rinne Cigire Leasa Shóisialaigh.

Rinne an fear achomharc in aghaidh an chinnidh, ach chuaigh deich mí thart sular cinneadh an t-achomharc. Le linn dó fanacht ar thoradh an achomhairc, dúirt an fear go raibh air sealúchais a dhíol agus a bheith ag brath ar charthanacht chun é féin agus a mhac a chothú.

Chealaigh an t-oifigeach achomhairc sa Roinn an cinneadh lena cuireadh deireadh lena liúntas, agus é den tuairim “nár bunaíodh comhchónaí sa chás seo”. Bhronn sé íocaíocht an loncaim Bhunúsaigh agus an Fhorlíonta Cíosa siar go dtí an dáta a cuireadh deireadh lena liúntas. Ós rud é gur chaill an fear a thionóntacht ceithre mhí tar éis deireadh a fhorlíonta cíosa, áfach, níor íoc an Roinn riaráiste forlíonadh cíosa ach amháin i leith na tréimhse ina raibh sé sa tionóntacht.

Cé gur bhuaigh sé an t-achomharc, rinne an fear gearán nár athbhunaíodh a chúinsí maireachtála mar a bhí sula ndearnadh an cinneadh mícheart a Liúntas Leasa Fhorlíontach a dhícheadú.

Tháinig mé ar an gconclúid gur chaith an Roinn go héagórach leis an bhfear agus nach raibh aon cheartas nádúrtha ann i gcinneadh na Roinne. D'iarr mé ar an Roinn €3,500 a íoc leis an bhfear, i.e. suim ba chomhionann leis an bhforlíonadh cíosa a gheobhadh sé dá bhfanfadh sé sa tionóntacht idir Meitheamh, nuair a chaill sé a thionóntacht, agus Nollaig, nuair a bhuaigh sé a achomharc. D'aontaigh an Roinn freisin leithscéal a ghabháil leis an bhfear agus suim bhreise €1,000 a íoc leis mar aitheantas don drochthionchar a bhí ag gníomhartha na Roinne air agus ar a mhac.

4.11 Tarscaoileann an Chomhairle fiachas éagórach

Rinne lánúin gearán leis an Oifig seo go bhfuair siad bille ó Chomhairle Cathrach Chorcaí, bille ar mhaígh siad nach raibh sé amuigh orthu. Bhí an tsuim a éilíodh comhdhéanta de riaráiste cíosa gan íoc, de mhuirir sheirbhísí gan íoc (bailiú bruscair) agus de mhuirir chothabhála.

Bhí an lánúin i dteagmháil leis an gComhairle le roinnt blianta chun iarracht a dhéanamh an fhadhb a réiteach, ach níor éirigh leo. Ós rud é gur mhaígh an Chomhairle go diongbháilte

go raibh an fiachas dlite agus go raibh sí ag smaoineamh faoin ábhar a chur faoi bhráid na gcúirteanna, chinn an lánúin iarraidh orm idirghabháil. Ba é €2,300 an fiachas iomlán a bhí á éileamh ag an gComhairle.

Le linn an scrúdaithe, fuair mé amach gur cheannaigh an lánúin a dteach ón gComhairle sa bhliain 1998. Mar sin féin, mhaígh an Chomhairle go raibh riaráiste cíosa €350 fós gan íoc ón am a bhí siad ina dtionóntaí sa teach. Bhí iontas orm gur chomhaontaigh an Chomhairle an díolachán gan a chinntiú gur glanta a bhí gach fiachas gan íoc. Bhí coinníoll ann sa chomhaontú díola idir an Chomhairle agus an lánúin go n-íocfaidís suim sheachtainiúil i leith ‘muirir chothabhála’ ar leith. Mar sin féin, chuaigh ceithre bliana thart ó cheannaigh an lánúin an teach sular thosaigh an Chomhairle ag seoladh billí chucu agus ag lorg íocaíochtaí uathu. Ina theannta sin, luaigh an lánúin nár chloígh an Chomhairle leis na hoibleagáidí a bhí uirthi sa chomhaontú seirbhísí cothabhála a chur ar fáil mar a éilíodh.

Bhain an tríú chuid den fhiachas a d’éiligh an Chomhairle le roinnt ‘muirir sheirbhísí’ neamhíochta i dtaca le bailiú bruscair.

Idir na blianta 1998 agus 2010, nuair a ardaíodh an fiachas den chéad uair, bhíodh íocaíochtaí rialta á ndéanamh ag an lánúin leis an gComhairle. Bhí dea-theist íocaíochta acu. Bhí sé doiligh na híocaíochtaí a rinne siad a réiteach le taifid na Comhairle féin ar íocaíochtaí a fuarthas, áfach, mar go raibh sé doiligh taifid na Comhairle a thuiscint.

Mar gheall go ndeachaigh méid mór ama thart, nár éilíodh íocaíocht i leith riaráiste cíosa ná muirir sheirbhísí le tréimhse fhada, agus mar gheall go raibh deacracht ann taifid íocaíochtaí agus taifid fáltas a réiteach le chéile go cruinn, bhí mé den tuairim go raibh sé éagórach íocaíocht a lorg i leith shuim iomlán an fhiachais. D’aontaigh an Chomhairle suim €1,700 a tharscaoileadh i leith na muirear.

4.12 Ceadaíodh deontas mac léinn tar éis doiciméid bhreise a sholáthar

Fuair mé gearán ó fhear ar dhiúltaigh Tacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (SUSI) dá iarratas ar dheontas mac léinn ar an bhforas nár chuir sé fianaise dhoiciméadach ar “áit chónaithe neamhspleách” ar fáil. Sheas an Bord Achomhairc i leith Deontas Mac Léinn le cinneadh SUSI.

Bhain an tsaincheist sin le cé acu a bhí cónaí ar an bhfear i dteach a thuismitheora nó, mar a mhaígh sé, i dteach gaoil dá chuid. Dúirt sé gur chuir sé fianaise dhoiciméadach san fhormáid a bhí sonraithe ag SUSI ar fáil chun tacú lena chás. Mar chuid den fhianaise sin, d’iarr sé ar an Roinn Coimirce Sóisialaí (an Roinn) foirmeacha a chomhlánú faoi na híocaíochtaí a fuair sé uathu. Ní raibh SUSI sásta gur chuir sé fianaise ar áit chónaithe “neamhspleách” agus diúltaíodh dá iarratas dá bharr sin. Tar éis dó achomharc a dhéanamh

chuig an mBord Achomhairc i leith Deontas Mac Léinn, rinne an Bord teagmháil leis an Roinn agus fuair sé sonraí faoi na seoltaí ina raibh cónaí ar an bhfear. Cuireadh an fhaisnéis sin san áireamh nuair a cinneadh diúltú don achomharc.

Ní raibh mé sásta go raibh an fhaisnéis a chuir an fear ar fáil dom ag teacht leis na seoltaí a fuair an Bord Achomhairc i leith Deontas Mac Léinn ón Roinn. Dá bhrí sin, rinne mé teagmháil leis an Roinn agus d'iarr mé cóipeanna den chomhfhreagras ar fad a bhí ag an Roinn leis an bhfear le linn tréimhse ar leith. Ba é seoladh ghaol an fhir an seoladh a bhí ar an gcomhfhreagras ar fad a fuair mé, lenar áiríodh dhá fhoirm um "chruthúnas ar áit chónaithe". Le toiliú ón bhfear, sheol mé an fhaisnéis sin chuig an mBord Achomhairc i leith Deontas Mac Léinn agus d'iarr mé air athbhreithniú a dhéanamh ar a chinneadh.

Tá áthas orm a rá gur athraigh an Bord Achomhairc i leith Deontas Mac Léinn/SUSI an cinneadh a rinne siad agus gur bronnadh an deontas mac léinn ar an bhfear de réir an ráta chuí.

4.13 Athraíodh an Scéim Deontas Mac Léinn tar éis gearáin chuig an Ombudsman

Fuair mé gearán thar ceann mac léinn tríú leibhéal maidir lena hiarratas ar chistiú ó SUSI. Cuireadh an bhean i gcúram altrama mar leanbh. Suas gur bhain sí 18 mbliana amach, bhí sí ag fáil Liúntas Altramaís, rud ar íocaíocht cháilitheach é faoin Scéim Deontas Mac Léinn 2013 agus a chuireann ar a cumas cistiú a fháil ó SUSI. Tar éis don iarratasóir 18 mbliana a bhaint amach, ní raibh sí incháilithe do Liúntas Altramaís a thuilleadh agus fuair sí Liúntas larchúraim ina áit. Mar sin féin, ní raibh an Liúntas larchúraim ina íocaíocht cháilitheach faoin Scéim Deontas Mac Léinn agus ní bhfuair an mac léinn deontas ó SUSI dá bharr sin.

Tar éis don Oifig seo an gearán a fháil, mhol an Bord Achomhairc i leith Deontas Mac Léinn don Roinn Oideachais agus Scileanna go gcuirfí an Liúntas larchúraim ar áireamh mar íocaíocht cháilitheach faoin Scéim Deontas Mac Léinn 2014. Glacadh leis an moladh agus tá an Liúntas larchúraim ina íocaíocht cháilitheach ó 2014 amach.

“Ní féidir liom ach buíochas ó chroí a ghabháil leat as do chuid oibre ar mo shon. Cé gur dóigh go ndéarfá gurb é sin do phost, tarlaíonn sé gur ar bhealaí éagsúla a thugann daoine faoina bpost agus ní i gcónaí a léiríonn siad an chúirtéis, an tiomantas ná an éifeachtúlacht a léirigh tú féin.”



IARSCRÍBHINNÍ

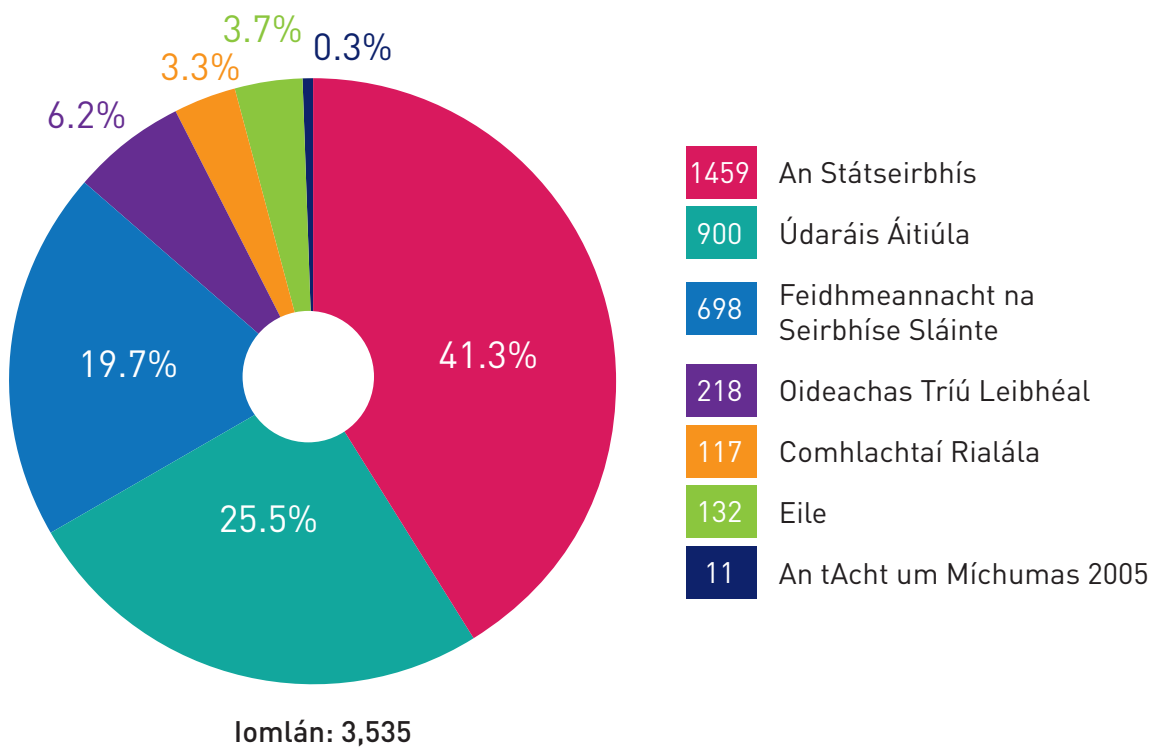


Iarscríbhinn A: Staitisticí

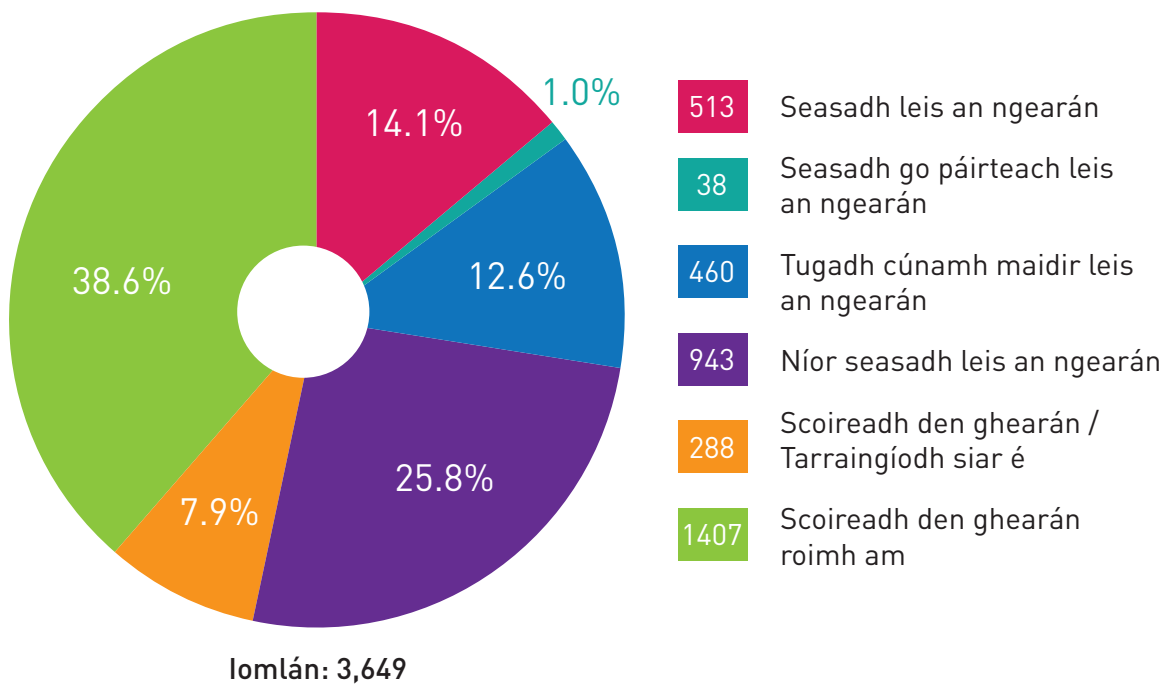
TÁBLA 1 - Iomláin

Gearáin a tugadh ar aghaidh ó 2013	695
Gearáin a fuarthas in 2014	3535
Gearáin a scrúdaíodh in 2014	3649
Gearáin a tugadh ar aghaidh go 2015	581
Gearáin in aghaidh comhlachtaí lasmuigh dár sainchúram (mar shampla, bainc, cuideachtaí príobháideacha) a fuarthas in 2014	1806

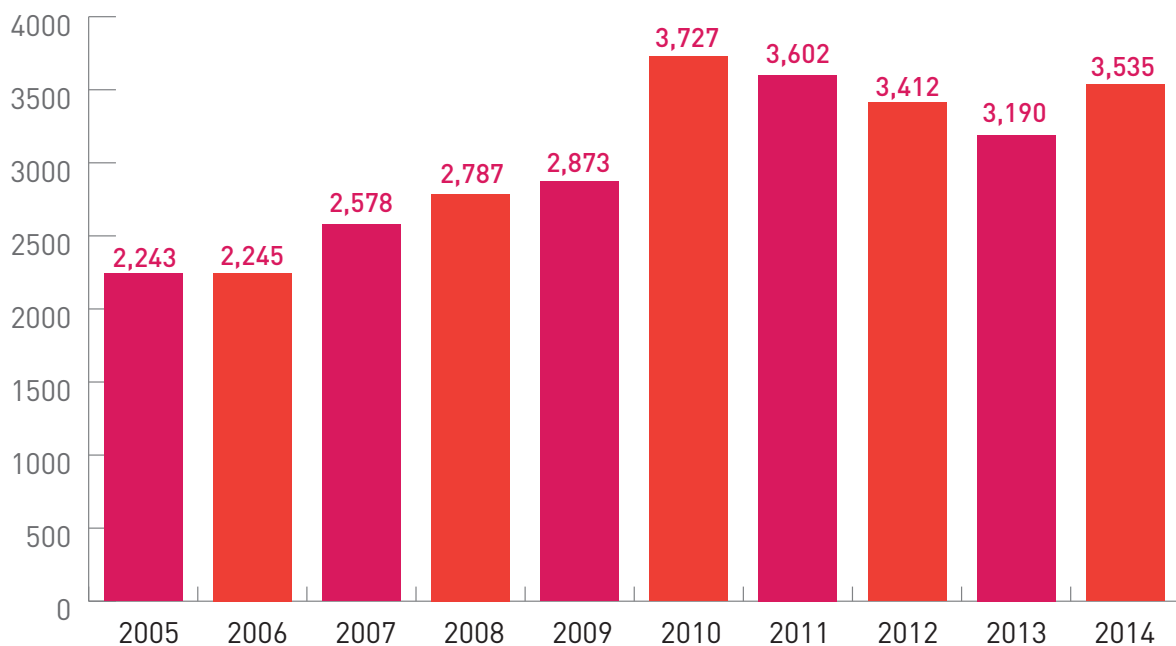
TÁBLA 2 - Gearáin a Fuarthas de réir Earnála



TÁBLA 3 - Gearáin a Críochnaíodh de réir Toraidh

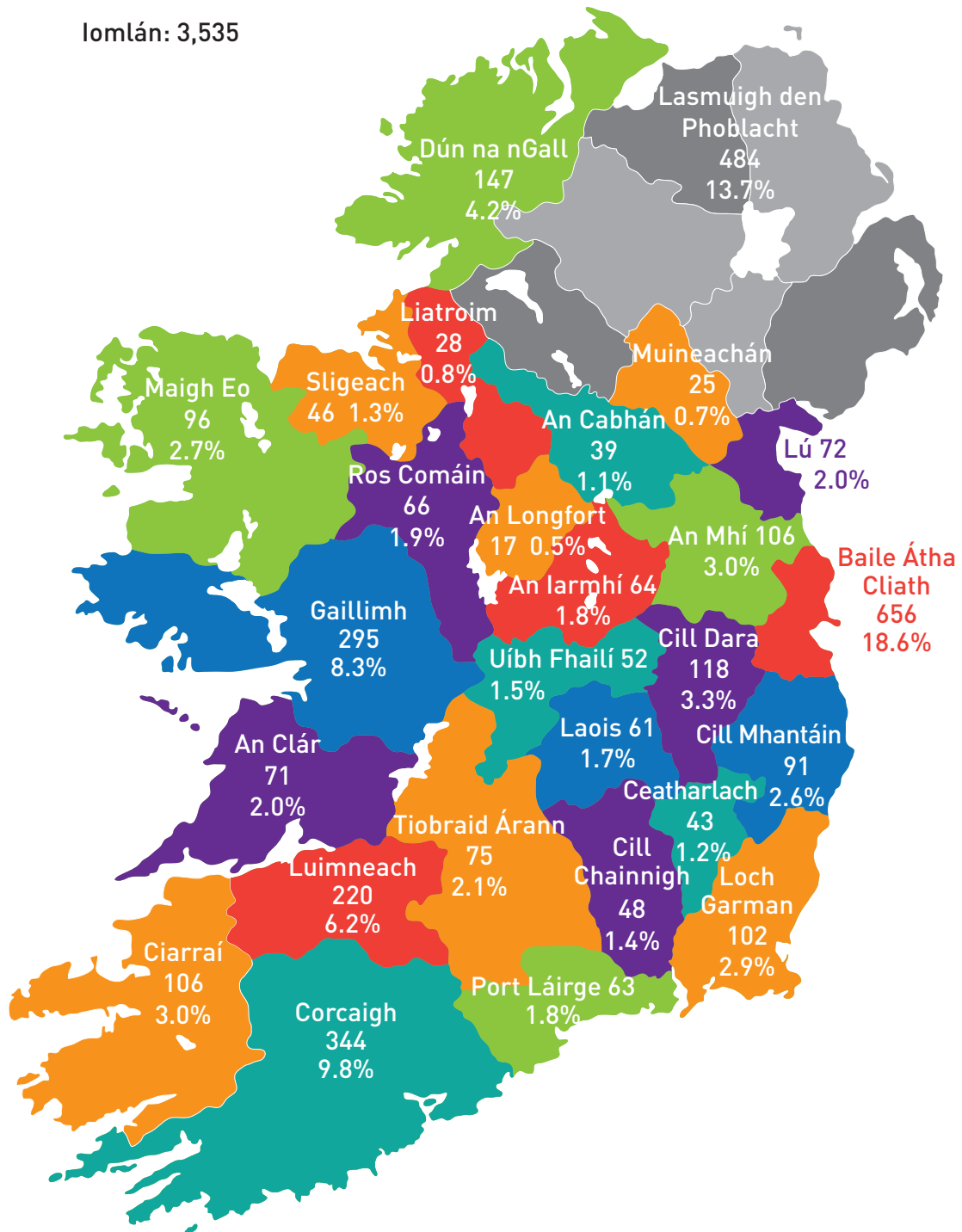


TÁBLA 4 - Treocht 10 mBliana maidir leis na gearáin a fuarthas



TÁBLA 5 - Gearáin a Fuarthas de réir Contae

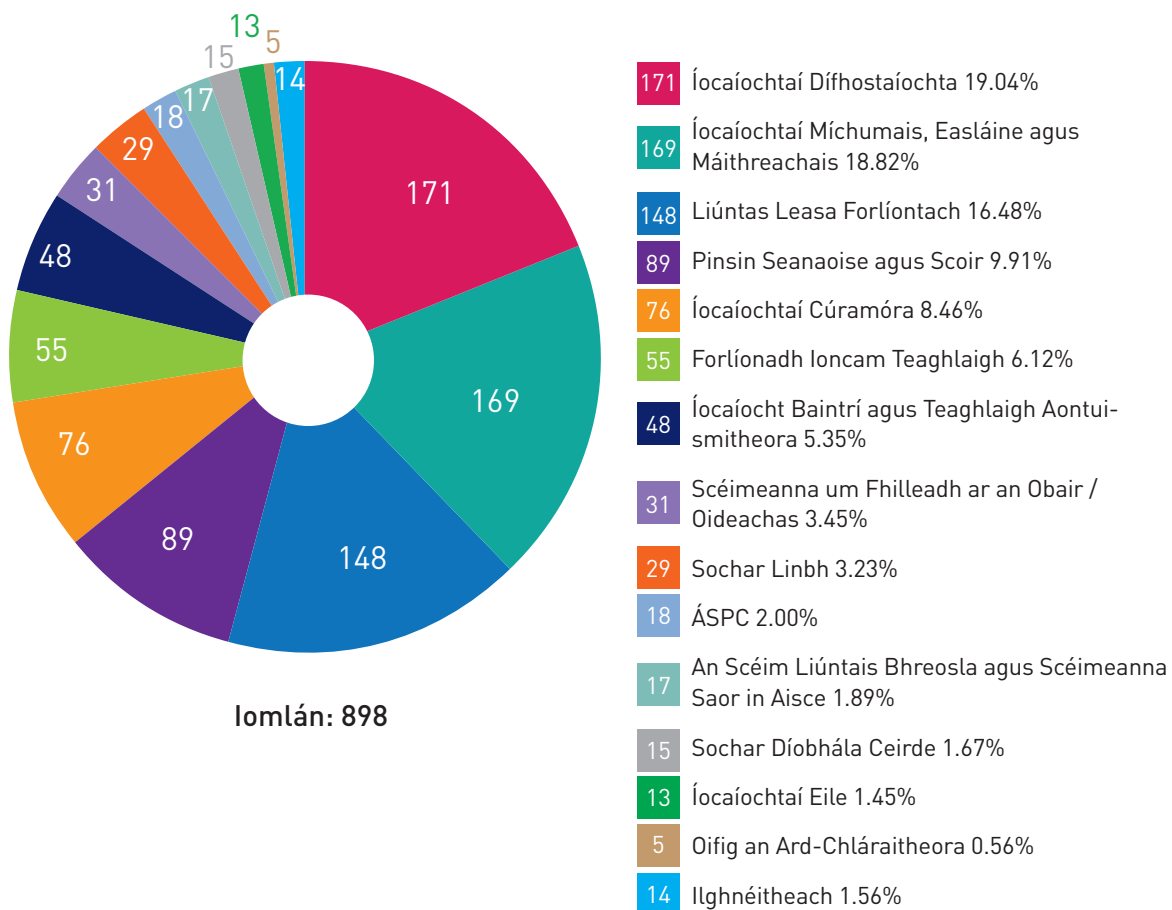
Iomlán: 3,535



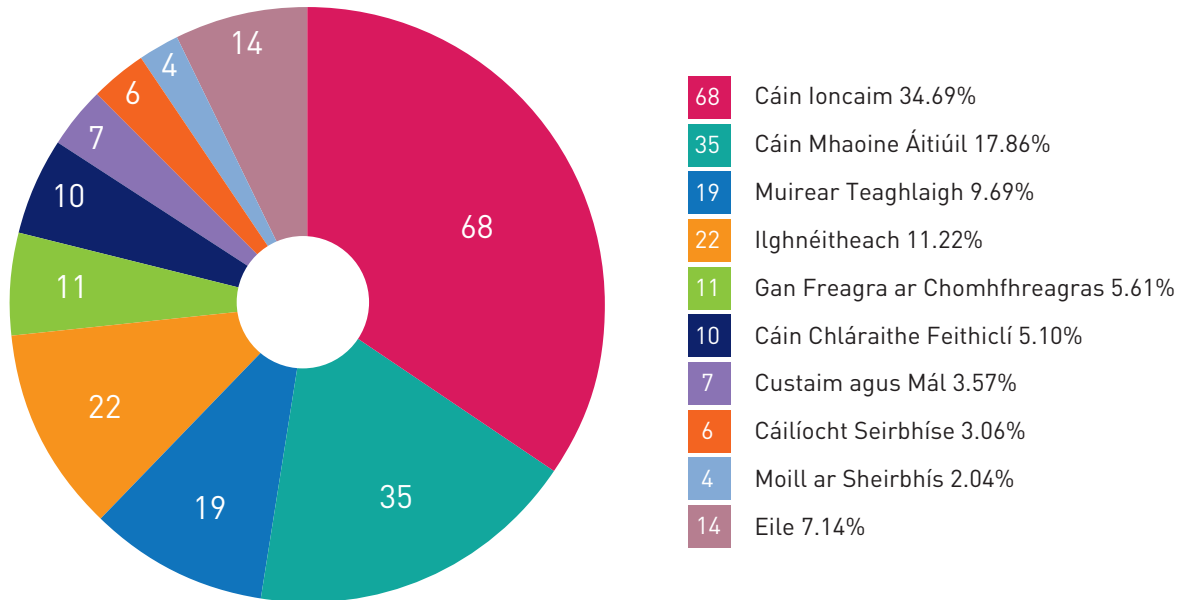
An Státseirbhís

TÁBLA 6 - An Státseirbhís - Gearáin a Fuarthas faoi Ranna agus Oifigí Rialtais	Gearáin a fuarthas in 2014
An Roinn Coimirce Sóisialaí	898
Na Coimisinéirí Ioncaim	196
An Roinn Talmhaíochta, Bia agus Mara	155
An Roinn Dlí agus Cirt agus Comhionannais	58
An Roinn Comhshaoil, Pobail agus Rialtais Áitiúil	43
An Roinn Gnóthaí Eachtracha agus Trádála	30
An Roinn Oideachais agus Scileanna	15
An Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha	9
An Roinn Sláinte	7
An Státseirbhís (Eile)	48
Iomlán	1459

TÁBLA 6(a) - An Roinn Coimirce Sóisialaí - Gearáin a fuarthas in 2014

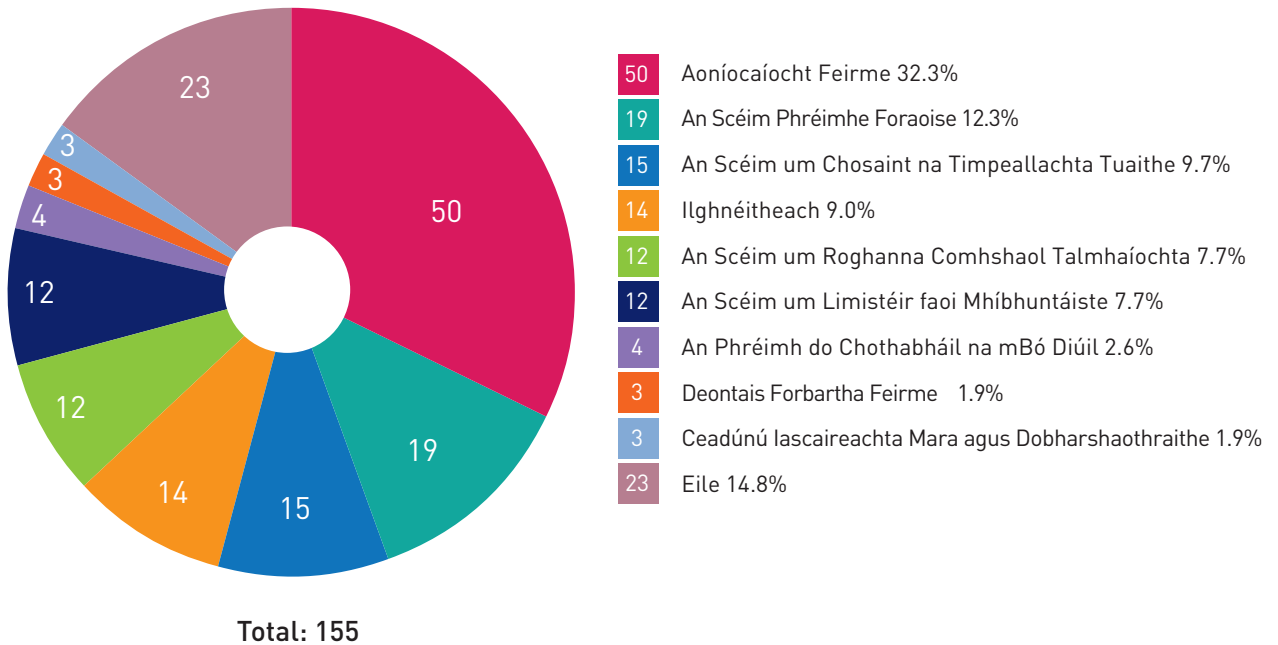


TÁBLA 6(b) - Oifig na gCoimisinéirí Ioncaim - Gearáin a fuarthas in 2014



Iomlán: 196

TÁBLA 6(c) - An Roinn Talmhaíochta, Bia agus Mara - Gearáin a Fuarthas in 2014



TÁBLA 7 - An Státseirbhís - Gearáin a Críochnaíodh de réir Toraidh

	Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngearán	Scoireadh den ghearán / Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Iomlán
An Roinn Coimirce Sóisialaí	106	7	80	63	412	255	923
Na Coimisinéirí Ioncaim	20	0	9	5	23	135	192
An Roinn Talmhaíochta, Bia agus Mara	20	1	24	21	119	26	211
An Roinn Dlí agus Cirt agus Comhionannais	8	0	4	5	21	16	54
An Roinn Comhshaoil, Pobail agus Rialtais Áitiúil	9	1	11	1	9	6	37
An Roinn Gnóthaí Eachtracha agus Trádála	3	0	3	2	2	1	11
An Roinn Oideachais agus Scileanna	4	0	2	2	5	2	15
An Roinn Sláinte agus Leanaí	0	0	0	0	0	1	1
An Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha	8	0	4	2	17	3	34
An Roinn Post, Fiontar agus Nuálaíochta	1	0	0	1	6	1	9
An Státseirbhís (Eile)	6	2	4	7	14	13	46
Iomlán	185	11	141	109	628	459	1533

Údaráis Áitiúla

TÁBLA 8 - Údaráis Áitiúla - Gearáin a Fuarthas	Gearáin a fuarthas in 2014
Ceatharlach	11
An Cabhán	9
An Clár	22
Comhairle Cathrach Chorcaí	40
Comhairle Contae Chorcaí	58
Dún na nGall	40
Comhairle Cathrach Bhaile Átha Cliath	93
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	37
Comhairle Contae Fhine Gall	30
Comhairle Cathrach na Gaillimhe	46
Comhairle Contae na Gaillimhe	58
Ciarraí	46
Cill Dara	29
Cill Chainnigh	15
Laois	28
Liatroim	9
Comhairle Cathrach agus Contae Luimnigh	60
An Longfort	6
Lú	17
Maigh Eo	22
An Mhí	25
Muineachán	7
Uíbh Fhailí	13
Ros Comáin	25
Sligeach	16
Comhairle Contae Bhaile Átha Cliath Theas	20
Tiobraid Árann	16
Comhairle Cathrach agus Contae Phort Láirge	16
An Iarmhí	10
Loch Garman	24
Cill Mhantáin	52
Iomlán	900

TÁBLA 8(a) - Údaráis Áitiúla - Gearáin a Fuarthas de réir Catagóire		Gearáin a fuarthas in 2014
Tithíocht - Leithdháiltí agus Aistrithe		390
Pleanáil - Forfheidhmiú		86
Pleanáil - Riarachán		66
Bóithre/Trácht		61
Gan Freagra ar Chomhfhreagras / Moill ar Fhreagra ar Chomhfhreagras		51
Tithíocht - Deisiúcháin		45
Mótarcháin agus Ceadúnas Tiomána		25
Soláthar Uisce		14
Tithíocht - Iasachtaí agus Deontais		11
Tithíocht - Cíosanna		10
Páirceanna/Spásanna Oscailte		10
Diúscairt Dramhaíola		10
Séarachas agus Draenáil		9
Rátaí		6
Cáilíocht Seirbhíse		9
Tithíocht - Díolacháin		5
Glacadh talún/ceart		1
Ilghnéitheach		91
Iomlán		900

TÁBLA 9 - Údaráis Áitiúla - Gearáin a Críochnaíodh de réir Toraidh							
	Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnaimh maidir leis an ngearán	Scoireadh den ghearán / Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Iomlán
Ceatharlach	3	1	1	4	3	0	12
An Cabhán	4	0	2	0	3	1	10
An Clár	7	0	3	0	5	7	22
Comhairle Cathrach Chorcaí	16	0	9	2	15	7	49
Comhairle Contae Chorcaí	10	1	5	4	19	14	53
Dún na nGall	4	2	9	7	12	6	40
Comhairle Cathrach Bhaile Átha Cliath	18	0	9	9	43	27	106
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	8	0	3	4	12	9	36

Comhairle Contae Fhine Gall	4	0	8	4	11	5	32
Comhairle Cathrach na Gaillimhe	7	0	8	3	14	11	43
Comhairle Contae na Gaillimhe	14	1	7	0	22	20	64
Ciarraí	17	0	5	5	19	8	54
Cill Dara	5	1	9	1	11	8	35
Cill Chainnigh	2	0	2	2	4	7	17
Laois	3	0	4	2	14	7	30
Liatroim	1	0	1	2	2	2	8
Comhairle Cathrach agus Contae Luimnigh	8	1	3	7	25	13	57
An Longfort	1	0	1	1	1	3	7
Lú	5	0	1	1	7	2	16
Maigh Eo	8	0	2	3	6	5	24
An Mhí	1	0	5	2	8	10	26
Muineachán	0	0	1	0	4	3	8
Uíbh Fhailí	3	0	2	2	4	2	13
Ros Comáin	3	0	3	2	10	6	24
Sligeach	3	0	1	3	4	6	17
Comhairle Contae Bhaile Átha Cliath Theas	3	0	2	1	6	9	21
Tiobraid Árann	4	0	2	1	6	4	17
Comhairle Cathrach agus Contae Phort Láirge	0	0	5	4	3	4	16
An Iarmhí	2	1	2	0	4	5	14
Loch Garman	2	0	3	3	6	9	23
Cill Mhantáin	9	0	11	2	21	7	50
Iomlán	175	8	129	81	324	227	944

Feidhmeannacht na Seirbhíse Sláinte (FSS)

TÁBLA 10 - FSS - Gearáin a fuarthas in 2014

	Gearáin a fuarthas in 2014
Ospidéal - Ginearálta	262
Cárta Liachta agus Cárta Cuairte Liachleachtóra Ghinearálta	164
Eile	65
Seirbhísí Oibre Sóisialta	50
Cúram Príomhúil agus Cúram Pobail	32
Tithe Altranais	32
Ospidéal - Síciatrach	28
Gearáin a bhain le cúram sláinte agus sóisialta	21
Íocaíochtaí FSS	15
Seirbhísí do Dhaoine faoi Mhíchumas	14
Seirbhísí Fiaclóireachta	12
An Scéim Cóireála Thar Lear	3
Iomlán	698

TÁBLA 11 - FSS - Gearáin a Críochnaíodh de réir Toraidh

	Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnaimh maidir leis an ngearán	Scoireadh den ghearán / Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Iomlán
Cárta Liachta agus Cárta Cuairte Liachleachtóra Ghinearálta	19	0	65	18	68	16	186
Ospidéal - Ginearálta	33	9	35	18	106	36	237
Seirbhísí Oibre Sóisialta	2	0	10	5	30	4	51
Cúram Príomhúil agus Cúram Pobail	6	1	4	5	7	8	31
Ospidéal - Síciatrach	1	1	2	2	17	3	26
Tithe Altranais	1	1	3	1	15	7	28
An Scéim Aisíocaíochta Sláinte	17	0	0	0	0	2	19
Gearáin a bhain le cúram sláinte agus sóisialta	1	0	2	2	9	2	16

An Scéim Cóireála Thar Lear	1	0	0	0	1	1	3
Seirbhísí Fiaclóireachta	0	0	1	0	8	3	12
Seirbhísí do Dhaoine faoi Mhíchumas	3	1	1	1	3	2	11
Íocaíochtaí Eile FSS	10	0	3	2	3	13	31
Eile	8	1	7	7	22	11	56
Iomlán	102	14	133	61	289	108	707

TÁBLA 12 - Comhlachtaí Poiblí Eile (laistigh dár ndlínse ó Bhealtaine 2013)

	Gearáin a fuarthas in 2014	Gearáin a dúnadh in 2014
COMHLACHTAÍ OIDEACHAIS:		
Institiúid Teicneolaíochta Bhaile Átha Luain	1	1
An Lár-Oifig Iontrála	1	1
Bord Oideachais agus Oiliúna Chathair Bhaile Átha Cliath	2	0
Institiúid Teicneolaíochta Chorcaí	1	1
Bord Oideachais agus Oiliúna Dhún na nGall	1	0
Bord Oideachais agus Oiliúna na Gaillimhe-Ros Comáin	1	1
Bord Oideachais agus Oiliúna Luimnigh agus an Chláir	2	2
Ollscoil Chathair Bhaile Átha Cliath	7	9
Institiúid Teicneolaíochta Bhaile Átha Cliath	8	7
Institiúid Ealaíne, Deartha agus Teicneolaíochta Dhún Laoghaire	1	1
Bord Oideachais agus Oiliúna Bhaile Átha Cliath agus Dhún Laoghaire	1	1
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	2	2
HEAR/ DARE	5	7
Institiúid Teicneolaíochta Cheatharlach	0	1
Institiúid Teicneolaíochta Shligigh	2	2
Institiúid Teicneolaíochta Thamhlachta	2	2
Institiúid Teicneolaíochta Thrá Lí	1	0
Ollscoil na hÉireann	1	1
Ollscoil na hÉireann, Gaillimh	7	5
Ollscoil na hÉireann, Maigh Nuad	2	2
Dearbhú Cáilíochta agus Cáilíochtaí Éireann	2	2
Coimisiún na Scrúduithe Stáit	43	40

An Bord Achomhairc i leith Deontas Mac Léinn	14	14
Tacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (SUSI)	89	100
Coláiste na Tríonóide, Baile Átha Cliath	5	5
An Coláiste Ollscoile, Corcaigh	2	1
An Coláiste Ollscoile, Baile Átha Cliath	6	6
Ollscoil Luimnigh	7	6
Institiúid Teicneolaíochta Phort Láirge	2	1
	218	221
COMHLACHTAÍ RIALÁLA:		
Údarás Uchtála na hÉireann (*FÁ)	0	1
An Bord Altranais (*FÁ)	4	4
An Chomhairle Fiaclóireachta (*FÁ)	1	0
An tÚdarás Comhionannais	1	1
An tÚdarás Sláinte agus Sábháilteachta (*FÁ)	1	1
An Chomhairle um Ghairmithe Sláinte agus Cúraim Shóisialaigh (*FÁ)	3	1
An tÚdarás um Fhaisnéis agus Cáilíocht Sláinte (ÚFCS)	1	2
Iascach Intíre Éireann	5	4
Dlí-Chumann na hÉireann	11	8
Comhairle na nDochtúirí Leighis (*FÁ)	3	2
An Ghníomhaireacht Náisiúnta Tomhaltóirí	1	1
An tÚdarás Náisiúnta Iompair	13	13
An Bord Achomhairc um Sheirbhísí Maoine (*FÁ)	1	0
An tÚdarás Rialála Seirbhísí Maoine (*FÁ)	2	2
An Coimisiún Sábháilteachta Iarnróid	1	1
An tÚdarás um Shábháilteacht ar Bhóithre	62	60
Institiúid Ríoga Ailtirí na hÉireann	0	1
An tÚdarás Ceadúnúcháin um Báid Iascaireachta Mara	1	1
An Chomhairle Mhúinteoireachta	4	4
An tÚdarás Pinsean	2	1
	117	108
COMHLACHTAÍ EILE:		
An Bord Bia	3	3
An Chomhairle Ealaíon (An Roinn Ealaíon, Spóirt agus Turasóireachta)	2	2
An tSeirbhís Chúirteanna (*FÁ)	11	10
An Bord Achomhairc Míochaine um Thiománaithe Míchumasaithe	49	43

Fiontraíocht Éireann	2	1
An Foras Áiseanna Saothair (FÁS)	1	3
Forfás	1	1
Bord Fiontar Cathrach agus Contae na Gaillimhe	1	1
An tÚdarás Forbartha Tionscail	1	1
An Chomhairle Spóirt	2	1
Uisce Éireann**	1	1
An Coimisiún um Rialáil Fuinnimh	1	1
An Bord um Chúnamh Dlíthiúil	8	7
An tÚdarás um Bóithre Náisiúnta	4	3
An Bord Measúnaithe Díobhálacha Pearsanta (*FÁ)	1	1
Pobal	1	1
An Bord um Thionóntachtaí Cónaithe Príobháideacha (*FÁ)	19	22
Bord an Chiste Reachtúil d'Institiúidí Cónaithe	3	3
Fondúireacht Eolaíochta Éireann	1	1
Solas	10	9
Údarás Fuinnimh Inmharthana na hÉireann	5	3
Údarás na Gaeltachta	1	2
Uiscebhealaí Éireann	2	2
Coimisiún Forbartha an Iarthair	2	2
	132	124
Iomlán	467	453

TÁBLA 13 - Comhlachtaí Poiblí Eile (laistigh dár ndlínse ó Bhealtaine 2013) - Gearáin a Críochnaíodh de réir Toraidh

Seasadh leis an ngearán	51
Seasadh go páirteach leis an ngearán	5
Tugadh cúnamh maidir leis an ngearán	57
Scoireadh den ghearán/Tarraingíodh siar é	36
Scoireadh den ghearán roimh am	159
Níor seasadh leis an ngearán	146
Iomlán	454

*Ní thagan ach chuid de fheidm na comhairle seo faoi chumas an Ombudsman.

**Fuarathas an gearán seo sular raibh sé soiléir nach raibh Uisce Éireann faoi chumas an Ombudsman.

Iarscríbhinn B: Teagmhálacha an Ombudsman

Cruinnithe le hOmbudsmain Éireannacha

An tUas. Rónán Ó Domhnaill, an Coimisinéir Teanga

An tUas. William Prasifka, Ombudsman um Sheirbhísí Airgeadais

An tUas. Kieran Fitzgerald agus Carmel Foley Uas., Coimisiún Ombudsman an Gharda Síochána

Emily Logan Uas., iar-Ombudsman do Leanaí

An tUas. Tony McCourt, Ombudsman d'Óglaigh na hÉireann

An tUas. Paul Kenny, Ombudsman na bPinsean

An tUas. John Horgan, Ombudsman an Phreasa (a chuaigh ar scor ó shin)

An tUas. Peter Feeney, Ombudsman an Phreasa

Fóram na nOmbudsman Éireannach

Cruinnithe le hOmbudsmain Idirnáisiúnta

Emily O'Reilly Uas., Ombudsman Eorpach, i mBaile Átha Cliath

An Dr Josef Siegele, Ard-Rúnaí Institiúid Ombudsman na hEorpa, i mBaile Átha Cliath

An Dr Tom Frawley, Ombudsman do Thuaisceart Éireann, i mBaile Átha Cliath

An tUas. Arne Fliflet, Ombudsman don Iorua, i mBaile Átha Cliath

An tUas. Jim Martin, Ombudsman d'Albain, i mBaile Átha Cliath

An tUas. Stephan Sjouke, Ceann Gnóthaí Idirnáisiúnta, Oifig an Ombudsman don Ísiltír, i mBaile Átha Cliath

Toscaireachtaí Idirnáisiúnta

Thug an tOmbudsman aitheasc do Rannóg Frith-Éillithe Ard-Chúirt Uganda, ar óstáil Scoil Dlí na Tríonóide í, agus don 18ú Ceardlann Bhliantúil de chuid Ard-Bhreithiúna agus Bhreithiúna Sinsearacha Thíortha na hAfraice fo-Shaháraí, rud ar óstáil Scoil Dlí na Tríonóide é freisin.

Óstáladh toscaireacht ó Rúnaíocht Institiúid na nOmbudsman Idirnáisiúnta, Baile Átha Cliath

Óstáladh toscaireacht ó Dhaon-Phrócadóireacht Chúige Fujian sa tSín, Baile Átha Cliath

Óstáladh toscaireacht ó Choimisiún Frith-Éillithe agus Ceart Sibhialta na Cóiré Theas, lenar áiríodh foireann ó ambasáid na Cóiré Theas

Óstáladh toscaireacht ó Oifig Ombudsman na Breataine Bige

Cruinnithe le hIonadaithe Polaitiúla

An tAire Brendan Howlin, an Roinn Caiteachais Phoiblí agus Athchóirithe

Aodhán Ó Ríordáin, an tAire Stáit, an Roinn Dlí agus Cirt agus Comhionannais agus an Roinn Ealaíon, Oidhreachta agus Gaeltachta

An tUas. Seán Barrett TD, Ceann Comhairle, Dáil Éireann

An tAire Pádraig Mac Lochlainn TD, Cathaoirleach an Chomhchoiste um Maoirseacht na

Seirbhíse Poiblí agus Achainíocha

Teacht i láthair os comhair an Chomhchoiste um Maoirseacht na Seirbhíse Poiblí agus Achainíocha (4 Meitheamh, 16 Iúil, 1 Deireadh Fómhair)

An tUas. Fergus O'Dowd, TD

Cruinnithe le hOifigigh Shinsearacha Rialtais

An tUas. Martin Fraser, Ard-Rúnaí i Roinn an Taoisigh

An tUas. John McCarthy, Ard-Rúnaí sa Roinn Comhshaoil, Pobail agus Rialtais Áitiúil

An tUas. Jim Breslin, Ard-Rúnaí sa Roinn Sláinte

An Dr. Ambrose McLoughlin, Ard-Rúnaí sa Roinn Sláinte

An Dr. Tony Holohan, Príomhoifigeach Míochaine sa Roinn Sláinte

An tUas. Tony O'Brien, Ard-Stiúrthóir Fheidhmeannacht na Seirbhíse Sláinte

An tUas. Robert Watt, Ard-Rúnaí sa Roinn Caiteachais Phoiblí agus Athchóirithe

An tUas. William Beausang, Ard-Rúnaí Cúnta sa Roinn Caiteachais Phoiblí agus Athchóirithe

Niamh O'Donoghue Uas., Ard-Rúnaí sa Roinn Coimirce Sóisialaí

Cruinnithe le hOifigigh Phoiblí Shinsearacha

Cathy Mannion Uas., Stiúrthóir an Choimisiúin um Rialáil Fuinnimh

Helen Dixon Uas., Coimisinéir Cosanta Sonraí

An tUas. Billy Hawkes, iar-Choimisinéir Cosanta Sonraí

An tUas. Pat O'Mahony, Príomhoifigeach Feidhmiúcháin an Fhórait Rialála um Chúram Sláinte agus Sóisialta

Tracey Cooper Uas., iar-Phríomhoifigeach Feidhmiúcháin an Údaráis um Fhaisnéis agus Cailíocht Sláinte

Caroline Spillane Uas., Príomhoifigeach Chomhairle na nDochtúirí Leighis

An tUas. Gordon Jeyes, Príomhoifigeach Feidhmiúcháin Tusla (an Ghníomhaireacht um Leanáil agus an Teaghlach)

Ginny Hanrahan Uas., Príomhoifigeach Feidhmiúcháin agus Cláráitheoir CORU, agus Patricia

Gilheaney Uas., Príomhfheidhmeannach an Choimisiúin Mheabhairshláinte

Bainistíocht shinsearach ag Ospidéal an Mater, Baile Átha Cliath

Bainistíocht shinsearach ag Ospidéal San Séamas, Baile Átha Cliath

Bainistíocht shinsearach ag na Coimisinéirí Ioncaim

Cumann na mBainisteoirí Contae agus Cathrach

Cruinnithe le Grúpaí Tathanta

Dignity 4 Patients

Cumann Othar na hÉireann

Cumann na hÉireann um Chailíocht agus Shábháilteacht sa Chúram Sláinte

An Áisíneacht Náisiúnta Litearthachta d'Aosaigh

Iontaobhas Peter McVerry

Cumann Tithíochta Respond

An Mheitheal Machnaimh um Ghníomh ar Athrú Sóisialta

Comhdhálacha sa tír seo agus thar lear

Thug an tOmbudsman aitheasc dar teideal “An tOmbudsman agus an Coimisinéir Faisnéise: Cothroime agus Follasacht a Sholáthar” ag Ollscoil na hÉireann, Gaillimh – 19 Feabhra

Thug an tOmbudsman aitheasc dar teideal “Coimisinéirí agus Ombudsmain sa Bhreatain Bheag go dtí seo: Forbhreathnú” ag Seimineár na gCoimisinéirí agus na nOmbudsman, Caerdydd – 20 Márta

Thug an tOmbudsman aitheasc dar teideal “Dea-Rialachas a Chur Chun Cinn chun Leas an Phobail” ag Fóram Rialachais an Fhorais Riaracháin, Droichead na Dothra – 27 Márta

D’fhreastail an tOmbudsman ar Shiompóisiam Chomóradh 10 mBliana an Ombudsman do Leanaí ag Teach Farmleigh, Baile Átha Cliath – 25 Aibreán

D’fhreastail an tOmbudsman ar an gCeardlann “Muinín a chur san Idirghabhálaí – tionchar agus dlisteanacht Ombudsman” ag Ollscoil Oxford – 29-30 Aibreán

Ghlac an tOmbudsman páirt i bpainéal dar teideal “Comhpháirtíocht Rialtais Oscailte – Samhlacha Nordacha” ag Cruinniú Réigiún na hEorpa de chuid na Comhpháirtíochta Rialtais Oscailte, Caisleán Bhaile Átha Cliath – 8-9 Bealtaine

Thug an tOmbudsman aitheasc dar teideal “Éisteacht le Daoine gan Ghlór” ag an Naoú Seimineár Réigiúnach de chuid Lónra Eorpach na nOmbudsman, Caerdydd – 22-24 Meitheamh

Sheol an tOmbudsman an tuarascáil “Bás Maith – Cúram Deireadh Saoil” i Leabharlann Chester Beatty, Baile Átha Cliath – 27 Meitheamh

Chuir an tOmbudsman páipéar i láthair ag an gComhdháil Dhomhanda de chuid Chumann Ombudsman na hÁise, Súl, agus d’fhreastail sé ar an gCruinniú Réigiúnach mar aoi de chuid Choimisiún Frith-Éillithe agus Ceart Sibhialta na Cóiré

D’fhreastail an tOmbudsman ar sheoladh “Smaoinigh Romhat – Céim 2”, ar óstáil Foras Ospíse na hÉireann é, agus ar an bhFóram um Chúram Deireadh Saoil in Éirinn – 17 Iúil

In éineacht leis an Uachtarán Higgins, thug an tOmbudsman aitheasc ag Comóradh 30 Bliain Oifig an Ombudsman, Áras an Uachtaráin – 8 Meán Fómhair

Thug an tOmbudsman aitheasc dar teideal “An Tábhacht a Bhaineann le Béarla Soiléir” ag seoladh an Fheachtais um Béarla Soiléir de chuid na hÁisíneachta Náisiúnta Litearthachta d’Aosaigh, Coláiste Ríoga Lianna na hÉireann – 22 Meán Fómhair

D’fhreastail an tOmbudsman ar an Seimineár ar an Treoir maidir le Réiteach Malartach ar Dhíospóidí i nDlí-Chumann na hÉireann, Plás Blackhall – 30 Meán Fómhair

Thug an tOmbudsman aitheasc dar teideal “Tithíocht Shóisialta agus Easpa Dídine” ag an Seimineár ar Thathant agus ar Bheartas Sóisialta 2014 de chuid an Bhoird um Fhaisnéis do Shaoránaigh – 15 Deireadh Fómhair

D’óstáil an tOmbudsman comhdháil Chomóradh 30 Bliain Oifig an Ombudsman/an Fhorais Riaracháin, Baile Átha Cliath – 7 Samhain

Thug an tOmbudsman aitheasc dar teideal “Feabhsuithe á mbrú chun cinn ag Gearáin” ag an gComhdháil Náisiúnta um Shábháilteacht Othar, Páirc an Chrócaigh – 7 Samhain

D’fhreastail an tOmbudsman ar chruinniú de chuid na nOifigí Ombudsman uile in Éirinn – 27 Samhain

Cumann na nOmbudsman

Sa bhliain 2014, d’fhreastail an tOmbudsman ar na cruinnithe seo a leanas de chuid Chumann na nOmbudsman:

Chuir an tOmbudsman an 21ú Cruinniú Bliantúil i láthair, Ollscoil Mhanchain

D’fhreastail an tOmbudsman ar chruinniú an Choiste Feidhmiúcháin, Baile Átha Cliath

D’fhreastail an tOmbudsman ar Chruinniú an Choiste Deimhniúcháin, Londain

D’fhreastail an tOmbudsman ar chruinniú Ghrúpa Oibre Athbhreithnithe Straitéisigh

Chumann na nOmbudsman, Londain

D’óstáil an tOmbudsman Rúnaí Chumann na nOmbudsman, Baile Átha Cliath

Institiúid Idirnáisiúnta na nOmbudsman

Rinne an tOmbudsman cathaoirleacht ar Chruinnithe Boird Réigiún na hEorpa de chuid Institiúid Idirnáisiúnta na nOmbudsman i Vín, i Vársá agus i dTaillinn, mar aon leis an gComhthionól Ginearálta i dTaillinn

D’fhreastail an tOmbudsman ar Chruinniú Stiúrthóirí an Bhoird Dhomhanda de chuid Institiúid Idirnáisiúnta na nOmbudsman, Vín

Thug an tOmbudsman aitheasc ag Comhdháil Réigiún na hEorpa de chuid Institiúid Idirnáisiúnta na nOmbudsman, Taillinn

Cruinnithe Líonra na nOmbudsman Seirbhísí Poiblí (an Ríocht Aontaithe agus Éire)

D’fhreastail an tOmbudsman ar chruinnithe débhlantúla de chuid Líonra na nOmbudsman Seirbhísí Poiblí, Londain

Feidhmeanna reachtúla eile an Ombudsman

An Coimisiún um Cheapacháin Seirbhíse Poiblí

An Coimisiún um Chaighdeáin in Oifigí Poiblí

An Coimisiún Reifrinn

Iarscríbhinn C: Tuarascáil Bhliantúil maidir le hÉifeachtúlacht Fuinnimh 2014

Tuarascáil Fuinnimh Mhíosúil		Oifig na nOibreacha Poiblí Oifig an Ombudsman	
Nollaig 2014			
Achoimre			
Mí go Mí			
Laghdaigh úsáid fuinnimh faoi 19.1% ó 58,955 kWh i mí na Nollag 2010 go 47,719 kWh i mí na Nollag 2014. Mar thoradh air sin, laghdaigh astaíochtaí CO2 don tréimhse faoi 15.4% ó 19,886 kg go 16,828 kg (laghdú 3,058 kg).			
Bliantúil			
Ba í an bhliain 2010 an bhonnbhliain a úsáideadh le haghaidh na ríomhaireachtaí. I gcomparáid leis an mbonnbhliain sin, laghdaigh úsáid fuinnimh ar an láthair faoi 100,512 kWh, nó faoi 21.7%, le 12 mhí anuas. Maidir le hastaíochtaí iomlána CO2, laghdaigh táirgeacht faoi 19.7%, nó faoi 40,650 kg, ón mbliain 2010. Agus an figiúr coigeartaithe do chomhathruithe san aimsir, laghdaigh CO2 faoi 15.3%, nó faoi 31,590 kg, ón mbliain 2010.			
Úsáid fuinnimh - Nollaig 2014			
Úsáid fuinnimh bhliantúlaithe			
Cur Síos	Leictreachas	Gás	Iomlán
Bliain Tagarmhairc	284,062	179,086	463,148
An 12 mhí roimhe	232,449	130,187	362,636
Difríocht mar %	-18.2%	-27.3%	-21.7%

