



The Ombudsman and the

Department of Social Protection and the Social Welfare Appeals Office



The Ombudsman is

- Impartial
- Independent
- A free service



Oifig an Ombudsman
Office of the Ombudsman



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Office of the Ombudsman

Who is the Ombudsman and what does he do?

The Ombudsman can examine complaints about the actions of a range of public bodies, including the Department of Social Protection and the Social Welfare Appeals Office.

The Ombudsman can examine complaints about the everyday administrative activities carried out by the Department and the Appeals Office. These include complaints about delays or failure to take action.



Peter Tyndall is the Ombudsman

Is the Ombudsman independent?

Yes. The Ombudsman deals with all complaints independently and impartially when judging whether the action or decision of the Department or the Appeals Office was fair and reasonable.

What can I complain to the Ombudsman about?

You can complain about any of the following:

- social welfare payments governed by legislation, including state pensions and disability payments
- Pay Related Social Insurance (PRSI)
- administrative schemes and payments, including Back to Work Allowance and Fuel Allowance
- quality of service, including delays and failing to reply and
- the Social Welfare Appeals Office, including decisions of Appeals Officers and any delays in arranging appeal hearings.



Which social welfare payments can I complain to the Ombudsman about?

The Ombudsman handles complaints about payments related to all schemes defined in the Social Welfare (Consolidation) Act 2005 and later legislation. These payments are all said to be governed by legislation and some examples are listed below.

State pensions

- State Pension (Contributory)
- State Pension (Non-Contributory)

Family payments

- Widow's Widower's or Surviving Civil Partner's (Contributory) Pension
- Widowed or Surviving Civil Partner Grant
- Widower's or Surviving Civil Partner's (Non-Contributory) Pension
- Bereavement Grant
- One-Parent Family Payment

Employment-related

- Jobseeker's Benefit
- Farm Assist
- Family Income Supplement
- Jobseeker's Allowance

Payments for children

- Child Benefit

Health-related payments

- Illness Benefit
- Invalidity Pension
- Disability Allowance
- Blind Pension
- Respite Care Grant
- Carer's Benefit
- Carer's Allowance
- Injury Benefit
- Domiciliary Care Allowance

Supplementary Welfare

- Basic Supplementary Welfare Allowance
- Rent Supplement
- Exceptional Needs Payments

Other allowances

- Qualified Adult Allowance
- Dependent Child Allowance
- Living Alone Allowance.

Pay Related Social Insurance (PRSI)

The Ombudsman can examine issues relating to:

- PRSI payments
- insurability of employment
- credited contributions
- self-employment contributions
- voluntary contributions scheme and
- refunds of PRSI.

We can only examine a case relating to social welfare payments governed by legislation and PRSI when:

- the Department has made a decision on your application or claim and
- you have appealed that decision to the Social Welfare Appeals Office.



Administrative schemes and payments

The Ombudsman also deals with complaints related to schemes run by the Department of Social Protection that are not provided for under social welfare law. These are outlined below.

Employment supports

These include:

- Back to Work Enterprise Allowance
- Back to Education Allowance and
- Part-Time Job Incentive Scheme.

Extra benefits

These include:

- Fuel Allowance and Smokeless Fuel Allowance
- Household Benefits Package and
- Free Travel

We can only examine a case relating to the above schemes and payments when:

- the Department has made a decision on your application and
- you have asked the Department to review that decision.

Complaints about quality of service

You may complain to the Ombudsman if, in your dealings with the Department of Social Protection, you are unhappy about:

- undue delays in dealing with your claim
- failure or delays in answering correspondence
- incorrect, inaccurate or misleading information
- how investigations were carried out by Department officials or
- how Department officials acted.

We can only examine a case relating to any of these matters if you have used the Department's complaints system and your complaint is still unresolved.

Social Welfare Appeals Office

The Social Welfare Appeals Office operates independently of the Department of Social Protection. The Appeals Office examines appeals about:

- payments governed by legislation and
- Pay Related Social Insurance (PRSI).

The Ombudsman may examine the Social Welfare Appeals Office's work including:

- decisions of Appeals Officers
- conduct of appeals
- undue delays in arranging appeal hearings and
- quality of service.

How will the Ombudsman deal with my complaint?

Once we establish that we can examine your complaint, we will ask the Department of Social Protection or the Social Welfare Appeals Office to send us a report. If necessary, the Ombudsman may also examine the files and records and may question people involved with the complaint. It can take time to gather the information that we need.

We will examine all the issues of maladministration. 'Maladministration' includes an action that was or may have been:

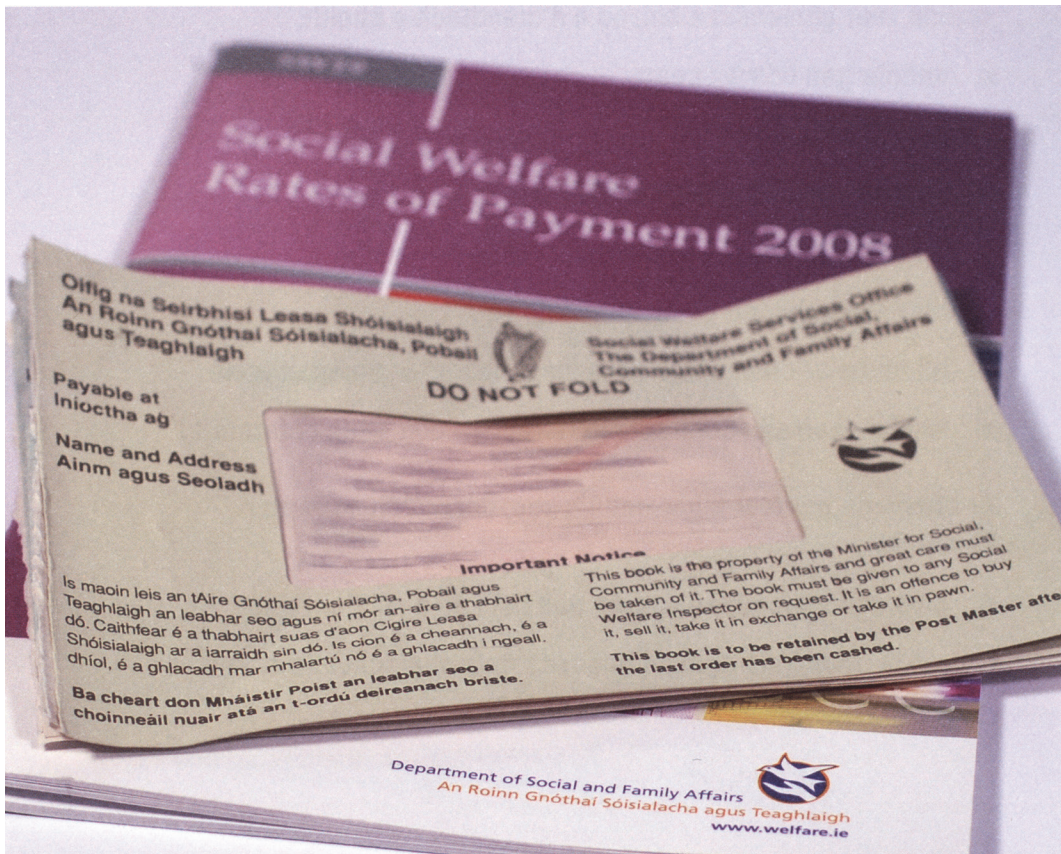
- taken without proper authority
- taken on irrelevant grounds
- the result of negligence or carelessness
- based on incorrect or incomplete information
- improperly discriminatory
- based on an undesirable administrative practice
- otherwise contrary to fair or sound administration or
- where the Department/Appeals Office has failed to give reasonable assistance and guidance, or failed to provide information on a person's right of appeal or review.

Based on these criteria we will decide whether:

- your complaint is justified and
- you have suffered due to the action or decision of the Department or the Appeals Office.

If we decide that you have suffered due to maladministration, and the Department or Appeals Office has not taken steps to remedy this, we may recommend it does so. In our recommendation, we may ask the Department to:

- review what it has done
- change its decision or
- offer an appropriate remedy, including an explanation, an apology and/or financial compensation.



Can the Ombudsman deal with complaints about all social welfare agencies and issues?

No.

Issues

The Ombudsman cannot examine:

- actions or decisions that occurred more than 12 months before you complained (the Ombudsman may sometimes set aside this rule)
- complaints that are the subject of legal proceedings through the courts or
- issues relating to private or occupational pensions.

You can refer complaints relating to private or occupational pensions to the Pensions Ombudsman, 36 Upper Mount Street, Dublin 2.

If you are unsure whether our Office can examine your complaint, contact us and we will let you know.

When should I complain to the Ombudsman?

Before you complain to the Ombudsman you should try to resolve your problem with the Department of Social Protection .

You must have already appealed the decision to the Social Welfare Appeals Office if your complaint is about:

- payments governed by legislation or
- Pay Related Social Insurance (PRSI).

You must have asked for a review or taken your complaint to the Department's internal complaints system if your complaint is about:

- administrative schemes
- administrative payments or
- quality of service.

If you are not happy with the outcome you can then contact the Ombudsman. Please remember to include any letters or other correspondence between you and the Department or Social Welfare Appeals Office.

Complain to the Ombudsman as soon as possible. You should complain within 12 months of the:

- decision or action taken by the Department or
- date of decision on your appeal.

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

The time taken to reach a decision will vary from case to case, depending on how complex it is. However, we will keep you informed of what is happening with your complaint.

What will it cost me to complain to the Ombudsman?

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



How do I complain to the Ombudsman?

The Office of the Ombudsman,

18 Lower Leeson Street

Dublin 2

Phone: LoCall 1890 22 30 30 or 01 – 639 5600

Email: ombudsman@ombudsman.gov.ie

Online: www.ombudsman.ie

Can someone else complain on my behalf to the Ombudsman?

Yes, but only if you give them permission to do so. If you want to complain on behalf of someone else, you must get their permission first.

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

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