



The Ombudsman and the Health Service Executive



The Ombudsman is

- Impartial
- Independent
- A free service



Oifig an Ombudsman
Office of the Ombudsman



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Who is the Ombudsman and what does the Ombudsman do?

Peter Tyndall is the Ombudsman.

The Ombudsman can examine complaints about the Health Service Executive (HSE), the Child and Family Agency (TUSLA) and agencies delivering health and personal social services on behalf of the HSE.

These agencies can include charitable organisations and voluntary bodies. Public nursing homes, run by the HSE, also come within the Ombudsman's remit.



Is the Ombudsman independent?

Yes. The Ombudsman is independent and impartial when examining complaints.

What health and personal social service complaints can I ask the Ombudsman to deal with?

We can look into complaints about:

- the refusal to award a benefit or service such as a Medical Card, Home Help Package or assistance under the Nursing Home Support Scheme
- a failure to follow procedures
- a failure to communicate clearly
- a failure to provide a promised service
- unfair decisions
- misleading advice
- rude or unhelpful staff
- a failure to deal fairly with your complaint



How will the Ombudsman deal with my complaint?

Once we establish that we can examine your complaint, we will ask the HSE or the appropriate service provider 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.

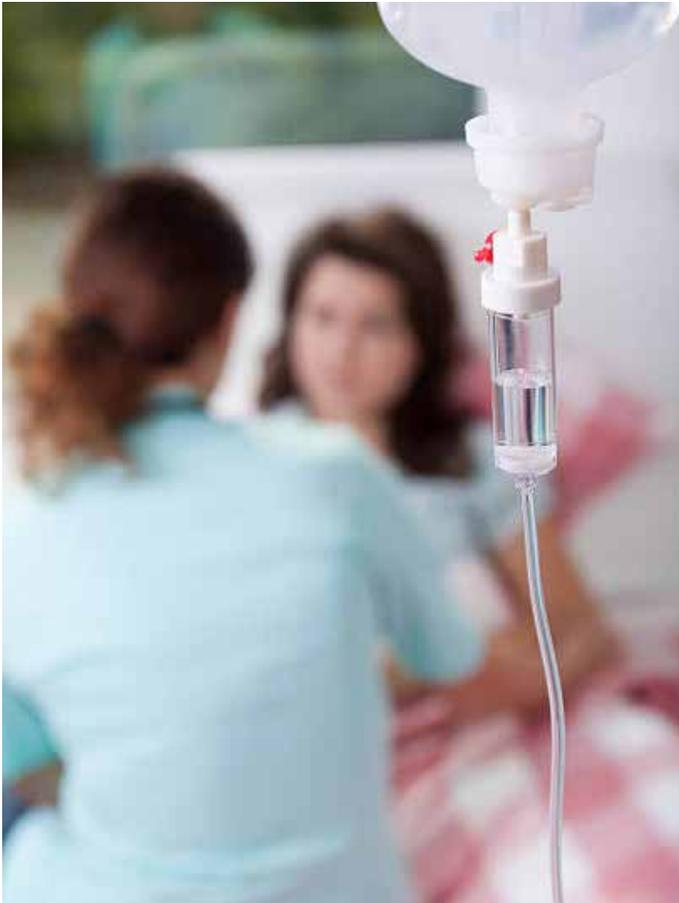
We will examine all issues of maladministration. 'Maladministration' can include an action that was or might have been:

- 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 HSE has failed to give reasonable assistance and guidance, or failed to provide information on a person's right of appeal or review

If we agree that you have been adversely affected due to maladministration, and the HSE or its service provider has not taken steps to remedy this, we may recommend it does so.

In our recommendation, we may ask the HSE or service provider to:

- review what it has done
- change its decision and/or
- offer an appropriate remedy, including an acknowledgement, explanation, or an apology and in certain instances, financial redress



Can I complain to the Ombudsman about anything relating to health and personal social services?

No, there are some things the Ombudsman cannot look at. These include:

Private health care

The Ombudsman cannot look at:

- the actions of private practitioners such as dentists, opticians and pharmacists or
- complaints relating to private health care.

Clinical judgement

The Ombudsman cannot look at actions taken in relation to the clinical judgement (diagnoses or decisions about treatment) of medical professionals.

Employment

The Ombudsman cannot look at complaints relating to:

- recruitment
- pay and conditions of employment or
- employment or other contracts

In addition

The Ombudsman cannot look at complaints where:

- there is a statutory right of appeal to a court or to an independent tribunal or an independent appeal body (the Ombudsman can sometimes set aside this rule) or
- the complaint is, or has been, the subject of legal proceedings before the courts.

When should I complain to the Ombudsman?

Before you complain to the Ombudsman you should try to resolve your problem with the HSE or service provider concerned using the HSE or Service Provider's own complaints procedure.

Under the Health Act 2004, the HSE and its service providers have appointed Complaints Officers. One of these will examine your complaint and give you a written response within a stated period. The Complaints Officer will also advise you of your right to seek an internal review of your complaint by a HSE Review Officer or to make a direct complaint to the Ombudsman.

Please remember to include any letters or other correspondence between you and the HSE or service provider concerned.

You should complain to the Ombudsman within 12 months of the:

- action complained of or
- the date of decision of the HSE's Complaints Officer or Review Officer

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?

You can write or call to:

The Office of the Ombudsman,

18 Lower Leeson Street

Dublin 2

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

Email: ombudsman@ombudsman.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.

Accessible Services

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