

The Ombudsman and complaints about **Public Hospitals**

This factsheet tells you what the Ombudsman does, what you can and cannot complain about, and how to complain.



What does the Ombudsman do?

The Ombudsman can investigate complaints about the actions of a range of public bodies, including public hospitals. All hospitals providing public health services come within the Ombudsman's remit.

The Ombudsman can investigate complaints about how hospital staff carry out their everyday administrative activities when providing public health services.

These include complaints about delays or failing to take action.

However, there are certain complaints that the Ombudsman **cannot** investigate.

These include complaints about:

- private health care regardless of where it is provided
- clinical judgment by the HSE (diagnoses or decisions about treatment)



Is the Ombudsman independent?

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



What can I complain to the Ombudsman about?

You can complain about your experience in dealing with a hospital. This might include, among other issues, a hospital:

- applying an incorrect charge
- failing to follow approved administrative procedures, protocols or reasonable rules
- failing to communicate clearly
- failing to seek your informed consent to a procedure
- keeping poor records
- failing to respect your privacy and dignity
- having staff who are rude or unhelpful or who discriminate against you being reluctant to correct an error
- failing to deal with your complaint in accordance with the complaints process.



Which hospitals are covered?

You can make a complaint about any public or voluntary hospital providing general, maternity and mental health services.



How will the Ombudsman deal with my complaint?

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
- the result of the hospital failing to give reasonable assistance and guidance, or failing to provide information on a person's right of appeal or review.

If we find that you have suffered adverse affect due to maladministration, and if the hospital has not taken steps to remedy this, we may recommend it does so. In our recommendation, we may ask the hospital to:

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



When should I complain to the Ombudsman?

Before you complain to the Ombudsman you should try to resolve any issues with the hospital using the hospital's own complaints procedure.

Each hospital has a Complaints Officer, appointed under the Health Act 2004. The Complaints Officer 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 complaint directly to the Ombudsman.

Please remember to include any letters or other correspondence between you and the hospital.

You must complain to the Ombudsman within 12 months of the action or decision that has negatively affected you. If more than 12 months has passed, we may still be able to help if there is a good reason for the delay.



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 best way to make a complaint to the Ombudsman is through our website:
www.ombudsman.ie.

You can also write to:

- The Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773
- Or call us at (01) 639 5600.



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.

A copy of this Factsheet is available in large font on request.

Email: accessofficer@ombudsman.ie or call 01 639 5600.