

The Ombudsman and complaints about Health and social care services

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 investigates complaints from people who feel they have been unfairly treated by certain providers of public services, including:

- The Health Service Executive (HSE)
- The Child and Family Agency (TUSLA)
- Agencies delivering health and social services on behalf of the HSE. These agencies can include charitable organisations and voluntary bodies.
- Public nursing homes run by the HSE
- Private nursing homes



Is the Ombudsman independent?

Yes. The Ombudsman is independent of government. The Ombudsman deals with all complaints impartially when deciding if the action or decision of the public service provider was fair or reasonable.



What health and social care services can I complain to the Ombudsman about?

You can complain about any of the following:

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



How will the Ombudsman deal with my complaint?

If we can investigate your complaint, we will ask you to give us all the information about it. We usually ask the public service provider to send us information about the issues involved. It can take time to gather the information that we need before we can make a decision on your complaint.

We will then decide whether:

- your complaint is justified
- you have suffered due to the action or decision of the HSE, or a public health or social care provider

We may then recommend that the public service provider:

- review what it has done
- change its decision
- offer an appropriate remedy, which can include an explanation or an apology



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

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

- the actions of private practitioners such as dentists, opticians and pharmacists or complaints relating to private health care
- actions taken in relation to the clinical judgement (diagnoses or decisions about treatment) of medical professionals

The Ombudsman cannot investigate complaints relating to employment, including:

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

In addition, the Ombudsman cannot investigate complaints where:

- there is a statutory right of appeal to a court, to an independent tribunal or an independent appeal body (the Ombudsman can sometimes set aside this rule)
- the complaint is, or has been, the subject of legal proceedings before the courts
- the complaint is more appropriate to another regulatory body (for example CORU - Regulator of health & social care professionals, the Nursing and Midwifery Board of Ireland, the Medical Council)



When should I complain to the Ombudsman?

Before you complain to the Ombudsman you must first complain to the HSE or service provider using the HSE or service provider's complaints procedure.

The HSE and its service providers have appointed Complaints Officers who will examine your complaint and give you a written response within a stated period. A Complaints Officer will also advise you of your right to seek an internal review of your complaint by a HSE Review Officer or to complain directly to the Ombudsman.

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

You should submit your complaint to the Ombudsman within 12 months of the action or decision that has adversely affected you. However, even 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?

It will depend on your individual complaint. We will try to complete the investigation of your case within three to six months. If your case is more complicated, it may take us longer. We will keep you informed as to 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.