



Office of the  
Secretary General  
Oifig an Ard Rúnaí



11 February 2011

Mr Pat Whelan  
Director General  
Office of the Ombudsman  
18 Lower Leeson Street  
Dublin 2

Dear Mr Whelan

I refer to your letter of 21 January 2011 about an investigation under section 4 of the Ombudsman Act 1980 of a complaint by Mr [REDACTED], Athlone, Co Roscommon on behalf of his sister Ms [REDACTED] in relation to her application for a mobility allowance.

As you know, the mobility allowance is payable on the basis of an administrative scheme outlined in a circular issued by the Department in 1979.

I accept that the Department should have reviewed and updated the mobility allowance scheme following the enactment of the Equal Status Act.

Following a more recent review of the terms of the scheme, particularly the upper age limit and the definition of disability, the Department concluded that it could not continue to operate on the current basis.

It was not considered appropriate to deal with the upper age limit separately from the issue which had also come to light in relation to the definition of disability. Accordingly, the option of simply abolishing the upper age limit for the mobility allowance, as was done in the case of the motorised transport grant, was not adopted.

There were a range of potential policy options that needed to be considered on foot of the review including expanding the scope of the scheme, putting the existing scheme on a statutory basis or making other changes to the scheme consistent with legal requirements which would allow it to operate within whatever resources are made available for the scheme now and in the future. These options had to be considered having regard to the scope and objectives of the scheme within the overall context of the Government's National Disability Strategy, the overall resources available to the Department to meet the needs of people with disabilities and the potential impact of each option on existing recipients and potential future claimants.

Certain options in relation to the future of the mobility allowance scheme have been submitted to, and considered by, the Minister and the Government but final policy decisions in this regard have yet to be taken. Given that a general election is currently underway, it is now clear that the issue will have to be dealt with by the new Minister/Government.

Cuirfead faoi roimh chomhthreasa i nGaisige

Department of Health & Children  
Hawking House Dublin 2  
Teach Mairín Beiré Átha Cliath 2

Tel (01) 635 4154  
Fax (01) 871 9884

Email [info@health.gov.ie](mailto:info@health.gov.ie)  
Web [www.dohc.ie](http://www.dohc.ie)

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I can assure you, however, that the issues involved will be brought to the attention of the new Minister as a matter of urgency and that the Department will advise you of the outcome as soon as possible thereafter.

As regards the case of Ms [REDACTED], I am pleased to say that the Tánaiste has agreed that the mobility allowance should be paid, on an exceptional basis, to Ms [REDACTED] with effect from June 2008. The Department will issue the required sanction to the HSE very shortly. I also want to apologise through your Office to Mr [REDACTED] and his sister for the delay and distress they experienced in having Ms [REDACTED] application dealt with.

I do not propose to comment in any detail on the draft report but I would ask you to review the manner in which some of the material in Chapters 3 and 4 is presented and, in particular, the judgemental language used in some places. To take one example, the implication in the final paragraph of section 4.3 that the Department was simply seeking to buy time and was not seriously committed to undertaking a review is entirely untrue, highly emotive and prejudicial to the reputation and professional standing of the Department and its staff. I can understand why your Office could have formed the view that the Department was very slow to engage and deal with the issues which emerged in relation to the mobility allowance scheme. However, I hope you will appreciate from the foregoing that the scheme has indeed been reviewed and potential policy decisions identified, and that this has been achieved during a period when the Department has also had to deal, within its own limited and reducing staff resources, with a large number of other difficult issues relating to pressing service and budgetary requirements.

Yours sincerely



Michael Scanlan  
Secretary General