

The Ombudsman and complaints about **Social Welfare 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 public service providers, including the Department of Social Protection and the Social Welfare Appeals Office.



Is the Ombudsman independent?

Yes. The Ombudsman is independent of government. The Ombudsman deals with all complaints impartially when deciding whether the action or decision of the public service provider, such as the Department or the Appeals Office was fair or reasonable.



What social welfare services can I complain to the Ombudsman about?

You can complain about any of the following:

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

Examples of statutory social welfare payments the Ombudsman may receive complaints about include:

- State pensions (contributory and non-contributory)
- Family payments
- Widowed and/or Surviving Civil Partner Grant
- Bereavement Grant
- One-Parent Family Payment
- Jobseeker's Benefit
- Farm Assist
- Family Income Supplement
- Jobseeker's Allowance
- Child Benefit
- Health-related payments
- Illness Benefit
- Invalidity Pension
- Disability Allowance
- Blind Pension
- Respite Care Grant
- Carer's Benefit and Allowance
- Injury Benefit
- Domiciliary Care Allowance
- Supplementary Welfare and Basic Supplementary Welfare Allowances
- Rent Supplement
- Exceptional Needs Payments
- Qualified Adult Allowance
- Dependent Child Allowance
- Living Alone Allowance

We can investigate a complaint 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

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).



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 Department or the Appeals Office.

We may then recommend that the Department or Appeals Office:

- review what it has done
- change its decision
- 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. The Ombudsman cannot investigate:

- 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
- issues relating to private or occupational pensions

You can refer complaints relating to private or occupational pensions to the Financial Services and Pensions Ombudsman at www.fspo.ie

If you are unsure whether we 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 must first complain to 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 Protection 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
- the date of decision on your appeal



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 examination 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?

You can write or call to:

The Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773.

Phone: 01 639 5600

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.

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

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