

Office of the Ombudsman Strategy Statement 2022 – 2024

Submission from the Citizens Information Board

Introduction and context

The Citizens Information Board (CIB) welcomes the opportunity to make a submission to the Office of the Ombudsman in respect of its Strategy Statement 2022 – 2024.

CIB is the national agency responsible for supporting the provision of information, advice and advocacy on social and public services. We do this through the network of Citizens Information Services (CISs), the Citizens Information Phone Service (CIPS) and our website, www.citizensinformation.ie. We also fund and support the Money Advice and Budgeting Services (MABS) as well as the National Advocacy Service for People with Disabilities (NAS) and the Sign Language Interpreting Service.

These frontline services assist 600,000 people every year (see appendix) - by signposting people to a variety of social and public services, by directly assisting people to access their rights and entitlements and by supporting people to negotiate agreements, to make appeals and to seek redress. Citizens Information Services (CISs), in particular, play an active role as intermediaries for citizens in their engagement with public services and, in recent years, have been increasingly providing ‘assisted digital’ services to many callers –helping them to access online services where they experience obstacles in doing this directly.

CIB supported services play an important role in assisting people to navigate what are often complex administrative systems. People who come to CISs, MABS or CIPS may have experienced unfair practices and in many instance, these services are their first point of contact to address an issue.

We use the insights gained from these enquiries from a significant proportion of the population to illustrate the impact of government policy (and its implementation) on those who are trying to secure social and public services. This is in line with our statutory role to highlight areas of concern for service users.

Accessing public services - key issues

Feedback from CIB delivery services points to the significant challenges that many people have in engaging with public services. Typically, callers present to our services when they have trouble in accessing a service or securing an entitlement. So by its nature, much of the

focus of the work of information services – providing information and advocacy – is on the flaws within the system, rather than when it is operating smoothly.

Of the 726,658 queries dealt with by CISs in 2020, income supports and social welfare-related payments and schemes were the focus of 42%, with much emphasis in particular on schemes relating to *'Disability and Illness'*, *'Unemployed People'* and *'Families and Children'*. While public services work well for the majority of people, policy feedback from services indicates that when things go wrong it can have a disproportionate impact on vulnerable people, such as older people, low income families, immigrants, people with disabilities, people whose first language is not English or who have literacy issues and people experiencing digital exclusion. In these cases, an inability to secure entitlements or access public services effectively can have considerable emotional and financial consequences.

Notwithstanding the scale of support provided through the welfare system – as was evident particularly during the pandemic – many CIS clients encounter limitations that seem to be inherent within a complex benefits system. Covid also exacerbated inherent weaknesses in the welfare system with many of the supports put in place compensating for some of these, such as fast tracking claims, and flexibility in eligibility/qualification criteria.

Administration of public services

Many of the queries that CIS staff deal with on a daily basis highlight administrative inefficiencies, with about three quarters of the social policy feedback¹ concerned with the administration of services. This includes issues such as the duplication of form-filling, the same information being sought repeatedly, the use of a range of different means tests and insufficient and at times unclear information about decisions, much of which results in subsequent appeals. For example:

CIS Case Examples²

A client received a letter indicating an overpayment in respect of Jobseekers Transition and that 15 per cent would be deducted from her payment to cover the overpayment. The letter provided no indication of how the overpayment arose or how it was calculated.

A client was refused One Parent Family payment and was also refused a copy of the means used to make the decision and thus lacked full information about the Deciding Officer's decision that was necessary for an appeal.

A client who had been working in Ireland under Stamp 4 for ten years had renewal of Stamp 4 refused without a clear reason. The client had resorted to employing a solicitor to address the matter. In the meantime, she was unable to work and did not fulfil the eligibility criteria for Jobseekers Benefit.

¹ Indicative cases submitted by services which highlight an administrative difficulty or a perceived policy anomaly – 6,761 such cases submitted in 2020.

² *Getting it Right: A Citizens Information Perspective on the Administration of Public Services*. 2021 Forthcoming report

Feedback from services also highlights difficulties in relation to delays in applications, reviews or appeals, a perceived lack of independence and impartiality, poor quality customer service, and poor communication practices. Staff within information services have expressed concerns about the nature of communications on eligibility and entitlement, indicating the need for better practices in communicating decisions to applicants and potential applicants. Feedback also indicates a need for clearer signposting of relevant schemes, payments and of complaints and appeals mechanisms.

Digital public services

The level of feedback in relation to online access difficulties for clients has increased significantly in recent years. During this time many public bodies have sought, understandably, to provide efficient and effective services to clients through the delivery of services digitally. The emergence of the Covid-19 pandemic has accelerated this development, to the benefit of many. But there continues to be a minority of clients for whom online access creates a barrier.

The feedback from CISs indicates that the online application process is problematic for clients who have broadband limitations, ICT and affordability issues and limited (if any) computer literacy, and also those with poor English language and literacy skills. This is evident in the feedback that we receive across the range of public services - such as social protection, Revenue, Medical Card applications, and driving licence renewals.

Difficulties for clients (and the CIS staff who are trying to support them) are compounded in many instances by the nature of customer support that is available from some public services. Reports indicate that there can be long on-hold waiting times when trying to access customer helplines for assistance. Some CIS staff have also noted that the telephone helpline option is not widely or prominently displayed on relevant websites and that the option for email support also appears to be limited, with services reporting delayed responses and unanswered emails.

While online services have much merit as an efficient way of accessing public services – whether seeking information, personal records or making applications for services and benefits - this means of access should not be the only one. CISs can and do play an important role in facilitating on-line access. In order to ensure consistency and fairness, when designing and delivering online access, public services need to be cognisant of the range of people who will continue to require assisted digital channels including hard copy benefit application forms and tailored customer supports.

Much of the policy feedback from services demonstrates a need for improved actions in the administration of public services – this includes the provision of targeted information, responsive communication with service users, greater transparency, better decision-making at first instance, more responsiveness, adequate resourcing of public services and training of staff in quality service delivery and information provision.

People with disabilities and older people

CIB has received consistent feedback from information services and from advocates who work with NAS regarding the significant challenges that are facing people with disabilities

and older people in getting the supports that they need to live at home (or to transition from a hospital stay to returning home). This includes the community-based services delivered through the HSE and the grants that are available through local authorities to fund housing adaptations.

As the provision of each of these elements is based on the availability of resources (rather than on the assessed needs of applicants) CISs and disability advocates continue to report on many of their clients who are falling through the gaps – older people, people with disabilities and their family members who are seeking to care for them in stressful and difficult circumstances. These pressures can also contrive to push older people (and some younger people with disabilities) to access long-term nursing home care via the Nursing Home Support Scheme (NHSS) with the associated higher costs of care. In particular, disability advocates have frequently encountered cases where lack of funding for personal assistance hours for people with disabilities has led to individuals being unable to remain in their own homes and having to move into residential settings. NAS disability advocates also continue to express concern at the slow pace of decongregation, and the high number of people with disabilities who remain living long-term in residential, congregated settings.

On the broader issues of mobility costs for people with disabilities, feedback from services continues to point to the gap created for new applicants by the removal of the Mobility Allowance (and the Motorised Transport Grant) in 2013. Whilst both schemes were found to be illegal under the Equal Status Act, they were key payments in enabling choice and independence for people with disabilities and for their carers. Despite the publication of reports by both a Review Group and an Inter-departmental Group on the development of a new travel subsidy, legislative provisions for a new statutory scheme to replace the old schemes have yet to be put in place. The impact of this gap in provision is added to by the inadequacies apparent within the Disabled Drivers and Passengers Scheme, and CISs have highlighted the difficulties caused by the restricted qualifying criteria in respect of the Primary Medical Certificate.

Developments in the external environment

Roll-out of e-government

By promoting fairness, transparency and accountability in the delivery of public services, the core strategic objectives as set out in the Ombudsman's previous Statement of Strategy (2019 - 2021) remain relevant to the work of the Office. Of importance here is the need to influence improvements in the public service through the lens of the end user – in particular the promotion of a culture where learning and improvement from service users is embedded in practice, governance and organisational systems within the public service. Design principles can play an important part in developing user-friendly, accessible, responsive and innovative services. These principles include designing public services around user needs, involving all stakeholders - including service users - and understanding the customer journey to create flow and efficiency.

Seeking to influence the design and development of public services will be particularly relevant in the coming years given the ongoing roll-out of e-government initiatives. This will

see public services develop and accelerate their online service provision, with a focus on 'Digital First' design and delivery. In order to reduce the occurrence of digital exclusion (and by extension for many groups, social exclusion)³, public services will have to provide multiple options for communication with their users. These options must be adequately resourced and their availability actively promoted. They could include assisted digital support (for example, web chats, telephone or 'call back' facilities), as well as the use of intermediaries such as the CISs; the mainstream use of assistive technologies in e-government services and the use of Plain English and clear direction and information in communications.

Resourcing public services

A recent CIB analysis of the administration of public services (*'Getting it Right'*) based on client and information provider experience has found that the appeals and complaints services reviewed have experienced growth in the volume of appeals and complaints received year on year. The analysis indicates considerable waiting times for decisions from the time of application, suggesting that many public services processes are not adequately resourced. An alternative to increasing resources would be to ensure better decision making in the first instance, which in turn would reduce the number of subsequent appeals. The Office should continue to focus on enabling and supporting the public sector through a combination of sharing learning from its work, through the provision of guidance. It should also continue to seek out appropriate collaboration with stakeholders in order to improve how public services interact with service users and deal with issues effectively.

Jurisdiction

Our review of the administration of public services noted that much of the appeals apparatus has been put on an independent footing and that the publication of annual reports (and in some instances, decisions) improves transparency. However, some appeals structures, although operating as separate entities, continue to come within the remit of their parent departments despite providing an appeals service against the respective decisions of these departments or their agencies.

In this regard, we look forward to the extension of jurisdiction of the Office in a number of key areas during the lifetime of the Office's next Strategy – in particular, the exercise of clinical judgement in the diagnosis or care and treatment of a patient, prison complaints, and the administration of the asylum and immigration process.

Care in the home and nursing homes

On a broader level, we also look forward to the development of a regulatory framework for the provision of homecare services and the attendant allocation of funding for the provision of personal assistance hours, home help and home care packages and additional supports

³ CIB's commissioned research on 'Digital Exclusion and E-Government' explores the extent to which groups at risk of social exclusion (such as people with disabilities, older people, low-income people and migrants) are also at risk of digital exclusion and constraint.

for people with disabilities (and older people) living in the community. Once established, this should work to mitigate against the continued over-reliance on institutional provision for the care of older people and people with disabilities. It is likely that the Office will have a role to play in the handling of complaints in respect of service providers.

Related to this, we note the political and personal impact of the Office's 2020 publication "*Wasted Lives: Time for a better future for younger people in nursing homes*". Many of the personal stories and findings in this report reflects the concerns and experiences raised in feedback from disability advocates working with the National Advocacy Service. No doubt, the focus on this issue and the legitimacy provided by the Office has influenced the commitment in the Programme for Government to reduce the practice of accommodating young people with serious disabilities in nursing homes. Another commitment in the Programme for Government – the commencement of the Assisted Decision Making (Capacity) Act 2015 – is also likely to have repercussions for the handling of complaints by the Office in the context of its work within nursing homes (with those over and under 65 years of age), as is the proposed extension of jurisdiction to clinical decisions made in health settings.

Covid-10 - ongoing impact

The Covid-19 pandemic has caused considerable disruption to the delivery of public services. But it has also shown that both policy and public services can be agile, relevant, sustainable and capable of generating innovative solutions to difficult problems. Successive lockdowns and ongoing restrictions have also impacted access to appeals and complaints mechanisms. Many of these mechanisms have been operating remotely, moved online or curbed the availability of their services. Given that the impact of the pandemic will be felt within public services for a considerable time yet, effective user-friendly means to address complaints and appeals should be put on a sound footing within all public service organisations beyond the enforced short-term emergency measures that many organisations put in place during 2020.

Value-added activities

Outreach

Given the strong local partnership approach between the Office and Citizens Information Services for the past number of years, we are very much aware of the value of a proactive outreach programme in extending the reach and scope of the Office to people living outside of Dublin – specifically the hosting of monthly 'complaints clinics' in Cork, Galway and Limerick. The suspension of these clinics though necessary during the pandemic was disappointing but we have been encouraged by the Office's continued efforts to maintain its outreach function in the form of targeted regional visits and information webinars for CIC staff.

The new strategy should seek to develop an agile and innovative approach to its very important outreach programme. In this regard, we look forward to the resumption of these valuable in-person outreach activities in 2022 and would reiterate the potential of our delivery services in establishing and maintaining a strong presence for the Office within local communities in the lifetime of the new strategy. This partnership has gone in some way to deliver on a key element of the 2019-2021 strategy – that is, to enhance public awareness of the role of the Office and of how to access services in order to optimise the impact on the public service.

Research

The publication of the *Wasted Lives* report by the Office in 2021 provides a prime example of the role that research can play in affecting policy change and improving public services in Ireland. This particular report and others - such as *Fair Recovery* (which is reflective of much of the case work undertaken by CIS advocates working on behalf of clients with regard to negotiating fair deals in respect of overpayments recovery) - are important in raising awareness about gaps in provision and also in driving improvements and continuous learning within the system.

There should be a strong focus in the new strategy on identifying and pulling together particular trends within the complaints coming into the Office and an identification of any underlying systemic issues that arise. In this regard, CIB data, drawn from our delivery services on the top schemes, payments and services⁴ on which people seek advice and intervention are worth noting from the perspective of the Office of the Ombudsman. The quarterly publication of the Ombudsman Casebook has a key role to play too in identifying trends, highlighting cases, raising awareness and generating learning for those within the public sector and for staff working in CISs (and other NGOs).

Conclusion

CIB and our delivery services play an important role in supporting the delivery of public services. We do this by:-

- providing timely, comprehensive and appropriate information to citizens to assist them in their decision-making;
- signposting and helping citizens to navigate complex public services;
- highlighting anomalies, gaps, access and operational issues;
- supporting citizens to make complaints and appeals and to seek redress.

We see that our role in helping people to access public services complements that of the Office of the Ombudsman and we look forward to continuing our relationship with the Office during the lifetime of the next Strategy.

⁴ Periodic analysis of data and issues arising in feedback from CIB supported services can be seen in CIB's Bi-Monthly *Social Policy Update* published online.

https://www.citizensinformationboard.ie/en/publications/social_policy/update_previous.html

Appendix

CIB Delivery Services - Key statistics 2020

- Citizens Information Services (CISs) - almost 400,000 people contacted CISs with 726,658 queries in 2020. Of these queries, 42% related to Social Welfare: 9% to Employment; 9% to Covid-19; 8% to Housing; 7% to Health and 5% to Money and Tax.
- www.citizensinformation.ie – the website had just over 15 million users in 2020, and recorded 55 million page views.
- Money Advice and Budgeting Service (MABS) – over 37,000 people were helped with problem debt last year via the MABS Helpline and face to face services.
- Citizens Information Phone Service (CIPS) - dealt with 151,356 telephone enquiries and responded to over 2,800 Live Advisor enquiries in 2020.
- National Advocacy Service (NAS) - supported 3,081 people with disabilities with information, advice and other supports and 1,047 representative advocacy cases.