

**Opening Statement to Joint Committee on Finance, Public Expenditure
and Reform, and Taoiseach**

By

Ger Deering

Nominee for Appointment as Ombudsman and Information Commissioner

9 December 2021

Good afternoon Cathaoirleach and Members.

Thank you for the invitation to engage with you today. I am honoured to have been selected as the Government's nominee for appointment, by the President, as Ombudsman and Information Commissioner, following the competition run by the Public Appointment Service.

An effective democracy requires that Government and public administrators are held accountable for their actions. The Ombudsman and Information Commissioner plays a vital role in monitoring administrative accountability so that public service activities are carried out in a spirit of openness and accountability and in a proper and fair manner.

The Ombudsman is an important element of the checks and balances within the state. They act as a positive influence on the delivery of services and the management of complaints by providers of public services in Ireland. In addition, the role of Information Commissioner is key in developing a culture of maximum access to information held by public bodies.

At the outset I would like to commend public bodies the length and breadth of the Country for the work they do on a daily basis. Society could not function without them. Most of the time the majority of these organisations and their staff provide excellent services.

I want to particularly commend public sector employees and their leaders for the flexibility, professionalism and commitment demonstrated by very many of them during the pandemic. We have experienced some remarkable examples in terms of responsive, quality services.

That said, public services are not always as good as they could or should be, mistakes are made, and information is not always furnished when it should be. The role of the Ombudsman and Information Commissioner is to deal with such situations and promote learning and improvements when and where required.

In addition to delivering a robust and timely complaints management process, the Ombudsman and Information Commissioner has an important role in encouraging, assisting, and requiring public bodies to improve the quality of the information they provide, the services they deliver and how they handle complaints.

This is achieved through ongoing sharing and learning based on the work of the Office and through the provision of guidance and appropriate collaboration and by demonstrating the benefits of listening to service users through feedback and complaints mechanisms. Among my key priorities will be fostering early and better resolution of complaints and ensuring timely meaningful engagement with the Ombudsman's Office by providers. I will also continue to focus on the need to listen to people and emphasise the benefits of resolving issues in a non-adversarial way that is fair to everyone.

The Office of the Information Commissioner and the Office of the Commissioner for Access to Environmental Information have a key role in delivering greater access to information held by public bodies. The Offices also have a key role in promoting the benefits of *Open Data* and delivering cultural change in relation to access to information.

I want to achieve maximum transparency in the management and dissemination of information by public bodies. I believe that much of the information currently obtained using Freedom of Information (FOI) and Access to Environmental Information (AIE) should be made available as a matter of course, thereby reducing the need for FOI and AIE requests. Furthermore it is critical that FOI and AIE bodies have appropriate and efficient mechanisms in place for dealing with requests from the public and for responding to the Office of the Information Commissioner and the Office of the Commissioner for Access to Environmental Information.

Empowering service users by making them aware of what they are entitled to expect and making them aware of their options when things go wrong is also important. Furthermore, it is essential that all public services, including the services of the Office of the Ombudsman and Information Commissioner are easily and readily accessible.

People should have the option to engage in the manner most suited to them, whether that is online, in person when circumstances allow, or by telephone. I note that as the Office of the Ombudsman continues to work on developing its technology and digital portals it is also committed to maintaining accessibility and human contact for those who prefer those options. This is important to ensure maximum access.

The Office has a strong tradition of engaging in outreach activity. This has been curtailed by the pandemic. Facilities have been put in place to conduct outreach by methods other than face to face. It may be necessary to adopt a hybrid model of outreach in order to continue to connect with service users in the future.

A very important feature of the work of the Ombudsman is the power to undertake *own initiative* investigations. The Ombudsman can identify areas that merit investigation irrespective of whether a complaint has been made about the particular issue or service. This is a power that has been used to great effect by the current and previous holders of the Office of Ombudsman. I will continue the use of this power in a targeted and effective manner with a very strong focus on ensuring that the voices of people which might otherwise be missed are heard and responded to.

This involves, not only responding to complaints received but also proactively engaging with advocacy groups, marginalised groups and individuals through outreach and own initiative investigations and reports.

I propose to continue to monitor the implementation of the recommendations of previous Ombudsman reports and to conduct future investigations and issue further reports. It is my intention to keep a focus on access to transport for those living with a disability. This has been an ongoing priority for the Office for almost ten years now and was championed by both Emily O'Reilly and Peter Tyndall.

I also propose to monitor the implementation of the recommendations contained in reports published by Peter Tyndall including, *A Good Death*, dealing with the very sensitive issue of end of life care, *Learning to Get Better, that deals with health complaints*, *Opportunity Lost* relating to the Magdalen redress scheme and *Wasted Lives*, which looked at the appropriateness of the placement of people under 65 in nursing homes designed for older people.

The improved management information systems recently developed by the Office will facilitate the identification of areas that should be considered for own initiative investigations.

I will be happy to work with the Oireachtas and its Committees to maintain momentum in the implementation of the recommendations contained in these reports.

I believe that a society should be judged by the way it treats its most vulnerable members. Often, in this Country we look back with shame on events that happened in the past. It is important that we acknowledge the past and rectify and redress what we can. We must also learn from these experiences. Equally, we must focus purposefully on the services we are delivering, or ought to be delivering, today. We need to ensure that future generations won't be forced to look back with shame on events that should not have happened or actions that should have been taken on our watch.

I welcome that jurisdiction over complaints from people living in *Direct Provision* was eventually given to the Ombudsman's Office. I am glad to note that since this jurisdiction was given it has formed an important area of work for the Office. I also welcome the fact that progress has been made on bringing complaints from prisoners within the jurisdiction of the Office. However, further progress is required in this area.

I am pleased there is a commitment to bring the administration of the asylum and immigration process within the jurisdiction of the Office. This commitment must be delivered as a priority. It is essential that the services of the Ombudsman's Office are available to all who live in our Country and not just to citizens. There is no justification for excluding any public service from the jurisdiction of the Ombudsman. This is especially so when the services are delivered to the most vulnerable in society.

I welcome that a review of the 2014 Freedom of Information Act is underway to strengthen and modernise the legislation. I also welcome that a review of Ethics legislation is underway to ensure that we have an easy to understand ethical framework which contributes to the quality and effectiveness of public administration. I believe a similar review of the legislation underpinning the Office of the Ombudsman would be beneficial.

Such a review should be informed by the work of the Office over the last 40 years, the changing needs of service users and constant evolution in the delivery of public services. The review should also seek to incorporate the Venice Principles, the global standard for public service Ombudsman institutions adopted by the United Nations in December 2020. It was very positive that Ireland was a co-sponsor of the motion when the principles were adopted. We should now adopt and implement these principles ourselves.

The Office of the Ombudsman will receive a significant new role in relation to the receipt of disclosures under the Protected Disclosures (Amendment) Bill which will transpose the EU Whistleblowing Directive and strengthen protections for whistleblowers. This will be an important opportunity to promote a culture, in the Country, of speaking up when wrongdoing is detected and provide support and assurance to those who call out wrongdoing.

We use various tools, such as GDP, to measure the success of our economy. But society is much more than an economy. The more important question for me is how do we measure societal success?

I believe we should measure our success as a people by the level of openness, inclusion and access to services and opportunities enjoyed by all. We have made great progress as a nation in these areas in recent years. However, it is still the case that some people, whether born here or newly arrived, are less able to access information, services and entitlements.

They need support and understanding to overcome barriers. Ultimately, we must identify and remove any barriers that exist and design our services in a way that makes them universally accessible.

We should rightly acknowledge and celebrate the many improvements we have made as a nation, particularly in recent years, in a whole range of areas.

However, we should not be complacent. We still have a way to go. We should also guard against any possible regression in relation to people's rights. We can see that internationally there are attempts to row back on people's fundamental human rights, even in parts of the EU. We must ensure there is no dilution of the rights of individuals or groups in our society to access information and services.

We must, therefore, forge ahead and redouble our efforts to ensure that every member of society has their rights protected irrespective of their background, race, gender, ability, ethnicity, sexual orientation, religious beliefs, or civil status. We must ensure people are given autonomy and treated fairly and equally and with respect and dignity. People are entitled to be treated in this manner, whether they are accessing or delivering services.

I believe all the roles assigned to the post for which I have been nominated including *Ombudsman, Information Commissioner, Commissioner for Access to Environmental Information, Member of the Standards in Public Office Commission, Member of the Commission for Public Service Appointments* and member of any *Referendum Commission* established are key elements in ensuring a fair and just society where a human rights based approach is adopted in the delivery of high quality and accessible public services.

A considerable body of work has been done by the Office of the Ombudsman and its various incumbents over its 40 years of existence. I want to pay tribute to those who have held the post in the past and in particular to Peter Tyndall for the work he has done and the excellent legacy he leaves. He will be a hard act to follow.

It is evident that the Office is well served by a committed Management and Staff and I welcome the prospect of working with the Director General, the Management Team and all the Staff of the Office as we continue to make a real and positive difference in the lives of citizens and people living in Ireland by working together with all stakeholders to ensure that public services are delivered to a high standard in an accessible, fair, transparent and accountable manner.

Again, I want to thank you Cathaoirleach and Members for this opportunity to engage with you. I am happy to hear any comments or deal with any questions you have.

Ger Deering

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