



ODF



I hereby submit my Annual Report as  
Ombudsman for the Defence Forces for 2006  
pursuant to Section 7 of the Ombudsman  
(Defence Forces) Act 2004.

This is the first Annual Report submitted in  
relation to the work of the Ombudsman for  
the Defence Forces since it was established on  
1<sup>st</sup> December 2005.

A handwritten signature in black ink, reading "Paulyn Marrinan Quinn". The signature is written in a cursive style with a large, sweeping initial 'P'.

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Paulyn Marrinan Quinn, SC  
Ombudsman for the Defence Forces





## Introduction by the Ombudsman for the Defence Forces, Paulyn Marrinan Quinn, SC.

On 19th September 2005 I was appointed Ombudsman for the Defence Forces by President McAleese, following approval by the Cabinet. As someone with a passionate interest in Ombudsmanship, mediation and conflict resolution, I was deeply honoured to be appointed to this new role.

The Office of Ombudsman for the Defence Forces was established by the Ombudsman (Defence Forces) Act 2004. The Office became operational on 1st December, 2005, the day the Minister for Defence signed the Regulations bringing the Act into force.

2006 was the first full year of operation for my Office. It has been a most challenging, exciting and busy year. I hope this Annual Report will provide the Defence Forces, and the many other stakeholders the Office serves, with an accessible, informative and comprehensive overview of the work undertaken in 2006.

Speaking during the Dáil debate on the above legislation, the then Minister for Defence, Michael Smith, TD, stated that the establishment of the Ombudsman for the Defence Forces was “a major historical milestone in the modernisation of redress procedures.”

The establishment of an independent Ombudsman, to provide serving and former members of the Defence Forces with an impartial review of their grievances, is a groundbreaking development.

The legislation establishing the Office introduces civilian oversight into military complaint and grievance handling procedures. As such, it is a radical departure as the concept of Ombudsmanship is never more challenged than in a military chain-of-command structure. Ireland is the first European country to establish a dedicated, civilian Ombudsman for members, and former members, of the Defence Forces.

Establishing confidence and credibility with key stakeholders plays a vital role in the work of every Ombudsman. My previous professional and academic experience in this area has taught me that it is imperative to gain trust from the very outset. I do not believe that trust can be taken for granted - it has to be earned. This was a guiding principle behind all the activities undertaken in 2006.

In the first full year of operation, my small team and I, have worked hard at communicating the role of the Office to all of its stakeholders.

I was determined that my Office would gain a reputation for impartiality, professionalism and fairness across all our activities and that

the integrity of the Office, so vital to its successful operation, was established with all those whom we serve.

On my appointment as Ombudsman for the Defence Forces I set founding objectives for the first full year of operation. These included:

- **Acquainting myself with the ethos of the Defence Forces, its human resource management systems and its internal Redress of Wrongs (RoW) systems**
- **The adoption of best practice procedures in my case management system**
- **A commitment to the highest standards of customer service in all our activities**
- **The design and implementation of a co-ordinated communications campaign to explain the role and remit of the Office to members of the Defence Forces and the many other stakeholders which the Office serves**

In setting these objectives for the Office I was fortunate to be able to draw on the experience of Mr. André Marin, the first Ombudsman for the Armed Forces in Canada. Mr. Marin gave valuable encouragement, advice and guidance arising from his experience of establishing that Office and his contribution should be formally acknowledged in this Annual Report.

The wealth of experience and knowledge gained through my many years working with the British and Irish Ombudsman Association (BIOA) also proved invaluable during the year. The BIOA was established in 1994 and I was a founding member. I served as the Irish delegate on the BIOA's sub-committee which reviewed standards of best practice for Ombudsmen in the mid-1990s. This experience, together with the ongoing work of the organisation, was of immense assistance in establishing this Office. It was a great pleasure to see the BIOA hold its annual meeting in Dublin Castle in 2006.

Throughout the year, Willie O'Dea, TD, the Minister for Defence, and staff at all levels in his Department, have displayed an

enthusiasm for the establishment of the Office. The independence and impartiality of my Office have been respected at all times and assistance, across a number of areas, has been forthcoming.

I must also express and record my appreciation for the commitment which the Chief of Staff, Lt. Gen Jim Sreenan, has demonstrated during the past 12 months. The Chief of Staff has recognised the autonomy of the Ombudsman for the Defence Forces and ensured that the Defence Forces have put in place personnel and procedures to co-ordinate with, and facilitate the work of, the Office.

In this first Annual Report it is appropriate for me to pay tribute to the late John Lucey, former General Secretary of PDFORRA, who campaigned for the establishment of an independent Ombudsman for the Defence Forces over many years. In the past year, I have become acutely aware of the very high esteem in which he was held, not only on these shores, but far beyond.

The essential elements of Ombudsmanship are well established throughout the world. A valid Ombudsman must be independent, fair, effective and accountable.

In 2006 I have strived to ensure that these principles inform and underpin the work of my Office, and that our customers and stakeholders know this to be the case.

The publication of this Annual Report will allow people draw their own conclusions as to the contribution that this Office has made in its first year of operation and the progress it has achieved in complying with the founding pillars of Ombudsmanship.



Paulyn Marrinan Quinn, SC  
Ombudsman for the Defence Forces

# Highlights of 2006

- 142 referrals, comprising Notifications of Complaint, appeals and enquiries received.
- 26 cases eligible for investigation in 2006.
- Final Determination Report issued in respect of 16 of these cases.
- 62% of cases upheld.
- Defence Forces' procedures for interviews related to NCO Career Courses and Overseas Service were reformed, and interim measures put in place, on foot of Final Determination Reports issued by the Ombudsman for the Defence Forces.
- One full-time member of staff allocated to the Office in June 2006 and another in September 2006.
- [www.odf.ie](http://www.odf.ie) developed and launched in June 2006.
- 35,000 Explanatory Leaflets produced and widely distributed through a variety of channels.
- Braille and audio versions of Explanatory Leaflet produced.
- 19 presentations, lectures and attendances by the Ombudsman for the Defence Forces at range of fora.
- Ombudsman for the Defence Forces appointed to OSCE Expert Group on human rights and fundamental freedoms of armed forces personnel.







Cases and complaints referred to the  
Ombudsman for the Defence Forces

## Access to the Ombudsman

The mission of the Ombudsman for the Defence Forces is to provide an independent, fair and efficient appeal procedure for serving and former members of the Defence Forces in relation to grievances and complaints.

As with the establishment of any new organisation, 2006 saw a significant amount of energy devoted to the practical issues, such as office premises, staffing, and communication outreach tools, which are detailed in the chapter dealing with Corporate Affairs.

It was however my main objective, at all times, to provide a fair and effective service to our core customers, those who referred an appeal in relation to a grievance or sought assistance, intervention or advice.

### *Remit of the Ombudsman for the Defence Forces to investigate complaints:*

The remit of the Ombudsman for the Defence Forces in relation to complaints is set out in the Ombudsman (Defence Forces) Act, 2004.

**In brief, the main points are:**

The Ombudsman for the Defence Forces may investigate any action that may have been:

- Taken without proper authority
- Taken on irrelevant grounds
- The result of negligence or carelessness
- Based on wrong or incomplete information
- Improperly discriminatory
- Contrary to fair or sound administration

The Ombudsman for the Defence Forces is excluded from investigating actions that concern:

- Terms and conditions of employment
- Administration of military prisons
- Organisation, structure and deployment of the Defence Forces
- Security or military operations

The Ombudsman for the Defence Forces can investigate actions carried out by:

- another serving member of the Defence Forces
- a former member of the Defence Forces who was serving at the time of the action
- a civil servant

***Procedure for lodging a complaint:***

Former members of the Defence Forces can bring their grievance directly to the Ombudsman for the Defence Forces.

Serving members of the Defence Forces must first process their complaint through the Defence Forces' Redress of Wrongs (RoW) procedures. This is done according to Section 114 of the Defence Act, 1954.

If, 28 days after that complaint was made, there is no resolution of the dispute then a serving member of the Defence Forces is entitled to refer the complaint to the Ombudsman for the Defence Forces directly.

***Timeframe for lodging complaints:***

Serving, and former members, of the Defence Forces must refer their complaint to the Ombudsman for the Defence Forces within 12 months of the action happening or within 12 months of becoming aware of the action.

The Ombudsman for the Defence Forces is only empowered to investigate actions that occurred since 1<sup>st</sup> December 2005, the day the provisions of the Ombudsman (Defence Forces) Act 2004 came into effect.

## Analysis of Complaints

During 2006 I received a total of 142 Notifications of Complaint, appeals and enquiries in relation to possible appeals.

### *Notification of Complaints under Section 114 of the Defence Act:*

As noted above, serving members of the Defence Forces must first lodge a complaint through the Defence Forces' Redress of Wrongs (RoW) procedures. There is now a legal requirement for the Ombudsman for the Defence Forces, and the Minister for Defence, to be notified of all such complaints. This innovation provides an important civilian oversight of the internal military grievance process.

In 2006 I was notified of 76 complaints made through this process by members of the Permanent and Reserve Defence Forces. Of these:

- 34 were resolved or withdrawn at the internal grievance stage
- 18 were going through the internal Redress of Wrongs (RoW) procedures as of 31st December 2006
- 24 cases were appealed to me

### *Complaints made directly to the Ombudsman for the Defence Forces:*

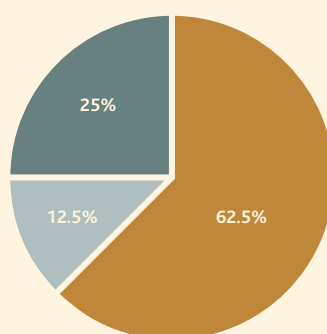
As noted above former members of the Defence Forces can refer complaints directly to me. Complaints in relation to an action taken by a civil servant are also referred directly to me. Two cases were received directly in 2006.

### *Results of cases dealt with by the Ombudsman for the Defence Forces:*

A total of 26 complaints were accepted for investigation by me in 2006.

I issued a Final Determination Report in relation to 16 cases in 2006. Of these:

- 10 were upheld
- 2 were partially upheld
- 4 were not upheld



Results of cases where a Final Determination Report was issued by ODF

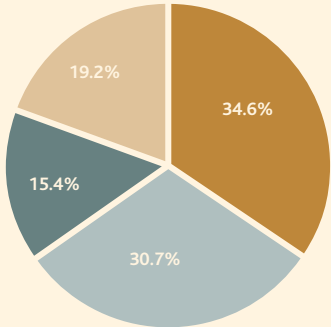
As of 31<sup>st</sup> December 2006 I had issued a Preliminary View Report in respect of a further four cases. I had sought responses and clarifications from the various parties in respect of these Reports. I usually allow four weeks for this process. An extension of time for these responses was requested, which I granted, so my Final Determination Reports in these cases did not issue until early 2007.

Six cases were in line for my review as of 31<sup>st</sup> December 2006.

**Reasons for complaint:**

Of the 26 cases which I considered:

- 9 related to non-selection for promotion
- 8 related to non-selection for career courses
- 4 related to non-selection for overseas service
- 5 related to other issues



Reasons for complaint

**Complaints by Permanent/Reserve Defence Forces members:**

Of the 26 cases which I considered:

- 23 were referred by current members of the Permanent Defence Forces
- 2 were referred by current members of the Reserve Defence Forces
- 1 was referred by a former member of the Permanent Defence Forces

**Gender of Complainants:**

Of the 26 cases which I considered:

- 24 were referred by male members of the Defence Forces
- 2 were referred by female members of the Defence Forces

### ***Referrals Outside my Terms of Reference:***

In addition to the 26 cases which I considered, 29 other referrals were received which were outside my statutory terms of reference. Of these 29 cases:

- 17 related to actions which occurred before 1st December 2005
- 7 related to complaints which must in the first instance go through the Defence Forces' internal Redress of Wrongs (RoW) procedures
- 3 related to actions where the complainant was not directly involved
- 2 related to issues regarding pay/pensions

### ***Other Enquires To the Ombudsman For the Defence Forces:***

35 general enquiries in relation to complaints were received in 2006.

Of these, the majority resulted in advice being provided in writing and the distribution of our Explanatory Leaflet.

Other enquiries resulted in individuals being directed to organisations more appropriate to their complaint such as the Ombudsman's Office, the Garda Complaints Board and the Department of Defence.

### ***Changes Following From Recommendations:***

When determining a case, I must in the first instance, issue my Report to the Minister for Defence. This report is also sent to the Chief of Staff, relevant personnel in the Defence Forces, and the person who brought the complaint.

Through the investigation of individual cases I may identify procedures and practices within the Defence Forces that are out-of-date, badly applied or in need of reform.

During the course of 2006, Defence Forces' procedures relating to the interview processes, for NCO Career Courses and Overseas Service were reviewed and reformed, on an interim basis, following the issuing of some of my first Reports.

To have played a role in encouraging review and reform is an important milestone for my Office to have achieved in its first year of operation.

I was struck by a willingness in the Defence Forces to embrace change. This is in no small part due to the constructive attitude which the Chief of Staff, Lt. Gen Jim Sreenan, and his Deputy Chiefs of Staff, have adopted towards the work undertaken by my Office.

I must use this opportunity also to record the tremendous assistance which the body of work completed by Dr. Eileen Doyle and her colleagues has been. Dr. Doyle's work regarding serious personnel issues in the Defence Forces has been an important touchstone for my work during the past year. I am pleased to report that some of the reforms proposed by her Advisory Group Report *The Challenge of a Workplace* in 2002 and her subsequent Monitoring Group Report, *Response to the Challenge of a Workplace* in 2004, remain an important benchmark of best practice.

The role of an Ombudsman involves the investigation and determination of complaints, taking into account all the surrounding circumstances of an individual case.

An Ombudsman's office is of its very nature therefore complaints and process focused. Through this investigative work an Ombudsman has a unique opportunity to identify unfair or discriminatory practices and processes that fail to meet desirable administrative standards or, indeed, good procedures that are improperly applied.

The monitoring and reform of procedures in an organisation over which an Ombudsman has jurisdiction is central to the concept of Ombudsmanship. By being an effective agent of change, Ombudsmen can ensure that underlying causes, which gave rise to a wrong or unfair action, are corrected so that, in future, others are not subject to the same flawed processes.

Not only is it a reflection of an organisation's standing and quality that it is open to independent oversight, but it is, indeed, a reflection of the regard that it has for its members that an organisation can face up to errors and implement reform. During 2006 the Defence Forces demonstrated the necessary openness towards reform which has, in no small way, contributed to the effectiveness of my Office.







Summaries of Cases Dealt With by the  
Ombudsman for the Defence Forces

This section contains a selection of case summaries which were concluded in 2006.

Permission to use these selected cases was obtained from the individuals who referred their cases to me for review. Their assistance with this matter is greatly appreciated. As far as possible, specific details related to each case have been deleted to maintain the anonymity of each individual.

I hope these brief case histories provide an insight into the nature of the complaints which I considered in 2006.



### **CASE SUMMARY 1 - COMPLAINT UPHELD**

**Overseas appointment – Selection criteria not promulgated – Reasonable grounds for relying on 'longest back' principle applying – Need for reasons why candidate unsuccessful – Need for standardised and consistently promulgated appointment and selection processes.**

The Complainant was selected as his Unit's nomination for an NCO appointment overseas, but was unsuccessful in his application. He was informed that the reason for his non-selection was that he had only completed one Overseas Posting and that it was policy in Human Resources Management (HRM) Section that only those with more overseas experience would be selected for the appointment. The Complainant brought a Redress of Wrongs application. He submitted that the general understanding was that the 'longest back' principle applied in the selection of overseas appointments and that he was the longest back, not having served overseas since 1995, and fulfilled all other requirements. He further submitted, in the alternative, that, if the reasons given for his non-selection amounted to a policy requirement, it had not been promulgated throughout the Defence Forces. Rather, he submitted that this criterion had been arbitrarily introduced without consultation or notice.

The 'longest back' principle had been a rule of thumb and a significant component in the selection procedure for overseas appointments for as long as people in the Complainant's Unit could remember and it was at odds with the policy applied by the HRM Section in rejecting the Complainant's application. It was accepted by all in the investigation of the complaint that there was no written policy within the Complainant's Unit or the HRM Section for the selection of NCOs for overseas service at the material time. Further, the job descriptions and necessary qualifications for the appointment, as published by the HRM Section, were not explicit in their requirement for candidates to have sufficient relevant overseas experience, merely stating, as they did, that "previous overseas experience as an NCO" was required.

The Complainant referred the matter to me when his Redress of Wrongs application was not upheld. I found that the matrix of assessment used by the HRM Section was not made known to the units or the candidates and that this lack of transparency gave grounds for a reasonably held grievance on the part of the Complainant. There were no standardised criteria in place which were promulgated to all members of the Defence Forces.

The Complainant had had reasonable grounds to rely on the 'longest back' principle carrying weight in the selection process. Further, in the absence of specific criteria against which he could judge his chances, and in the absence of policies and procedures promulgated to all, the Complainant was adversely affected by procedures which were contrary to fair and sound

administration. He had no satisfactory means of understanding why he had been unsuccessful in a competition which had a significant impact on his career path.

I recommended that measures be agreed which would, as far as practicable, mitigate the adverse effects which the Complainant had sustained. I further recommended that work be progressed in relation to the necessary clarification and promulgation of the appointments and selection processes and that interim arrangements be adopted. I advised that serious consideration should be given to the implementation of the recommendation in the Equality Steering Group's report 'Response to the Challenge of a Workplace' generally and specifically in relation to the recommendation that unsuccessful candidates be given a list of reasons for their lack of success and guidance as to what steps might be taken to improve their chances in the future.



## CASE SUMMARY 2 - COMPLAINT UPHELD

**Logistics Accountancy Course – Selection for nomination – Criteria for selection – No standardised qualifying criteria or weighting system promulgated to applicants – Failure to define criteria – Nomination lacking in fairness and transparency – Complainant not capable of assessing his eligibility.**

The Complainant contended that he should have been selected as the first nomination for a Logistics Accountancy Course. He believed that he was the most qualified candidate with the most relevant experience and longest service. He had applied seven times for the course but had not been selected as the first nomination. He submitted that he had been unfairly treated as he had fulfilled the criteria in line with the relevant Administrative Instruction.

The questions which arose in this Appeal related to the procedures applied in the conduct of the selection process. Were the procedures open and transparent? Were they fair and in line with desirable administrative practices and sound and fair administration?

At first sight, it appeared that there were no standardised qualifying criteria in place for the courses promulgated to all personnel at the time of the nomination process. There was general confusion as to the applicable qualifying criteria as candidates were not furnished with the necessary documentation or information pertaining to the selection process in advance of application.

The Complainant's employment was deemed not to have been "within a Logistics Functional Area". There was, however, no agreed definition of what was meant by this phrase promulgated comprehensively prior to the nomination process. This was unfair as it made it impossible for a candidate to reasonably assess his/her eligibility under that criterion, particularly in circumstances where that criterion was found by the internal investigation to be 'a key determining factor'. Further, an explanation for the weighting/scoring system used in the evaluation of candidates in the nomination process was never furnished to candidates in advance of interviews.

In light of the above defects in the process, it was difficult to support the view that was submitted in the course of the internal investigation, that the system was fundamentally fair, transparent and impartial. Having come to this conclusion, I referred to the Equality Steering Group's 'Response to the Challenge of a Workplace' as providing guidance on what would be

reasonable, acceptable standards and principles applicable in the instant case. These included the listing of essential qualifications in advertisements for posts, agreeing in advance other desirable criteria or qualifications and setting maximum points available for every category and advising unsuccessful candidates of the specific reasons why they were not successful and the steps they could take to improve their chances in the future.

I found that the Complainant had been adversely affected by the manner in which the nomination process had been conducted in that he was not informed adequately, or at all, of the relevant qualifying criteria and weighting system.

I recommended a review of the nomination process. In terms of the remedy, I recommended that the Military Authorities duly recognise the merits of the issues which the Complainant had raised in a way that would operate to the benefit of the Complainant and I also suggested that serious consideration be given to running additional Logistics Accountancy Courses, given their importance in terms of career development for members.

In his response, the Minister for Defence noted the introduction of the new Interim Selection Procedures for Career Courses and Overseas Service on the 31<sup>st</sup> July, 2006. He further noted that arrangements were being put in place to expedite responses to reports issued by me.



### **CASE SUMMARY 3 - COMPLAINT UPHELD**

**Potential NCO Course – Selection process – Requirement to undergo Module 3 – Transparency – Fair and sound administrative practice – Exemption in respect of all Medical Corps Personnel – No exemption as regards Transport Corps – No proper rationale for distinction promulgated to all – No standardised selection procedures – Selection process not objective and transparent and not in accordance with fair and sound administrative practice**

The Complainant was a member of the Transport Corps with over twenty-five years experience in the Defence Forces. He had applied for a vacancy on a Potential NCO Course for Specialist/ Tech Personnel. He was unsuccessful in that application on the basis that he was not eligible for exemption from Module 3 (i.e. the tactical element) under the relevant syllabus. The Complainant submitted that, in the circumstances, the selection procedures were unjust and amounted to discrimination against him.

The Complainant pointed out that all Medical Corps Personnel (irrespective of Tech Grade) were exempt from the requirement to undergo Module 3 and he submitted that this distinction was unjust and created an unfair advantage.

The Complainant had processed his grievance through the Redress of Wrongs procedure and the Chief of Staff ruled that the Complainant had suffered no wrong requiring redress on the grounds that - among other things - the decision as to which personnel would be exempt from the requirement was a command decision based on the nature and employment and various duties of Medical Corps Personnel.

In dealing with this Appeal, I had to assess whether the circumstances giving rise to the complaint were such as to adversely affect the Complainant. In particular, I had to assess the

openness and transparency of the selection process and decide whether the procedures were fair and in line with desirable administrative practices and sound and fair administration.

I found that, other than as stated by the Chief of Staff above, there had been no reasoning for the selected categories for exemption, and the resulting anomaly between the Medical Corps and the Transport Corps, proffered during the internal investigation. I found that as there had been no reasons, made known to all involved, as to why all Tech Grades of the Medical Corps were eligible for the course, and were entitled to be exempt from Module 3, whereas only Grade 3 of the Transport Corp were eligible, the process was 'on its face' unfair and could be reasonably construed as discriminatory.

The relevant syllabus document stated: "The Potential NCO Course is Tri Modular. Unit Commanders will offer all candidates, irrespective of Tech Grade, the option of completing all three modules". I found that this represented the underlying principle of the modularised system and implied that any exemption would have to be on reasonable grounds, explained to all those involved. The situation gave rise to a reasonable expectation that the Complainant had a fair and equal chance of being eligible for selection. In the circumstances, it was necessary to look behind the syllabus document at the rationale for the exemption applying only to selective categories of personnel and ask whether this was compatible with the objectives of the Potential NCO Course.

There were no standardised qualifying criteria for Potential NCO Courses in place and/or promulgated to all personnel at the time of application, however, I noted and endorsed the fact that a review was taking place in this regard. I recommended that recommendations in the Equality Steering Group's 'Response to the Challenge of a Workplace' as regards selection procedures for Career Courses be adopted and implemented, as far as practicable, in relation to the selection process for Potential NCO Courses.

The absence of a justifiable rationale for the anomaly highlighted by the Complainant, coupled with the absence of standardised qualifying criteria for the Potential NCO Course, meant that the selection process had not been implemented in an objective and transparent manner and in accordance with fair and sound administrative practice. Accordingly, the Complainant had been unfairly prevented from being afforded the opportunity of undertaking a course that was significant in terms of his career advancement. In addition to my recommendation on the selection procedure, I recommended that some thought be put into finding a means of making good the adverse affects of the administrative failings on the Complainant.

Subsequent submissions by the Defence Forces pointed out that the requirement on members of the Complainant's Technical Group to undergo Module 3 was objectively justified by the need for such personnel to be familiar with tactical requirements. However, it remained the case that the Complainant had not been informed of this prior to his application, nor when the decision was communicated to him.

In his response, the Minister for Defence noted the introduction of new Interim Selection Procedures on the 31<sup>st</sup> July, 2006. Further, he confirmed that a review of Technician Groups was underway. I had recommended that this work be progressed.



#### CASE SUMMARY 4 - COMPLAINT UPHeld

**Selection for Overseas Service – No interview process for appointments in question – No reasons given for non-selection – Additional criteria applied after closing date for nominations – No transparent objective assessment methodology applied – Lack of standardised qualifying criteria promulgated in advance of competition.**

The Complainant volunteered for Overseas Service in respect of two appointments, being CQMS Procurement Section NSE and Sgt Procurement Section NSE. Having satisfied the criteria as set out in the advertisement from EPMO, the Complainant was recommended by his Section OIC, the Director SPO, and subsequently nominated by his Unit Commander in respect of both appointments.

It appeared that the Complainant was never interviewed in respect of the appointments in question and he was neither informed in writing of his non-selection nor provided with any reasons at the time for his non-selection. By the time the Complainant's complaint had been processed through the Redress of Wrongs procedure, the Complainant had no way of undoing what had been done as the Overseas Postings had begun. The Complainant requested that the matter be referred to me.

The basis of the Complainant's complaint was as follows:

- **That being qualified for the appointment and matching the criteria fully and being the longest back from previous Overseas Service, the Complainant should have been selected for the overseas appointment. The Complainant contended that in circumstances where all the candidates met the relevant criteria for an overseas appointment, then “the longest back from overseas service” criterion should be relevant and applied in accordance with the normal and long acknowledged working practice for overseas selection within the Defence Forces.**
- **That a general atmosphere or environment of unfair advantage or favouritism, real or perceived, for certain NCO's ahead of others had arisen by the non-selection of the Complainant.**
- **That no additional criteria should be applied and/or given weight in the selection process after the closing date for nominations of candidates for Overseas Appointment competitions.**

The Complainant sought selection as Sgt in NSE or an equivalent mission by way of redress.

I found that there was neither an interview nor a transparent objective assessment methodology applied to the selection process. There was a lack of standardised qualifying criteria for the Overseas Service in question promulgated to all personnel in advance of the competition. The Investigating Officer's Report stated that recent and consistent overseas experience was a major consideration as the appointments required NCO's with considerable and varied overseas experience.

I found that whereas this may have been a valid relevant and appropriate consideration in the circumstances of this particular overseas appointment this was not made clear at the time that the appointment was advertised. The Complainant was put at an unfair disadvantage and was unfairly prevented from being afforded the opportunity of undertaking the appointment in

question and the resulting opportunities of career advancement within the Defence Forces.

The discussion document entitled: "Standardisation of Selection Criteria for Career Courses in the Defence Forces and Overseas Selection" dated the 6th March, 2006, addressed the inconsistencies and ambiguities that existed, at that time, in this area. I found that they represented an implicit admission that there were no formal standardised criteria in place for Overseas Service promulgated throughout the Defence Forces at the material time.

The Complainant claimed that he had suffered unfair treatment as a result of the flaws in the administrative process for selecting volunteers for overseas service and further believed that he was turned down in his application for the nine month appointment as an Acting Company Sgt and the eight month appointment as a Sgt because he had earlier submitted a complaint against the Selecting Authority in relation to another posting. In the course of the investigation, the Complainant had received an appointment as a Sgt Driver/Clerk for 6 months and whereas the Complainant was happy with this appointment he pointed out that this appointment was for a six month period which involved a financial loss when compared to the other Overseas Appointments.

I was satisfied that in respect of the appointment of Sgt Procurement Section NSE, the Complainant had been adversely affected by the selection process which was not adequately transparent as to the desirable, necessary and essential criteria and experience necessary for the appointment or at all and that the Complainant's complaint was well founded. I made the following recommendations:

- **The implementation of proper procedures for setting and promulgating selection criteria for overseas service so as to avoid misunderstandings.**
- **Proper and timely procedures for interviewing and/or otherwise assessing nominated candidates for Overseas Service with an agreed rating and marking system.**
- **The provision of specific reasons as to why candidates were not successful in their application for Overseas Appointments and what steps they should take to improve their opportunities in the future (where practicable).**
- **I made no finding in relation to the estimated claim of loss which the Complainant had submitted in relation to the notional losses compared to the applications subsequent to the appointment in respect of which he made reference to me.**
- **The questions which the Complainant raised about the outcome of the applications for Overseas Appointments subsequent to the Overseas appointment which was the subject of his Appeal to me required further investigation. If the Complainant wished to pursue these additional matters a process needed to be initiated to provide for a response with submissions from the parties involved. I recommended that opportunities of resolving these matters amicably should first be explored.**

In his response, the Minister for Defence noted the introduction of new Interim Selection Procedures on 31<sup>st</sup> July 2006.



## CASE SUMMARY 5 - COMPLAINT UPHELD

**Nomination for Career Course – No objective assessment methodology applied – Order of seniority not adhered to – Course Notification and Training Syllabus specified conflicting criteria – No standardised selection criteria – No reason for decision given – No form of appeal – No interview process prior to nomination.**

The Complainant's grievance related to his selection as the second nomination for a Logistics Accountancy Course and it was his contention that he should have been selected as the first nomination for this course as he met all of the criteria set out for the course and he was more senior to the person who was selected. The Complainant further submitted that the criteria specified in the Course Notification were different to the criteria listed in the Training Syllabus. It also appeared that the applicants for this course were not interviewed by a Selection Board, there were no standardised selection criteria in place and/or promulgated to the Candidates in advance and no objective assessment methodology appeared to have been applied. There were also no reasons given to the Complainant for the decision and no form of appeal was afforded to him. The Complainant sought that his position on the list of nominations be altered to recognise his being the first nomination.

The Investigating Officer found that the Complainant had not been wronged on the grounds that the guidelines issued by the Selecting Authority were followed. The Complainant submitted that the Investigating Officer had misrepresented the exact nature of his complaint. The Complainant also contended that the Investigating Officer had not appeared to be impartial and it was his belief that he had already formed an opinion on his application prior to the interview.

There was no definition of "employment" within a logistical functional area given to the Complainant and there was a lack of clarification as to what was deemed to be "a logistic functional area" or background experience in "logistics". The absence of clarity and transparency, in addition to the differences between the various documents setting out the criteria for selection, gave rise to the unfairness (real or perceived) which was the subject of the Complainant's grievance.

The Complainant contended that there was a difference between the criteria specified in the Course Notification and the Training Syllabus. According to the criteria laid down in the Course Notification it required that the candidates "must be employed in a logistic functional area" whilst the Training Syllabus stated that "it is desirable that students have a background experience in logistics". From the comparative assessment between the four candidates for the course in question it appeared that the order of nomination was influenced by the level of previous logistical experience of each of the Candidates and this was confirmed by the Commanding Officer. An inference could also be drawn from the Considered Ruling of the Chief of Staff that the first criteria of "must be employed in a logistical function and area" was the over-riding determining criterion and therefore none of the four Candidates would have been eligible.

It appeared that none of the nominated candidates was interviewed at any stage during the selection process which denied the applicants an opportunity of fully describing their previous or current logistical experience or work. Wavering views and varying interpretations of the definitions and weighting of experience and criteria gave rise to a perception of an unfair selection process. I highlighted, with reference to the Equality Steering Group's Recommended Procedures for the Interview Process for Courses, Promotion and Overseas Service as set out in



its 'Response to the Challenge of a Workplace', that essential general and desirable qualifications for the post in question should have been listed in the advertisement for the post.

I found that, with reference to the above recommended procedures, desired criteria/qualities for selection for the promotion or vacancy should have been agreed in advance and a table of maximum points available for each criterion/quality should have been agreed and made available to the candidates and the interview panel in advance. No form of objective methodology for assessing the candidates appeared to have been applied or promulgated in this case.

I also drew attention to an unsatisfactory aspect of the grievance procedure that I observed which involved the Commanding Officer being responsible for nominating the candidates for the course in question while, at the same time, being the person charged with the responsibility of conducting the initial investigation of this complaint.

It appeared to be widely accepted that the Logistics Accountancy Course was a significant step in the advancement of the career of a member of the Defence Forces. Theoretically, it seemed that every competition stood alone but, in practice, when a subsequent course was advertised nothing might have changed in the intervening period and the candidates might reasonably fear that they would be ranked in the same order as the previous nomination process. I highlighted that in circumstances where so much was at stake, the candidates were required to put their faith in the authenticity, impartiality, objectivity and fairness of the process being applied and had a reasonable expectation of this being delivered. Having read the submissions I found that those expectations had not been adequately met.

I found that the processes fell short of the standards envisaged by the standards of best practice recommended by the Equality Steering Group and I upheld the complaint. I recommended the implementation of proper procedures for setting and promulgating selection criteria for the Logistics Accountancy Course and the adoption of comprehensive and timely procedures for interviewing and/or otherwise assessing nominated candidates with an agreed rating or marking system under the headings of the criteria and experience required.

The Minister for Defence in his response noted the introduction of new Interim Selection Procedures on 31st July, 2006. I also recommended that the Complainant be given a place on the next Logistics Accountancy Course provided that he applied and met the administrative and medical requirements.



#### **CASE SUMMARY 6 - COMPLAINT UPHELD**

**Selection process for NCO Course – Criteria of precedence unclear – Incomplete recording of Courses completed – Unfair inclusion of conduct records – Review Board constituted to decide order of precedence – Reconsideration of original decision made by same members of Board.**

This complaint related to the Complainant's nomination as the fourth preference in the nominations for a Standard NCO Course. The Complainant took issue with the selection process and contended that the placing of the nominations for the course were unfair on the grounds that the Candidate placed second was junior in seniority to the third, fourth and fifth placed Candidates. The Complainant stated that all the courses completed by him during

his military service were not fully recorded in the assessment for nomination, despite being informed that the order of preference of the Candidates was solely determined on the number of courses completed at Instructor level. He also submitted that conduct records before his promotion to his current rank were wrongfully considered.

A Review Board was specifically constituted for the purpose of deciding on the order of preference of the Candidates for the course in question. This Board reconvened, comprised of the same persons, to reconsider its order of preference and upheld its original decision without setting out clear reasons. It appeared that at no stage was the Complainant, nor any other candidate, interviewed during the nomination process for this course, nor indeed was the Complainant afforded any hearing during the Board's reconsideration. There were no standardized selection criteria in place and/or promulgated to the candidates in advance of the application process. There also appeared to have been no objective assessment methodology agreed, adopted or applied that was commonly understood by all.

In the Considered Ruling of the Chief of Staff attention was drawn to the fact that there was no statutory or regulatory requirement for a Unit Commander to employ a selection procedure within a Unit to select personnel to be nominated to undergo any particular Career Course. He considered that the process used was fair and justified in ensuring that every candidate was assessed on an equal basis. I pointed out that the absence of statutory or regulatory requirements did not per se relieve a Unit Commander from adhering to fair procedures in a selection or nomination process. I found if the Complainant's application for the Standard NCO Course in question had been handled by the Review Board in accordance with the Equality Steering Group's Recommended Procedures for the Interview Process for Courses, Promotion and Overseas Service as set out in its 'Response to the Challenge of a Workplace', then several aspects of the process would have been different.

I was concerned about the circumstances surrounding the exchange of information by the Review Board in relation to the courses which the Complainant had completed. There appeared to have been a lapse in attention to details which were relevant in the Board's determination. The Board, also, gave no reasons as to why it chose not to mention the special commendation which the Complainant had received on an Overseas Posting. On the basis of the information and the Rulings that I had received, and information submitted, I was of the view that there were sufficient grounds to suggest that the procedures had not been sufficiently transparent and clear, as a result of which the Complainant had been adversely affected.

I issued a Preliminary View Report in which clarifications were sought. Having received the responses to the Preliminary View Report, I confirmed the views expressed in my initial Report and upheld the complaint.

The Complainant was offered a place on a Standard NCO Course by way of redress. In his response, the Minister for Defence noted the introduction of the new Interim Selection Procedures on the 31st July, 2006. He further noted that the Director of Defence Forces Training was amending the training syllabi to ensure that the qualifying criteria for course eligibility were clear and unambiguous.



## CASE SUMMARY 7 - COMPLAINT UPHELD

Logistics Accountancy Course – Allocation of places – Criteria for allocation – Ambiguity – Reasonable expectation – Substituting – Lack of transparency – Overriding criterion linked to vacancies – Selection process for course not conducted in accordance with fair procedures and desirable administrative practices

The Complainant had substituted for a period of eight years, for the most part in an unpaid capacity, carrying out his own duties and those of a higher, unfilled post. During that time, he had applied for a place on a Logistics Accountancy Course on every occasion it was held, but had been unsuccessful every time. He was never given an explanation as to why he had been unsuccessful, nor advice on steps he could take to improve his chances in the future. In his most recent application, the Complainant had been unsuccessful despite having been recommended by his Commanding Officer and having received the first place nomination from his unit. The result of this was that, when a position at the higher level became available, he was not qualified to apply for it.

The Complainant pursued a Redress of Wrongs application on the basis that he had carried out the extra duties in good faith, in the belief that, when the time came to fill the higher position, his contribution and work would help in his application. He submitted that the selection process for the Career Course was unfair and contrary to the principles of natural justice.

The case had gone through a lengthy internal investigation. At every stage there had been sympathy expressed for the Complainant and it was accepted that he had a reasonable expectation, based on his performance in carrying out the extra duties, that he would be given an opportunity to take the course. The outcome of the Redress of Wrongs procedure, however, was the Considered Ruling of the Chief of Staff that no wrong requiring redress within the meaning of Section 114 of the Defence Act 1954 had occurred.

In reviewing this appeal, I found that it had arisen because of ambiguity with regard to the methodology employed in the allocation of places on the course in question. I was satisfied that, as a result of unfair and undesirable administrative practices, the Complainant had been given no recognition or reward for the substantial additional work which he had carried out. The Complainant had a reasonable expectation which was not fulfilled. I found that, whereas the methodology for allocation of places on career courses was linked to organisational needs and the management of vacancies, these factors were not clearly understood to be the overriding criteria by those applying.

I recommended implementation of best practice regarding desirable administrative procedures, as set out by the Equality Steering Group in its report 'Response to the Challenge of a Workplace'. This would avoid decisions being vulnerable to a perception of favouritism or bias. I further recommended that the criteria for the allocation of places on Career Courses be unambiguous and clearly set out in advertisements for such courses, and that, if there was an overriding criterion linked to job vacancies or other requirements, this be made clear in advance of the selection process. Finally, I recommended that personnel, such as the Complainant, who had applied unsuccessfully for a Career Course on a number of occasions, be advised of the reasons for their lack of success and the steps they might take to improve their chances in the future.

This case demonstrated that a lack of transparency in administrative systems could lead to a perception of discrimination or favouritism. Further, in a Complainant not possessed of such

patience, forbearance and loyalty, the administrative weakness could have caused resentment and demoralisation.

In his response, the Minister for Defence noted the introduction of new Interim Selection Procedures in relation to Career Courses and Overseas Appointments on the 31st July, 2006. He further noted that the Director of Defence Forces Training was amending the training syllabi to ensure that the qualifying criteria for course eligibility were clear and unambiguous.

The Complainant was recently selected for a Logistics Accountancy Course.



### CASE SUMMARY 8 - COMPLAINT UPHELD

**Selection for Overseas Posting – New criterion for posting not made known to Complainant – Grievance procedure – Undesirable administrative practice – Criteria and conditions relevant to posting not available in Selection Procedures.**

The Complainant's grievance arose out of the fact that when the list for the Overseas Mission with KFOR was released he was not paraded and informed whether he was on the panel for Overseas Posting. The Complainant was subsequently informed that he was not likely to be on the main list because he had not served in Liberia. It was the Complainant's submission that he was informed that the precedent, which he believed to be the governing principle of "last back, first out", was no longer applied. As the Complainant had not been on an overseas tour of duty in 8 years he had relied on the accepted practice that, all things being equal, the "longest back" would be "first out". It was the Complainant's contention that at no time was the new criterion promulgated or otherwise made known to the Complainant as a condition or criteria for the Overseas Posting in question.

I noted that the internal complaint handling procedure in this case was questionable as it appeared that the GOC who issued his Considered Ruling was also the Selecting Authority and in such circumstances it could be argued that he was acting as a judge in his own case which would be a breach of the principles of natural justice. It was, however, submitted at the final report stage that the GOC delegated the task of the selection process to his staff which allowed him to consider and decide on any conflicts that might arise due to non-selection. I also found that where information as to relevant qualifications had not been made known to candidates in advance, the practice fell short of best practice and could reasonably be said to represent an unfair administrative practice.

I recommended that the criteria for overseas service be promulgated, in the normal course, leaving no room for doubt as to the criteria applicable and where special criteria were to be applied that they be included in such a list. I also recommended, in line with the observations of the Investigating Officer, that it be made clear to those placing their names on the list of volunteers for overseas service that such a step did not guarantee them a place on a specific posting.

I was advised that paragraph 107 of the Administrative Instruction Part 26 was invoked where a dispensation to established practice and/or Administrative Instruction was being sought.. Whereas this purported to clarify the use and practice of the provision in question, I suggested that the wording, as it stood, could be reasonably open to different interpretations. If this provision were amended to reflect accurately its role and function it would avoid confusion as

to how and when it could be invoked. I recommended that this be done.

It was also submitted that whereas it was acknowledged that DCOS (Sp) was the final authority for selection for overseas service, it would not be practicable or efficient if every case of non-selection in a Brigade/Formation was referred to him for consideration

With regard to the present case, the Chief of Staff acknowledged that the selection procedures used were not ideal and pointed out that the new Interim Selection Procedures had been introduced with a view to integrating some of the best practice recommendations of the Equality Steering Group. The Chief of Staff suggested that the most suitable method of providing redress in this case was by acknowledging that the procedures used were not in accordance with best practice but that the new Interim Selection Procedures which had been recently introduced clearly improved the processes and any future applications for overseas service would be properly considered in line with the new procedures.

I found that there had been a lack of clarity in the selection procedures for overseas service in this case and that it would ultimately be to the benefit of all that the Complainant had drawn attention to these shortcomings. To this extent, his complaint was justified. I accepted the submission of the Chief of Staff that the Complainant would not have suffered in terms of his career profile in light of his overseas service. I found that the redress (as suggested by the Chief of Staff), in acknowledging that the procedures used were not in accordance with best practice but that any future applications would be properly considered in line with the new Interim Selection Procedures, was appropriate in the circumstances.

In his response, the Minister for Defence accepted the need to amend and clarify Administrative Instruction Part 26.



## Check List for Complainants

This section contains a check list designed to assist people who wish to make a complaint. The check list is available on [www.odf.ie](http://www.odf.ie) and is included in our Explanatory Leaflet.

### Requirement 1:

The action I wish to complain about occurred after 1<sup>st</sup> December 2005.



### Requirement 2:

The action occurred, or I became aware of it, within the last 12 months.



### Requirement 3:

I have lodged a complaint about the action through the internal military Redress of Wrongs (RoW) system and I am not satisfied with the outcome.



*(Requirement 3 applies only to serving members of the Defence Forces. It does not apply to former members of the Defence Forces.)*

### Requirement 4:

The action does not relate to:

Security or military operations, organisation, structure and deployment of the Defence Forces, terms and conditions of employment, administration of military prisons.



### Requirement 5:

The action I wish to lodge an appeal about has not been summarily dealt with according to Section 179 of the Defence Act, 1954.









## Corporate Affairs

2006 presented my Office with significant challenges in relation to corporate affairs.

My Office came into effect on 1st December 2005, the day the Minister signed regulations bring the Office into operation. In addition to dealing with complaints and enquiries that began to come in almost immediately, it was imperative that an administrative infrastructure, essential to the successful establishment of the Office, was put in place.

This involved creating solutions to a myriad of issues including, staffing, accommodation, case handling processes, communication, data protection and finance, to highlight just a few. At the outset, I drew up a blueprint for the Office, setting out targets for delivery of services to our customers.

In this section of the Annual Report I hope to provide a brief overview of progress on these issues. At this stage it is important to thank those within the Civil Service who provided assistance on a number of issues.

### ***Communicating the Ombudsman Message:***

As Ombudsman for the Defence Forces, I serve a wide range of stakeholders. When the Office was established it was extremely important that I met, and entered into a dialogue, with these stakeholders so that the remit and function of this new Office of Ombudsman for the Defence Forces was communicated to them.

From the outset, I was keenly aware that there were many differing perceptions, expectations and views of what the Office could do in real terms. For some the expectations were high. It was important that the brief window of opportunity presented in the early days of the establishment of the Office was grasped so that members, and former members, of the Defence Forces in particular, who are our primary clients, could be informed about my role and function, the powers of the Office and its limitations.

A range of communication tools were employed to inform the various audiences about my Office and the extent of its function and powers. Below is an overview of the communications activities engaged in during 2006. It also includes references to the work which I undertook from the date of my appointment by President McAleese in September 2005.

### ***Visits and Presentations to Defence Force members***

The most important audience for my Office is former and serving members of the Defence Forces. Even before the official establishment of my Office, I actively sought to communicate in person the remit and function of the Office directly with members, and former members, of the Defence Forces of all ranks. This process involved visits, lectures and presentations at a number of military barracks, conferences and other meetings throughout the country.

I also availed of opportunities offered by the Defence Forces' representative organisations to directly address their members.

These ongoing visits have proved most valuable. Defence Forces' members can gain a direct insight into the legal basis and administrative procedures of the Office. The visits have also been invaluable in informing my own understanding of the ethos of the Defence Forces and the expectations its members have of my role.

*Among the visits and engagements completed between 2005 and 2006 are:*

October 2005

Attendance at PDFORRA Conference

October 2005

Briefing with Deputy Chief of Staff, McKee Barracks

October 2005

Briefing with Director of Human Resource Management Services, McKee Barracks

October 2005

Meeting with PDFORRA Executive

October 2005

Meetings with Department of Defence officials

November 2005

Attendance at RACO Conference

November 2005

Presentations at Cathal Brugha Barracks, Eastern Brigade

December 2005

Presentations to Air Corps, Baldonnel

December 2005

Presentations at Curragh Camp, DFTC

February 2006

Presentation to Unit Commanders, Curragh Camp, DFTC

February 2006

Presentations at Naval Service, Haulbowline

February 2006

Presentations at Collins Barracks, Southern Brigade

February 2006

Presentations at Custume Barracks, Western Brigade

May 2006

Presentation at Curragh Camp, DFTC

May 2006

Presentation at RDFRA Conference, Curragh Camp

September 2006

Presentation to Officer Training Wing, Curragh Camp, DFTC

October 2006

Presentation to PDFORRA Annual Delegate Conference

November 2006

Attendance at RACO annual dinner

December 2006

Attendance at PDFORRA reception

### **OSCE Working Group:**

In December 2006 I was invited to an Organisation for Security and Co-operation in Europe (OSCE) Expert Group meeting in Warsaw, Poland, dealing with a project entitled '*The Citizen in Uniform*'.

The Expert Group is currently producing a handbook on the human rights and fundamental freedoms of armed forces personnel and I was pleased to be asked to contribute to the project as a member of the Expert Group.

The project is jointly directed by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Geneva-based Centre for the Democratic Control of Armed Forces (DCAF).

### **Development of ODF logo**

As Ombudsman for the Defence Forces, I am an impartial third-party. My Office is independent of the Minister for Defence and the military authorities.

With the establishment of my Office it was important that a unique visual identify was developed and applied to all materials to underline the independence and standing of my Office.

Early in 2006, the ODF logo was developed with the assistance of a Dublin-based design agency and is prominently used on all our materials and publications.

### **Development of ODF website:**

Our website, [www.odf.ie](http://www.odf.ie) was developed in the first half of 2006 and went live in June.

Text on the website is available in both Irish and English.

The website is designed to provide serving and former Defence Forces' members, and other interested parties, with accessible, jargon-free information on all aspects of my Office's work. The website also enables clients to lodge an appeal on-line, through the on-line complaint facility. Feedback on the standard of service provided by my Office is actively encouraged through the website.

[www.odf.ie](http://www.odf.ie) received 6,608 visits between June – December 2006.

### **Production of Explanatory Leaflet:**

35,000 Explanatory Leaflets outlining my role as Ombudsman for the Defence Forces and detailing the procedure for lodging eligible appeals was designed, produced and distributed by early 2006. I worked closely with the National Adult Literacy Agency (NALA) to ensure that the text was clear and unambiguous. The leaflet has NALA's Plain English mark.

The Explanatory Leaflet was distributed as an insert through a number of relevant publications including *Irish Defender*, *Signal* and *One Connect*.

Copies of the Explanatory Leaflet were also sent to all Oireachtas members.

The Explanatory Leaflet has also been made available at conferences where I have attended or made presentations and delivered directly to military installations following requests.

The Explanatory Leaflet is also available in Braille and audio format.

### ***Staffing:***

It was of great assistance when the first member of staff was allocated to me in June 2006. A second member of staff was appointed in September.

The contribution that my small team made in the latter half of 2006 has been considerable.

As the Office develops it is likely that additional staff resources will be required to ensure that the delivery of a effective, efficient service is maintained.

Prior to the appointment of staff, I had to outsource essential clerical and research support services. I must record my thanks to those people who were responsive to the needs of the Office at that time.

### ***Office Premises:***

When my Office was established I arranged accommodation in the Distillery Building on Church Street, Dublin 7.

On 1<sup>st</sup> December 2006 my Office was relocated to three rooms on the first floor of 13/15 Hatch Street in Dublin. These premises are not proving adequate or suitable and I have requested assistance from the Office of Public Works in securing suitable, permanent premises.

### ***Case Handling System:***

Upon my appointment I carried out a review of the computerised case handling systems used by a range of Ombudsmen's Offices. Following this a tender, specific to the needs of the ODF, was issued.

I am pleased to report that a bespoke computerised case handling system, incorporating best practice solutions and taking account of the specific requirements of the Office, is in place and that pre-existing data, records and information has been inputted.

### ***Data Protection:***

The Ombudsman for the Defence Forces is registered with the Data Protection Commissioner.

My Office is also registered under the Direct Professional Access Scheme of the Bar Council.

### ***Health and Safety:***

The completion of a Safety Statement for our rooms in Hatch Street was at an advanced stage on 31<sup>st</sup> December 2006.

Health and safety issues for the building in which our rooms are located is controlled by the Department of Finance, who are the main tenants of the premises.

### ***Irish Language Policy:***

As of 31<sup>st</sup> December 2006 the Ombudsman for the Defence Forces is not a prescribed body under the Official Languages Act, 2003.

However, in keeping with best practice across the public service, my Office endeavours to provide information in both English and Irish. The website is available in Irish.

### ***Budgetary Matters:***

The accounts for 13 months to the end of December 2006 were completed and presented to the Comptroller and Auditor General in February 2007.

I am keenly aware of my responsibilities as Accounting Officer for the Office and financial controls, to ensure that public money is used wisely and efficiently, are in place.

For accounting purposes, as of 31<sup>st</sup> December 2006, the Ombudsman for the Defence Forces operated as a subhead in the Department of Defence estimates.

In keeping with the general principles of Ombudsmanship, and, given the necessary independence of my Office and the requirement that my Office is also perceived to be independent, it would be more appropriate for my Office to have its own vote and be entirely accountable for its own budget. This is an issue which I hope can be progressed in the future.

### ***Freedom of Information Policy:***

As of 31<sup>st</sup> December 2006 the Ombudsman for the Defence Forces is not a prescribed body under the Freedom of Information Act 1997 (as amended).

However, the policy of my Office is to treat all requests for information in an open and transparent manner in keeping with the spirit of the FOI Act, taking account of the exclusions in Part III of that legislation which are relevant to the investigative work of an Office of this kind.

### ***Internet Usage Policy:***

A policy on internet usage by staff of my Office is in place.

### ***Confidentiality:***

As mentioned in my introduction, trust is essential to the successful work of an Ombudsman. Strict rules governing the confidentiality of all appeals or enquiries received by my Office are in place.

Case studies of specific appeals, with personal details removed, have been used in this Annual Report to provide an insight into how my Office has dealt with complaints. All individuals whose cases were used in this manner were contacted in advance of publication and their consent to this practice was secured.

***Commitment To The Highest Ethical Standards:***

The work of my Office to date has been grounded in the highest ethical standards appropriate to Ombudsmanship.

My Office can only function if serving and former members of the Defence Forces are confident that each case will be dealt with efficiently, professionally and impartially. My staff and I are mindful of the importance of each case to the individual seeking redress. We are also conscious that bringing an issue to my Office for resolution is often a significant step for a complainant. At all times I, and my small team, are committed to respecting the integrity of individuals who contact or refer appeals to my Office.

I believe that it is safe to say that in 2006 the Office has achieved significant progress in establishing, and maintaining, a reputation for high standards among all those with an interest in its work.







Report of the Comptroller  
and Auditor General

## **OMBUDSMAN FOR THE DEFENCE FORCES**

### **Report of the Comptroller and Auditor General for presentation to the Houses of the Oireachtas**

I have audited the financial statements of the Ombudsman for the Defence Forces for the period ended 31 December 2006 under the Ombudsman (Defence Forces) Act 2004.

The financial statements, which have been prepared under the accounting policies set out therein, comprise the Statement of Accounting Policies, the Income and Expenditure Account, the Balance Sheet and the related notes.

#### **Respective Responsibilities of the Ombudsman and the Comptroller and Auditor General**

The Ombudsman is responsible for preparing the financial statements in accordance with the Ombudsman (Defence Forces) Act 2004, and for ensuring the regularity of transactions. The Ombudsman prepares the financial statements in accordance with Generally Accepted Accounting Practice in Ireland. The accounting responsibilities of the Ombudsman are set out in the Statement of Responsibilities of the Ombudsman for the Defence Forces.

My responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

I report my opinion as to whether the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland. I also report whether in my opinion proper books of account have been kept. In addition, I state whether the financial statements are in agreement with the books of account.

I report any material instance where moneys have not been applied for the purposes intended or where the transactions do not conform to the authorities governing them.

I also report if I have not obtained all the information and explanations necessary for the purposes of my audit.

I review whether the Statement on Internal Financial Control reflects the Ombudsman's compliance with the Code of Practice for the Governance of State Bodies and report any material instance where it does not do so, or if the statement is misleading or inconsistent with other information of which I am aware from my audit of the financial statements. I am not required to consider whether the Statement on Internal Financial Control covers all financial risks and controls, or to form an opinion on the effectiveness of the risk and control procedures.

I read other information contained in the Annual Report, and consider whether it is consistent with the audited financial statements. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

### **Basis of Audit Opinion**

In the exercise of my function as Comptroller and Auditor General, I conducted my audit of the financial statements in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board and by reference to the special considerations which attach to State bodies in relation to their management and operation. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures and regularity of the financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgments made in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Ombudsman's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations that I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

### **Opinion**

In my opinion, the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland, of the state of the Ombudsman's affairs at 31 December 2006 and of the income and expenditure for the period then ended.

In my opinion, proper books of account have been kept by the Ombudsman. The financial statements are in agreement with the books of account.



**John Purcell**  
**Comptroller and Auditor General**  
**5 April 2007**





## Financial Statements

## Statement of Responsibilities of the Ombudsman for the Defence Forces

The Ombudsman for the Defence Forces is required by Section 16 (1) of the Ombudsman for the Defence Forces Act, 2004, to prepare for each financial year, all proper and usual accounts of moneys received or expended by her in the performance of her functions under the Ombudsman for the Defence Forces Act 2004.

In preparing these statements, the Ombudsman is required to:

- **select appropriate accounting policies and apply them consistently;**
- **make judgements and estimates that are reasonable and prudent;**
- **prepare the accounts on the going concern basis unless it is inappropriate to presume that the office of Ombudsman for the Defence Forces will continue in being;**
- **disclose and explain if there are any material departures from applicable accounting standards.**

The Ombudsman for the Defence Forces is responsible for ensuring that proper accounting records are kept, with records that disclose with reasonable accuracy, at all times, the financial position in relation to moneys received or expended by her and for ensuring that the financial statements comply with the Ombudsman for the Defence Forces Act, 2004.

The Ombudsman for the Defence Forces is also responsible for safeguarding the assets and taking appropriate steps for the prevention and detection of fraud and other irregularities, and also for ensuring compliance with late payments legislation.



Paulyn Marrinan Quinn, SC  
Ombudsman for the Defence Forces

2nd April 2007

## Ombudsman for The Defence Forces

### Statement on the system of internal financial controls

1. As Ombudsman for the Defence Forces I acknowledge my responsibility for ensuring that an effective system of internal financial control is maintained and operated.
2. The system can only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely period.
3. The Office of the Ombudsman for the Defence Forces was established in December 2005. In 2006, I undertook to develop the following procedures , which will be fully operational in 2007 and are designed to provide effective internal financial control:
  - i an appropriate control environment will be ensured by the introduction of clearly defined management responsibilities with corresponding accountability.
  - ii a formal process to identify and evaluate organisational business risks will be been put in place.
  - iii It is anticipated that a comprehensive budgetary system will be in operation in 2007 and expenditure trends will be reviewed on a quarterly basis.
  - iv procedures for addressing the financial implications of major business risks such as financial instructions and notes of procedures, delegation practices such as authorisation limits, segregation of duties and methods of preventing and detecting fraud, will be implemented.

A review of the effectiveness of the system of internal control, will be conducted in 2007.



Paulyn Marrinan Quinn, SC  
Ombudsman for the Defence Forces

2nd April 2007

# Ombudsman for the Defence Forces

## Statement of accounting policies

### **1. Basis of Preparation**

The financial statements are prepared on an accruals basis under the historical cost convention, and except as indicated below, are in accordance with generally accepted accounting principles.

The financial statements are in a form approved by the Minister for Defence.

### **2. Period of Financial Statements**

The Office of the Ombudsman for the Defence Forces was established on 1 December 2005 consequently, these Financial Statements are for the period ending on 31st December 2006.

### **3. Income and Expenditure – Grant Income**

#### **Oireachtas Grants**

Income recognised in the financial statements as Oireachtas Grants represents the grants received in cash plus amounts paid on behalf of the Ombudsman during the period, by the Department of Defence.

### **4 Tangible Fixed Assets**

(a) Tangible Fixed Assets are stated at their historical cost or valuation less accumulated depreciation.

Depreciation is provided on a straight line basis at rates which are calculated to write off the assets, adjusted for estimated residual value, over their expected lives as follows:

Fixtures and Fittings	10%
IT Equipment & Website	20%

(b) Depreciation is matched by an equivalent amortisation of the Capital Account.

### **5 Capital Account**

The Capital Account represents the unamortised value of funding applied for the purchase of fixed assets.

### **6 Pensions**

The employees of the Ombudsman for the Defence Forces are civil servants and are members of a defined benefits scheme which is unfunded and is administered by the Department of Finance. The pension entitlements of the Ombudsman for the Defence Forces who is appointed by the President have not yet been discussed or agreed. There is no charge in these financial statements for any liabilities which may arise in respect of the pension of the Ombudsman.



## Income And Expenditure Account For The Period Ended 31 December 2006

		13 Months ended 31-Dec-2006
	Notes	€
<b>Income</b>		
Oireachtas Grants	1	289,249
Transferred to Capital Account to fund Fixed Assets	8	(199,821)
Total Income		<u>89,428</u>
<b>Expenditure</b>		
Staff Costs	2	180,502
Repairs and Maintenance	3	921
Office Running Costs	4	74,203
Conference speaking engagements and visits to installations	5	5,133
Depreciation	6	43,083
		<u>303,842</u>
(Deficit) for the period		(214,414)
(Deficit) at beginning of the period		-
(Deficit) at the end of the period		<u>(214,414)</u>

All recognised gains and losses for the period ended 31 December 2006 have been included in the Income and Expenditure Account.

The Statement of Accounting Policies and notes 1 to 10 form part of these financial statements.



Paulyn Marrinan Quinn, SC  
Ombudsman for the Defence Forces

2nd April 2007

## Ombudsman For The Defence Forces Balance Sheet As At 31 December 2006

	Notes	13 Months ended 31-Dec-2006
		€
<b>Fixed Assets</b>		
Tangible Assets	6	199,821
<b>Current Assets</b>		
Cash on hand and bank balances		4,035
		4,035
<b>Current Liabilities</b>		
Amounts falling due within one year		
Creditors and Accruals	7	(218,449)
		(218,449)
Net Current Assets / (Liabilities)		(214,414)
		(214,414)
Total Assets less Current Liabilities		(14,593)
<b>Capital and Reserves</b>		
Income and Expenditure Account Deficit		(214,414)
Capital Account	8	199,821
		(14,593)

The Statement of Accounting Policies and notes 1 to 10 form part of these financial statements



Paulyn Marrinan Quinn, SC  
Ombudsman for the Defense Forces

2nd April 2007

## Notes To The Financial Statements For The Period Ended 31 December 2006

	13 Months ended 31-Dec-2006
<b>1 Oireachtas Grants</b>	€
Department of Defence	289,249
	<hr/> <hr/>
<b>2 Staff Costs and Employee Information</b>	€
<b>Staff Payroll Costs</b>	
Wages and salaries	173,597
<b>Outsourced Staff Costs</b>	
Clerical typing	1,400
Case researchers	5,505
<b>Staff Related Expenses</b>	
Travel and subsistence	-
	<hr/>
Total staff costs	180,502
	<hr/> <hr/>
<b>Employee Numbers</b>	
The average number of employees during the period was made up as follows:	
Ombudsman	1
Administration staff:	2
	<hr/>
Total	3
	<hr/> <hr/>
<b>3 Repairs and Maintenance</b>	€
Repairs and maintenance	921
	<hr/>
	921
	<hr/> <hr/>
<b>4 Office Running Costs</b>	€
Communications and outreach tools	18,650
Postal & telephone costs	12,118
IT licences	1,104
Advertising - journal inserts	10,799
General office supplies	2,742
Branded stationery and documentation	20,707
Subscriptions	1,570
Accountancy Fees	3,025
Audit	2,450
Canteen and cleaning	950
Couriers	73
Bank charges	15
Library - resources - journals	-
Training - development	-
Public relations - communications	-
	<hr/>
	74,203
	<hr/> <hr/>

## Notes To The Financial Statements For The Period Ended 31 December 2006

13 Months ended  
31-Dec-2006

<b>5</b>	<b>Conference speaking engagements and visits to installations</b>	€
	Travel and subsistence	5,133
		<u>5,133</u>

<b>6</b>	<b>Tangible Fixed Assets</b>	<b>IT Equipment &amp; Website</b>	<b>Office Equipment</b>	<b>Furniture &amp; Fittings</b>	<b>Total</b>
		€	€	€	€
	<b>Cost</b>				
		-	-	-	-
	Additions for the period	173,742	14,181	54,981	242,904
	Disposals	-	-	-	-
	At 31 December 2006	<u>173,742</u>	<u>14,181</u>	<u>54,981</u>	<u>242,904</u>
	<b>Accumulated Depreciation</b>				
		-	-	-	-
	Depreciation charge for the period	34,748	2,836	5,498	43,083
	Disposals - accumulated depreciation	-	-	-	-
	At 31 December 2006	<u>34,748</u>	<u>2,836</u>	<u>5,498</u>	<u>43,083</u>
	<b>Net Book Value</b>				
	At 31 December 2006	<u>138,994</u>	<u>11,345</u>	<u>49,483</u>	<u>199,821</u>
		-	-	-	-

## Notes To The Financial Statements For The Period Ended 31 December 2006

<b>7</b>	<b><i>Creditors and Accruals</i></b>	13 Months ended 31-Dec-2006 €
	Amounts falling due within one year:	
	Accrued Expenses :	
	<u>Staff Costs</u>	
	Wages & salaries	22,661
	Case research	907
	<u>Repairs and Maintenance</u>	666
	<u>Office Running Costs</u>	
	Communications and outreach tools	5,970
	Postal & telephone costs	372
	IT licences	-
	Advertising - journal inserts	2,951
	General office supplies	818
	Branded stationery and documentation	4,780
	Subscriptions	-
	Accountancy Fees	3,025
	Audit	2,450
	Canteen and cleaning	-
	Couriers	65
	Bank charges	-
	<u>Conference speaking engagements and visits to installations</u>	56
	<u>Tangible Fixed Assets</u>	
	IT equipment and website:	
	- Case handling computer system	149,118
	- Office technology	8,167
	Furniture	16,443
		<hr/>
		218,449
		<hr/> <hr/>
<b>8</b>	<b><i>Capital Account</i></b>	€
	Balance at 1 December 2005	-
	<u>Additions</u>	
	Transfer from Income and Expenditure Account to fund Fixed Assets	242,904
	<u>Less -</u>	
	Amount amortised in line with asset depreciation for the year	(43,083)
		<hr/>
	Balance at 31 December 2006	199,821
		<hr/> <hr/>

## Notes To The Financial Statements For The Period Ended 31 December 2006

### **9** *Capital and Other Commitments*

There were no capital commitments at 31 December 2006.

### **10** *Related Party Transactions / Disclosure of Interests*

The Ombudsman complies with the Code of Practice for the Governance of State Bodies issued by the Department of Finance in relation to the disclosure of interests by the Ombudsman and members/staff of the Office. Formal procedures exist to ensure adherence with the requirements of the Code.

Leis seo, cuirim isteach Tuarascáil Bhliantúil  
an Ombudsman d'Óglaigh na hÉireann  
le haghaidh 2006 de bhun Alt 7 den Acht  
Ombudsman (Óglaigh na hÉireann) 2004.

Seo an chéad Tuarascáil Bhliantúil a cuireadh  
isteach maidir le hobair an Ombudsman  
d'Óglaigh na hÉireann ó cuireadh é ar bun an  
1 Nollaig 2005.



Paulyn Marrinan Quinn .

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Paulyn Marrinan Quinn, SC  
Ombudsman d'Óglaigh na hÉireann







## Réamhrá leis an Ombudsman d'Óglaigh na hÉireann, Paulyn Marrinan Quinn, AS

An 19 Meán Fómhair 2005 cheap an tUachtarán Máire Mhic Giolla Íosa mé i mo Ombudsman d'Óglaigh na hÉireann, tar éis faomhadh a fháil ón gComh-aireacht. Tá spéis phaiseanta agam i gcúrsaí a bhaineann leis an obair a bhíonn ar bun ag Ombudsmen, i gcúrsaí eadráin agus i réiteach aighnis agus dá bhrí sin is mór an onóir dom é gur ceapadh mé sa ról nua seo.

Cuireadh Oifig an Ombudsman d'Óglaigh na hÉireann ar bun faoin Acht Ombudsman (Óglaigh na hÉireann) 2004. Thosaigh an Oifig ag feidhmiú an 1 Nollaig, 2005, an lá ar shínigh an tAire Cosanta na Rialacháin a thabharfadh an tAcht i bhfeidhm.

Ba í 2006 an chéad bhliain iomlán ina raibh m'Oifig ag feidhmiú. Bliain dhúshlánach spreagúil ghnóthach a bhí ann. Tá súil agam go gcuirfidh an Tuarascáil Bhliantúil seo léargas soiléir faisnéiseach cuimsitheach ar fáil d'Óglaigh na hÉireann agus do pháirtithe leasmhara eile ar an obair a rinneadh le linn 2006.

Dúirt an tAire Cosanta, Michael Smith, T.D. agus é ag labhairt ag díospóireacht Dála ar an reachtaíocht thuas go raibh bunú Ombudsman d'Óglaigh na hÉireann "ina chloch mhíle do nuachóiriú na nósanna imeachta sásaimh."

Is dul chun cinn ceannródaíocht é bunú Ombudsman neamhspleách, chun go mbeadh baill agus iarbhaill d'Óglaigh na hÉireann in ann athbhreithniú neamhchlaonta a lorg ar a ngearáin.

A bhuíochas leis an reachtaíocht faoinar

cuireadh an Oifig ar bun tá maoirseacht shibhialta ann anois ar nósanna imeachta le casaoidí agus gearáin mhíleata a láimhseáil. Mar sin, is dul chun cinn radacach atá ann sa mhéid go dtugtar dúshlán do choincheap an Ombudsman ach go háirithe sa struchtúr míleata ina bhfuil slabhra ceannasaíochta. Tá Éire ar an gcéad tír san Eoraip a chuir ar bun Ombudsman sibhialtach atá tiomnaithe do bhaill agus d'iarbhaill Óglaigh na hÉireann.

Ní mór do gach Ombudsman muinín agus creidiúnacht a chothú i measc a phríomhpháirtithe leasmhara. Tá an méid seo foghlamtha agam ó mo thaithí ghairmiúil agus acadúil go dtí seo sa réimse seo – tá sé riachtanach an muinín seo a ghnóthú ag an tús ar fad. Ní chreidim gur féidir glacadh leis gan ceist go bhfuil an muinín sin ann - caithfear an muinín a ghnóthú. Seo treoirphrionsabal a bhí mar bhonn leis na gníomhaíochtaí uile a ndeachaigh mé ina mbun le linn 2006.

Sa chéad bhliain iomlán agus an oifig ag feidhmiú, d'oibrigh mé féin agus m'fhoireann bheag go dian chun ról na hOifige a chur in iúl do pháirtithe leasmhara na hOifige. Bhí sé mar sprioc agam go dtuillfeadh an Oifig dea-cháil toisc a neamhchlaontachta, a gairmiúlachta

agus a cothroime ina gníomhaíochtaí uile agus gur cuireadh iontaobh na hOifige ar bun leo siúd uile ar a bhfreastalaímid, mar go bhfuil sé sin ríthábhachtach má tá an Oifig le feidhmiú go sásúil.

Nuair a ceapadh mé i mo Ombudsman d'Óglaigh na hÉireann leag mé amach cuspóirí bunaidh d'fheidhmiú na hoifige. Ina measc bhí:

- **Mé féin a chur in iúl ar éiteas Óglaigh na hÉireann, ar a chórais acmhainní daonna agus ar a chórais inmheánacha Sásamh in Éagóra (RoW)**
- **Na cleachtais is fearr a bheith i bhfeidhm agus cásanna á mbainistiú**
- **Ár lándícheall a dhéanamh na caighdeán is airde a bhaint amach sa tseirbhís chustaiméara a chuirimid ar fáil inár ngníomhaíochtaí uile**
- **Feachtas cumarsáide comhordaithe a cheapadh agus a chur i bhfeidhm chun ról agus cúraimí na hOifige a chur in iúl d'Óglaigh na hÉireann agus do na páirtithe leasmhara eile ar a bhfreastalaíonn an Oifig**

Agus mé i mbun mo chuspóirí a leagan síos, bhí an t-ádh orm go raibh mé in ann tathant ar thaithí André Marin Uas., an chéad Ombudsman d'Fhórsaí Cosanta i gCeanada. Thacaigh an tUasal Marin liom, chuir sé comhairle orm agus threoraigh sé mé bunaithe ar an taithí a bhí aige féin a Oifig a bhunú. Mar sin ba mhaith liom aitheantas foirmiúil a thabhairt dá thacaíocht sa Tuarascáil Bhliantúil seo.

Chuidigh taithí agus eolas fairsing an BIOA (British and Irish Ombudsman Association) go mór i rith na bliana chomh maith. Bunaíodh an BIOA sa bhliain 1994 agus ba bhall bunaidh mé. D'fhóin mé mar thoscaire na hÉireann ar fho-choiste an BIOA a rinne athbhreithniú ar chaighdeán na gcleachtas is fearr le haghaidh Ombudsmen i lár na 1990í. Chuidigh an taithí sin go mór liom agus mé ag cur ar bun m'Oifige, maille le hobair leanúnach na heagraíochta. Ba mhór an chúis áthais dom é gur réachtáil an BIOA a chruinniú bliantúil i gCaisleán Bhaile Átha Cliath sa bhliain 2006.

Sa chéad bhliain ag an oifig ag feidhmiú, léirigh Willie O'Dea, TD, an tAire Cosanta, agus a fhoireann ag gach leibhéal, díograis ar leith i leith bhunú m'Oifige. Urramaíodh neamhspleáchas agus neamhchlaontacht m'Oifige i gcónaí, ar fud réimsí éagsúla.

Ba mhaith liom mo bhuíochas a léiriú don Cheann Foirne, Lt. Gen Jim Sreenan, as a dhíograis le 12 mhí anuas. Thug an Ceann Foirne aitheantas do neamhspleáchas an Ombudsman d'Óglaigh na hÉireann agus chinntigh sé gur chuir Óglaigh na hÉireann nósanna imeachta ar bun agus pearsanra ar fáil chun comhordú agus éascú a dhéanamh ar an obair leis an Oifig seo.

Sa chéad Tuarascáil Bhliantúil seo agam, dhéanfainn faillí gan tagairt a dhéanamh don méid a rinne John Lucey, trócaire air, iar-Ard-Rúnaí ar PDFORRA, a bhí i mbun feachtais do bhunú Oifig Ombudsman d'Óglaigh na hÉireann le fada an lá. Le bliain anuas, ba léir dom go raibh ardmheas air, ní hé amháin sa tír seo, ach thar lear chomh maith.

Tá na gnéithe riachtanacha den obair a dhéanann Ombudsman go maith ar bun ar fud an domhain. Ní mór d'Ombudsman bailí a bheith neamhspleách, cothrom, éifeachtach agus cuntasach.

Le linn 2006 rinne mé mo lándícheall a chinntiú go raibh na prionsabail sin mar bhonn is mar thaca le hobair m'Oifige, agus go raibh ár gcustaiméirí agus ár bpáirtithe leasmhara in iúl ar na prionsabail sin.

Cuideoidh foilsíú na Tuarascála Bliantúla seo le daoine a dtáil féin a bhaint as an méid atá déanta ag m'Oifig ina céad bhliain ag feidhmiú agus as an dul chun cinn atá bainte amach aici i gcomhlíonadh na ceithre chrann taca a bhaineann le hobair Ombudsman.



Paulyn Marrinan Quinn, SC  
Ombudsman d'Óglaigh na hÉireann

# Buaicphointí 2006

- Fuarthas 142 Fógra Gearáin, achomharc agus fiosrúchán a bhain le hachomhairc fhéideartha.
- Glacadh le 26 achomharc le go ndéanfaí imscrúdú orthu le linn 2006.
- Eisíodh Tuarascáil Cinnidh Dheiridh maidir le 16 de na hachomhairc.
- Seasadh le 62% de na hachomhairc.
- Deineadh leasú ar nósanna imeachta Óglaigh na hÉireann le haghaidh agallaimh le haghaidh Cúrsaí Gairme ONC agus Seirbhís Thar Lear ar scór Tuarascálacha Cinnidh Dheiridh a d'eisigh an tOmbudsman d'Óglaigh na hÉireann. Cuireadh bearta leasaithe eatramhacha i bhfeidhm freisin.
- Ceadaíodh ball foirne lánaimseartha nua don Oifig i mí an Mheithimh 2006 agus ball eile i mí Mheán Fómhair 2006.
- Forbraíodh agus seoladh [www.odf.ie](http://www.odf.ie) i mí an Mheithimh 2006.
- Cuireadh 35,000 Bileog Mhínithe ar fáil agus dáileadh iad ar bhealaí éagsúla.
- Cuireadh leagan Braille agus fuaime den Bhileog Mhínitheach ar fáil.
- Bhí 18 n-ócáid ann ina ndearna an tOmbudsman d'Óglaigh na hÉireann cur i láthair, inar thug sí léacht nó inar fhreastail sí ar raon fóram.
- Ceapadh an tOmbudsman d'Óglaigh na hÉireann ar sainghrúpa OSCE um chearta daonna agus shaoirsí bunúsacha do phearsanra in Óglaigh na hÉireann.





Cásanna agus Gearáin a atreoraíodh chuig  
an Ombudsman d'Óglaigh na hÉireann

## Rochtain ar Ombudsman d'Óglaigh na hÉireann

An misean atá ag an Ombudsman d'Óglaigh na hÉireann ná nós imeachta achomhairc neamhspleách cóir agus éifeachtach a chur ar fáil do bhaill atá ag fónamh agus d'iarbhaill Óglaigh na hÉireann maidir le gearáin.

Mar eagraíocht nuabhunaithe, caitheadh an-chuid fuinnimh sa bhliain 2006 le cúrsaí praiticiúla amhail áitreabh oifige, soláthar foirne uirlisí for-rochtana cumarsáide agus a leithéid. Tá cur síos sonrath orthu sin sa chaibidil ar Chúrsaí Corparáideacha.

Bhí sé mar phríomhchuspóir againn i gcónaí, ámh, seirbhís chóir éifeachtach a sholáthar dár bpríomhchustaiméirí - iadsan a atreoraigh achomharc maidir le gearán nó iadsan a loirg cúnamh, idirghabháil nó comhairle.

### *Cúraimí an Ombudsman d'Óglaigh na hÉireann imscrúdú a dhéanamh ar achomhairc:*

Tá cúraimí an Ombudsman d'Óglaigh na hÉireann maidir le hachomhairc leagtha amach san Acht Ombudsman (Óglaigh na hÉireann), 2004.

#### **Go hachomair, seo a leanas na príomhphointí:**

Féadfaidh an tOmbudsman d'Óglaigh na hÉireann imscrúdú a dhéanamh ar aon bheart:

- A rinneadh gach cead cuí
- A rinneadh ar fhorais neamhábharta
- A d'eascair as faillí nó míchúram
- A bhí bunaithe ar eolas mícheart nó neamhiomlán
- A bhí leatromach
- A bhí contrártha do riarachán cothrom agus slán

Tá an tOmbudsman d'Óglaigh na hÉireann eisiata ó imscrúdú a dhéanamh ar bhearta a mbaineann aon cheann díobh seo a leanas leo:

- Téarmaí agus coinníollacha fostaíochta
- Riaradh ar phríosúin mhíleata
- Eagrúchán, struchtúr agus imscaradh Óglaigh na hÉireann
- Oibríochtaí slándála nó míleata

Is féidir leis an Ombudsman d'Óglaigh na hÉireann imscrúdú a dhéanamh ar bhearta a dhéanann na daoine seo a leanas:

- ball eile atá ag fónamh in Óglaigh na hÉireann
- iarbhall d'Óglaigh na hÉireann a bhí ag fónamh ag an am nuair a tharla an beart
- státseirbhíseach

***Nós imeachta chun achomharc a dhéanamh:***

Is féidir le hiarbhaill d'Óglaigh na hÉireann a ngearán a chur go díreach faoi bhráid an Ombudsman d'Óglaigh na hÉireann.

Is gcás baill d'Óglaigh na hÉireann atá fós ag fónamh in Óglaigh na hÉireann ní mór dóibh a ngearán a dhéanamh ar dtús trí mheán na nósanna imeachta atá ann do Shásamh in Éagóra de chuid Óglaigh na hÉireann (RoW). Déantar é seo de réir Alt 114 den Acht Cosanta, 1954.

Mura bhfuil réiteach ar an díospóid, 28 lá tar éis an gearán a dhéanamh, tá ball d'Óglaigh na hÉireann atá ag fónamh i dteideal gearán a atreorú go díreach chuig an Ombudsman d'Óglaigh na hÉireann.

***Amscála chun achomharc a dhéanamh:***

Caithfidh baill atá ag fónamh agus iarbhaill d'Óglaigh na hÉireann a ngearán a dhéanamh leis an Ombudsman d'Óglaigh na hÉireann laistigh de 12 mhí ónar tharla an bheart nó ón uair a mbíonn siad in iúl ar an mbeart.

Níl sé de chumhacht ag an Ombudsman d'Óglaigh na hÉireann imscrúdú a dhéanamh ar bhearta a tharla roimh 1 Nollaig 2005, an lá ar tháinig forálacha an Achta Ombudsman (Óglaigh na hÉireann) 2004 i bhfeidhm.

## Taighde ar ghearáin:

Le linn 2006 fuair mé 142 Fógra i dtaobh Gearáin, achomharc agus fiosrúcháin maidir le hachomhairc fhéideartha.

### *Fógra i dtaobh Gearáin faoi Alt 114 den Acht Cosanta:*

Mar a luadh thuas, caithfidh baill d'Óglaigh na hÉireann atá ag fónamh a ngearán a dhéanamh ar dtús trí mheán na nósanna imeachta atá ag Óglaigh na hÉireann do Shásamh in Éagóra (RoW). Tá ceanglas dlíthiúil ann anois na gearáin sin a chur in iúl don Ombudsman d'Óglaigh na hÉireann agus don Aire Cosanta. Dá bharr seo tá maoirseacht shibhialta ann ar an bpróiseas gearáin inmheánach ann le haghaidh cúrsaí míleata.

Sa bhliain 2006 chuir baill Bhuana agus Cúltaca d'Óglaigh na hÉireann 76 gearán in iúl dom tríd an bpróiseas seo. Den méid sin:

- fuarthas réiteach nó tarraingíodh siar 34 díobh ag an gcéim inmheánach gearáin.
- bhí 18 díobh ag dul tríd an nós imeachta Sásamh in Éagóra (RoW) amhail an 31 Nollaig 2006
- cuireadh 24 achomharc faoi mo bhráid

### *Achomhairc a rinneadh díreach leis an Ombudsman d'Óglaigh na hÉireann:*

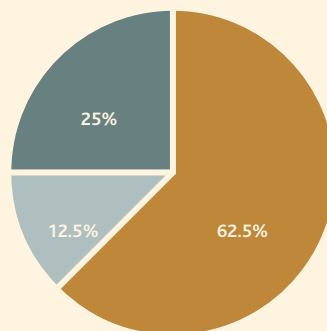
Mar a luadh thuas, is féidir le hiarbhaill d'Óglaigh na hÉireann achomhairc a chur díreach faoi mo bhráid. Cuireadh dhá achomharc díreach faoi mo bhráid ar na gcaoi seo le linn 2006.

### *Torthaí na n-achomharc a ndearna na tOmbudsman d'Óglaigh na hÉireann déileáil leo:*

Glacadh le 26 achomharc san iomlán le go ndéanfainn imscrúdú orthu in 2006.

D'eisigh mé Tuarascáil Chinnidh Dheiridh maidir le 16 chás le linn 2006. Den méid sin:

- Seasadh le 10 n-achomharc
- Seasadh go páirteach le 2 achomharc
- Níor seasadh le 4 achomharc



Torthaí chásanna inar eisíodh Tuarascáil Chinnidh Dheiridh ón OÓE



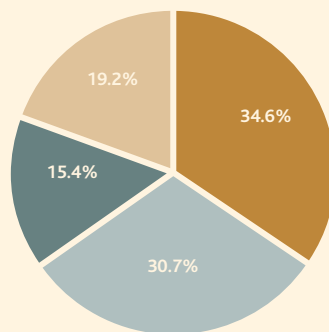
Amhail an 31 Nollaig 2006 bhí Tuarascáil Réamhdhearcaidh eisithe maidir le ceithre chás eile. Bhíothas tar éis freagraí agus soiléiriú a lorg ó na páirtithe éagsúla maidir leis na Tuarascálacha seo, agus de ghnáth ceadaím ceithre seachtaine don phróiseas seo. Lorgaíodh síneadh ama agus bronnadh an síneadh ama sin agus mar sin níor eisigh mé an Tuarascáil Cinnidh Dheiridh go dtí tús 2007.

Bhí sé chás réidh le go ndéanfainn iad a athbhreithniú amhail an 31 Nollaig 2006.

#### **Forais Achomhairc:**

Den 26 cás ar chuir mé tús lena n-imscrúdú le linn 2006:

- bhain 9 gcinn le neamhroghnúchán d'ardú céime
- bhain 8 gcinn le neamhroghnúchán do chúrsaí gairme
- bhain 4 cinn le neamhroghnúchán do sheirbhís thar lear
- bhain 5 cinn le saincheistanna eile



Cúiseanna ghearáin

#### **Achomhairc a rinne baill bhuan/ baill chúltaca d'Óglaigh na hÉireann:**

Den 26 cás ar chuir mé tús lena n-imscrúduithe le linn 2006:

- ba iad baill bhuan d'Óglaigh na hÉireann a rinne 23 de na hachomhairc
- ba iad baill chúltaca d'Óglaigh na hÉireann a rinne 2 cheann díobh
- ba iarbhall bhuan d'Óglaigh na hÉireann a rinne 1 amháin.

#### **Inscne na nAchomharcóirí:**

Den 26 cás ar chuir mé tús lena n-imscrúduithe le linn 2006:

- ba fhir ó Óglaigh na hÉireann a rinne 24 achomharc
- ba mhná ó Óglaigh na hÉireann a rinne 2 achomharc

### ***Achomhairc Lasmuigh de na Téarmaí Tagartha:***

Chomh maith leis na 26 cás ar chuir mé tús lena n-imscrúduithe, fuair mé 29 atreorú eile a bhí lasmuigh de mo théarmaí tagartha reachtúla agus dá bhrí sin ní fhéadfainn imscrúdú a thosú. Den 29 cás sin:

- bhain 17 le bearta a tharla roimh 1 Nollaig 2005
- bhain 7 gcinn le gearáin a chaithfidh dul tríd na nósanna imeachta atá ag Óglaigh na hÉireann do Shásamh in Éagóra
- bhain 3 cinn le bearta nuair nach raibh an gearánaí páirteach ann go díreach
- bhain 2 cheann le cúrsaí pá/pinsin

### ***Fiosrúcháin eile a cuireadh faoi bhráid an Ombudsman d'Óglaigh na hÉireann:***

Fuair an oifig 35 fiosrúchán ginearálta maidir le hachomharc le linn 2006.

I gcás formhór na bhfiosrúchán sin, cuireadh eolas ar fáil i scríbhinn agus seoladh Bileog Mhínithe amach leis an eolas sin.

I gcás fiosrúcháin eile atreoraíodh na daoine i gceist chuig eagraíochtaí eile a bheadh níos oiriúnaí dá gcásanna ar leith, mar shampla Oifig an Ombudsman, An Bord um Ghearáin i gcoinne an Gharda Síochána agus an Roinn Cosanta.

### ***Athruithe Polasaí ag eascairt as Moltaí:***

Nuair atá cás á shocrú agam seolaim Tuarascáil chuig an Aire Cosanta. Seoltar an tuarascáil chuig na húdaráis mhíleata chomh maith agus chuig an duine a rinne an t-achomharc.

Ach imscrúdú a dhéanamh ar chásanna ar leith is féidir liom nósanna imeachta agus cleachtais in Óglaigh na hÉireann a aithint atá as dáta, nach bhfuil á gcur i bhfeidhm i gceart nó a bhfuil gá leasú a dhéanamh orthu.

Is cúis mhór sásaimh é go ndearnadh athbhreithniú agus leasú ar na nósanna imeachta atá ag Óglaigh na hÉireann maidir le hagallaimh do Chúrsaí Gairme ONC agus Seirbhís Thar Lear tar éis dom roinnt de me chéad Tuarascálacha a eisiúint.

Ba mhór an tábhacht a bhain le le ról an Oifig seo in athrú polasaí a spreagadh inár gcéad bhliain ag feidhmiú.

Chuir sé ardú meanma orm toilteanas Óglaigh na hÉireann a fheiceáil athruithe a chur i bhfeidhm. Bhí páirt mhór ag an gCeann Foirne, Lt. Gin Jim Sreenan, agus a Leas-Chinn Foirne, sa dul chun cinn sin toisc an meon cuiditheach a léirigh siad i leith na hoibre a bhí ar bun ag an Oifig seo.

Ba mhaith liom an deis seo a thapú aitheantas a thabhairt don méid a chuidigh obair an Dr. Eileen Doyle agus a comhghleacaithe le mo chuid oibre. Is pointe tagartha thar a bheith tábhachtach do mo chuid oibre féin le bliain anuas an obair a rinne an Dr. Doyle ar cheisteanna tromchúiseacha pearsan ra in Óglaigh na hÉireann. Tá áthas orm a chur in iúl go mbaintear úsáid as roinnt de na leasuithe a moladh sa Tuarascáil *The Challenge of a Workplace* in 2002 a d'fhoilsigh a Grúpa Comhairleach agus sa Tuarascáil óna Grúpa Monatóireachta *Response to the Challenge of a Workplace* in 2004, a foilsíodh ina dhiaidh sin, mar thagamharc don chleachtas is fearr.

An ról atá ag an Ombudsman ná imscrúdú a dhéanamh ar ghearáin agus teacht ar chinneadh, ag cur na gcúinsí a ghabh leis an gcás san áireamh.

Mar sin bíonn oifig Ombudsman dírithe ar ghearáin agus ar phróisis. Trí mheán na hoibre imscrúdaithe seo tá deis ar leith ag an Ombudsman cleachtais agus próisis míchothroma nó leatromacha a aithint - ar cleachtais agus próisis iad nach gcomhlíonann na caighdeáin riaracháin inmhianaithe ná, go deimhin, nósanna imeachta atá curtha i bhfeidhm i gceart.

Is coincheap lárnach é d'obair Ombudsman go ndéanfaí monatóireacht agus leasú ar nósanna imeachta in eagraíocht atá faoi shainchúram an Ombudsman. Is féidir leis an Ombudsman a chinntiú, ina cháil mar ghníomhaí a spreagann athruithe, go gcuirtear ina gceart cúiseanna is bun le bearta míchearta nó míchothroma ionas nach dtarlódh a leithéid do dhaoine eile amach anseo toisc próisis fhabhtacha a bheith i bhfeidhm.

Sa mhéid go bhfuil eagraíocht sásta seasamh le maoirseacht sheachtrach dá leithéid seo, léiríonn sé seasamh agus ionracas na heagraíochta. Ní hamháin sin ach léiríonn sé an meas atá ag an eagraíocht ar a bhaill agus léiríonn sé gur féidir leis an eagraíocht aghaidh a thabhairt ar a earráidí agus go bhfuil sí toilteanach leasuithe a chur i bhfeidhm. Léirigh Óglaigh na hÉireann toilteanas le linn 2006 i dtreo leasuithe agus chuidigh an toilteanas riachtanach sin go mór le héifeachtacht na hOifige seo.





Achoimrí ar Chásanna a ndearna an  
tOmbudsman d'Óglaigh na hÉireann  
láimhseáil orthu

Sa chuid seo den tuarascáil tá sraith achoimrí a bhí mar ábhar mo Thuarascálacha Deiridh sa bhliain 2006.

Fuarthas cead ó na daoine a d'atreoraigh a gcásanna chugamsa le haghaidh athbhreithnithe úsáid a bhaint as a gcásanna sa tuarascáil. Is mór againn an cuidiú a chuir siad ar fáil sna cúrsaí seo. Scríosadh aon tagairt do shonraí ar leith as gach cás chun ainaithnideacht na ndaoine sin a chosaint.

Tá súil agam go dtabharfaidh na cáschuntais seo léargas daoibh ar an gcineál cáis a ndearna mé breithniú air le linn 2006.



## ACHOIMRE AR CHÁS 1 - SEASADH LEIS AN nGEARÁN

**Ceapachán thar lear – Níor fógraíodh na critéir roghnúcháin - Forais réasúnta chun glacadh leis an bprionsabal a bhaineann leis an 'duine atá ar ais don tréimhse is faide' – Gá na cúiseanna nár éirigh leis an iarrthóir a chur in iú - Gá le próisis roghnúcháin caighdeánaithe a fhógraítear go comhsheasmhach.**

Roghnaigh a Aonad féin an Gearánaí seo le na n-ainmneofaí é le haghaidh ceapachán ONC thar lear, ach níor éirigh lena iarratas. Cuireadh in iúl dó nár roghnaíodh é mar nach raibh ach Post Thar Lear amháin curtha i gcrích aige agus go raibh sé mar pholasaí ag an Rannóg Bainistíochta Acmhainní Daonna daoine a roghnú a raibh níos mó taithí thar lear acu don cheapachán seo. Chuir an Gearánaí isteach iarratas ar Shásamh in Éagóra. D'aighnigh go raibh an tuiscint ann go raibh an prionsabal a bhain 'leis na duine ar ais don tréimhse is faide' i bhfeidhm maidir le ceapachán thar lear agus gurb eisean an té ar ais don tréimhse is faide, mar nach raibh sé tar éis fónamh thar lear ón mbliain 1995, agus gur chomhlíon sé na riachtanais eile ar fad. D'aighnigh sé freisin, mar rogha air sin, más rud é gur riachtanas polasaí a bhí sna cúiseanna nár roghnaíodh é, nár fógraíodh a leithéid ar fud Óglaigh na hÉireann. D'aighnigh sé, gur tugadh an chritéir seo isteach go saorthoilteanach gan aon chomhairliúchán nó aon fhógra.

Bhí prionsabail an 'duine ar ais don tréimhse is faide' mar shlat tomhais i gcónaí riamh in Aonad an Ghearánaí, go bhfios do lucht an Aonaid, maidir le nósanna imeachta do cheapachán thar lear agus bhí sé ag teacht salach ar an bpolasaí a bhí á chur i bhfeidhm ag an Aonad Bainistíochta Acmhainní Daonna nuair a bhí iarratas an Ghearánaí á dhiúltú acu. Ghlac gach éinne a bhí páirteach in imscrúdú an ghearáin leis nach raibh aon pholasaí i scríbhinn ann in Aonad an Ghearánaí ná san Aonad Bainistíochta Acmhainní Daonna maidir le roghnú ONCanna do sheirbhís thar lear ag an am ábhartha. De bhreis air sin, ní raibh na jabthuaiscís agus na cáilíochtaí riachtanacha a d'fhoilsigh an Rannóg Bainistíochta Acmhainní Daonna sonrach maidir leis an taithí thar lear a mbeadh gá ag iarrthóirí léi. Ní raibh sna fógraí ach an méid seo a leanas: go raibh gá le *"previous overseas experience as an NCO"*.

D'atreoraigh an Gearánaí an cheist chugamsa nuair nár seasadh lena iarratas ar Shásamh in Éagóra. Chinn mé nár cuireadh an mhaitrís mheasúnachta a bhí in úsáid ag an Rannóg Bainistíochta Acmhainní Daonna ar fáil d'iarrthóirí agus gurb ionann sin agus easpa trédhearcachta agus go raibh forais ann dá bharr le haghaidh gearán réasúnta ón nGearánaí. Níl aon chritéir chaighdeánaithe ann a fógraíodh le haghaidh baill uile Óglaigh na hÉireann.

Bhí forais réasúnta ag an nGearánaí chun a bheith ag brath ar an bprionsabal a bhain leis an 'té ar ais don tréimhse is faide' agus go mbeadh suntas leis an bprionsabal sin sa phróiseas

roghnúcháin. Ina theannta sin, in éagmais critéir shonracha a d'fhéadfadh sé a úsáid mar shlat tomhais, agus d'éagmais polasaithe agus nósanna imeachta a fhógraítear do chách, bhí tionchar neamhfhabhrach ag na nósanna imeachta ar an nGearánaí mar go raibh siad contrártha do riarachán cothrom slán. Ní raibh aon bhealach sásúil aige tuiscint a fháil ar an gcúis nár éirigh leis i gcomórtas a raibh tionchar suntasach aige ar an ghairmréim.

Mhol mé go n-aontófaí ar bhearta, a mhéid is indéanta, a mhaolódh an tionchar neamhfhabhrach a bhí ag an scéal ar an nGearánaí. Chomh maith leis sin, mhol mé go rachfaí i mbun oibre chun soiléiriú agus fógairt a dhéanamh ar nósanna imeachta roghnúcháin agus go nglacfaí le socruithe eatramhacha. Mhol mé go ndéanfaí breithniú ar chur i bhfeidhm mholtaí thuarascáil an Grúpa Stiúrtha um Chomhionannas *'Response to the Challenge of a Workplace'* ar bhonn ginearálta agus ar bhonn sonrach maidir leis an moladh go dtabharfaí liosta cúiseanna don iarrthóir nár éirigh leis agus treoir maidir leis na bealaí ina bhféadfadh sé feabhas a chur ar a sheansanna amach anseo.



## ACHOIMRE AR CHÁS 2 - SEASADH LEIS AN nGEARÁN

**Cúrsa Cuntasaíochta Loighistice – Roghnú le haghaidh ainmniúchán - Critéir Roghnúcháin – Níl aon chritéir chaighdeánaithe ná aon chóras ualaithe fógartha d'iarrthóirí – Theip ar an eagraíocht critéir a shainiú – Easpa cothroime agus trédhearcachta sa chóras roghnúcháin – Ní féidir leis an ngearánaí a incháilitheacht a mheas.**

D'áitigh an Gearánaí gur chóir gurb eisean a fuair an chéad ainmniúchán don Chúrsa Cuntasaíochta Loighistice. Bhí sé den tuairim gurb eisean an t-iarrthóir is cáilithe leis an taithí is ábhartha agus an tréimhse seirbhíse is faide. Chuir sé isteach ar an gcúrsa seacht n-uaire ach níor roghnaíodh é ar an gcéad ainmniúchán. D'aighnigh sé nár caitheadh go cóir cothrom leis mar gur chomhlíon sé na critéir uile ag teacht leis an treoir Riaracháin ábhartha.

Bhain na ceisteanna a d'eascair as an Achomharc le nósanna imeachta a cuireadh i bhfeidhm agus an próiseas roghnúcháin á reáchtáil. An raibh na nósanna imeachta oscailte agus trédhearcach? An raibh siad cóir cothrom ag teacht leis na cleachtais riaracháin inmhianaithe agus le riarachán slán cothrom?

Ar an gcéad amharc, ba chosúil nach raibh aon chritéir chaighdeánaithe cháilitheacha i bhfeidhm do chúrsaí a fógraíodh don phearsanra uile nuair a bhí an próiseas roghnúcháin ag tarlú. Bhí mearbhall ar dhaoine maidir leis na critéir cháilitheacha chuí mar nár cuireadh doiciméid riachtanacha ar fáil d'iarrthóirí a bhain leis an bpróiseas roghnúcháin sula ndearna siad a n-iarratas.

Measadh nach raibh fostaíocht an Ghearánaí "laistigh den Réimse Feidhmiúil Loighistice". Ní raibh aon sainmhíniú aontaithe ann, ámh, ar an gciall a bhain leis an nath seo a fógraíodh go forleathan roimh an bpróiseas roghnúcháin. Bhí sé seo leatromach mar nach raibh an t-iarrthóir in ann a (h)incháilitheacht a mheas faoin gcritéir sin, go háirithe i gcásanna nuair a fuarthas, trí mheán imscrúdaithe, gur 'príomhghné chinntitheach' an critéir sin. De bhreis air sin, níor cuireadh míniú ar an gcóras ualaithe/scórála a úsáidtear chun iarrthóirí a mheas ar fáil d'iarrthóirí roimh na hagallaimh.

I bhfianaise na bhfabhtanna sa chóras atá thuasluaite, tá sé deacair tacú leis an dearcadh a

cuireadh faoinár mbráid san imscrúdú inmheánach —is é sin go raibh an córas cóir cothrom, trédhearcach agus neamhchlaonta. Tar éis dom teacht ar an gconclúid seo, rinne mé tagairt d'fhoilseachán an Ghrúpa Stiúrtha um Chomhionannas 'Response to the Challenge of a Workplace' mar threoir maidir lena bhfuil i gceist le caighdeán agus prionsabail réasúnta, inghlactha a bheadh infheidhmithe sa chás seo. Ina measc liostáil a dhéanamh ar na cáilíochtaí riachtanacha a mbeadh gá leo i bhfógraí poist, aontú ar chritéir nó cáilíochtaí inmhianaithe roimh ré agus beartú ar uasphointí a bheadh ar fáil le haghaidh gach catagóire agus na sainchúiseanna a chur in iúl d'iarrthóirí nár éirigh leo agus na céimeanna a d'fhéadfaidís a ghlacadh chun feabhas a chur ar a seansanna amach anseo.

Chinn mé go raibh tionchar neamhfhabhrach ag an gcaoi ar tugadh faoin bpróiseas roghnúcháin ar an nGearánaí sa mhéid nár cuireadh dóthain eolais ar fáil dó, más ann don eolas sin ar chor ar bith, maidir leis na critéir cháilitheacha chuí agus maidir leis an gcóras ualaithe.

Mhol mé go n-aithneodh na húdaráis Mhíleata fiúntais na saincheisteanna a thug an Gearánaí ar ár n-aird ar bhealach a rachadh chun sochair don Ghearánaí agus mhol mé freisin go mbreithneofaí an fhéidearthacht go réachtálfaí Cúrsaí Cuntasaíochta Loighistice breise, sa mhéid go bhfuil siad chomh tábhachtach sin ó thaobh forbairt gairme na mball.

Ina fhreagra, dúirt an tAire Cosanta gur tugadh isteach Nósanna Imeachta Roghnúcháin nua do Chúrsaí Gairme agus do Sheirbhís Thar Lear an 31 Iúil, 2006. De bhreis air sin, dúirt sé go raibh socruithe á gcur i bhfeidhm chun freagraí ar shaincheisteanna i mo thuarascálacha a bhrostú.



### **ACHOIMRE AR CHÁS 3 - 22/2/06 – SEASADH LEIS AN nGEARÁN**

**Cúrsa ONC féideartha – Próiseas Roghnúcháin – Dul faoi Mhodúl 3 a bheith ina riachtanas – Trédhearcacht – Cleachtas riaracháin cothrom agus slán – Díolúine maidir le Pearsanra sa Chór Liachta - Gan réasúnaíocht chuí a bheith ann maidir le hidirdhealú a bheith fógartha do chách - Níl an próiseas roghnúcháin oibiachtúil agus trédhearcach agus níl sé ag teacht le cleachtas riaracháin cothrom agus slán**

Bhí an Gearánaí ina bhall den Chór Iompair le cúig bliana is fiche de thaithí in Óglaigh na hÉireann. Chuir sé iarratas isteach ar fholúntas ar Chúrsa ONC Féideartha mar Shaineolaí/ Phearsanra Teicniúil. Níor éirigh leis an iarratas ar an mbonn nach raibh sé incháilithe le haghaidh díolúine ó Mhodúl 3 (i.e. an ghné oirbheartaíochta) faoin siollabas ábhartha. D'aighnigh an Gearánaí, agus an scéal amhlaidh, go raibh na nósanna imeachta roghnúcháin éagórach agus gurb ionann iad agus leatrom ina choinne.

Thaispeáin an Gearánaí go raibh díolúine ag Pearsanra sa Chór Liachta (is cuma cén Grád Teicneolaíochta) ón riachtanas go mbeadh orthu dul faoi Mhodúl 3, ach nach raibh ach catagóir amháin leis an díolúine sin sa Chór Iompair – is é sin Grád 3 (Feisteoirí MT). D'aighnigh sé go raibh an t-idirdhealú seo éagórach agus gur chruthaigh sé buntáiste neamhchothrom.

Rinne an Gearánaí a ghearán a phróiseáil tríd an nós imeachta Sásamh in Éagóra agus chinn an Ceann Foirne nach ndearnadh dochar don Ghearánaí a raibh gá sásamh a fháil ina leith ar an mbonn seo a leanas - i measc boinn eile - gur cinneadh ceannasaíochta bunaithe ar chineál na fostaíochta agus ar na dualgais éagsúla ag an bPearsanra sa Chór Liachta an cinneadh maidir leis na díolúintí a gheobhadh pearsanra.



Agus mé ag déileáil leis an achomharc, bhí orm a mheas cibé acu ar eascair tionchar neamhfhabhrach ar an nGearánaí as an scéal nó nár eascair. Go háirithe, bhí orm oscailteacht agus trédhearcacht an phróisis roghnúcháin a mheas agus cinneadh a dhéanamh cibé acu an raibh na nósanna imeachta ag teacht le cleachtais riaracháin shlána chothroma nó nach raibh.

Chinn mé, a mhalaírt den méid a chinn an Ceann Foirne, nach raibh aon réasúnaíocht don díolúine do na catagóirí a roghnaíodh ná don neamhréireacht idir an Cór Liachta agus an Cór Iompair, a cuireadh faoi mo bhráid san imscrúdú inmheánach. Chinn mé sa mhéid nach raibh aon chúiseanna ann, a cuireadh in iúl do chuile dhuine a bhí páirteach, le go mbeadh gach Grád Teicniúil den Chór Leighis incháilithe don chúrsa, agus go mbeadh díolúine acu ó Mhodúl 3, cé nach raibh ach Grád 3 sa Chór Iompair ina theideal. Mar sin bhí an chuma ar an scéal go raibh an próiseas míchothrom agus d'fhéadfaí a léiriú go raibh an próiseas leatromach.

Seo a leanas ráiteas as an doiciméad siollabais ábhartha: *"Is cúrsa le Trí Mhodúl é an Cúrsa Féideartha ONC. Déanfaidh Ceannasaithe Aonaid an deis a thairiscint do gach iarrthóir, is cuma cibé Grád Teicniúil, gach ceann de na trí mhodúl a chur i gcrích"*. Chinn mé gur léirigh sé seo an príonsabal a bhí mar bhonn leis an gcóras modúlaithe agus thug sé le tuiscint gur chóir go mbeadh forais réasúnta ag baint le haon díolúine, mínithe do gach éinne a bhí páirteach. D'éascair ionchas réasúnta as an méid seo ó thaobh an Ghearánaí de go raibh seans cóir cothrom aige go raibh sé incháilithe le go roghnófaí é. Agus an scéal amhlaidh, bhí gá breathnú isteach sa doiciméad siollabais ar réasúnaíocht na díolúine a bhain le catagóirí roghnaithe pearsanra amháin agus an cheist a chur an raibh sé seo ar chomhréir le cuspóirí an Chúrsa ONC Féideartha.

Ní raibh aon chritéir chaighdeáitithe inchailíochta i bhfeidhm le haghaidh Cúrsaí ONC Féideartha agus/nó níor fógraíodh a leithéid don phearsanra uile tráth an iarratais, ach tharraing mé aird ar agus thacaigh mé le go raibh athbhreithniú ag tarlú maidir leis sin. Mhol mé go nglacfaí leis na moltaí i bhfoirseachán an Ghrúpa Stiúrtha um Chomhionannas 'Response to the Challenge of a Work Place' maidir le nósanna imeachta roghnúcháin do chúrsaí agus go gcuirfí iad i bhfeidhm, a mhéid is indéanta.

D'éagmais réasúnaíocht inchosanta don neamhréireacht a chuir an Gearánaí ar ár súile, maille le critéir chaighdeánaithe inchailíochta a bheith in easnamh le haghaidh Cúrsa ONC Féideartha, níor cuireadh an próiseas roghnúcháin i bhfeidhm ar bhealach oibiachtúil trédhearcach ag teacht le cleachtas riarachán cothrom slán. Dá réir sin, cuireadh cosc, go míchothrom, leis an nGearánaí an deis a bheith aige cúrsa a dhéanamh a bhí suntasach ó thaobh dul chun cinn ina ghairm. Chomh maith leis an moladh a rinne mé maidir leis an bpróiseas roghnúcháin, mhol mé go ndéanfaí roinnt machnaimh ar bhealach a aimsiú an tionchar neamhfhabhrach a bhí ag na teipeanna riaracháin ar an nGearánaí a chur ina gceart.

In aighneachtaí a rinne Óglaigh na hÉireann i ndiaidh sin, taispeánadh go raibh sé inchosanta go hoibiachtúil go raibh ar bhaill den Ghrúpa Teicniúil ina raibh an Gearánaí dul faoi Mhodúl 3 mar go raibh gá ag an bpearsanra sin taithí a bheith acu ar riachtanais oirbheartaíochta. Fós féin, níor cuireadh an méid sin in iúl don Ghearánaí sula ndearna sé a iarratas, ná nuair a cuireadh an cinneadh in iúl dó.

Ina fhreagra, dhearbhaigh an tAire Cosanta go mbeadh nósanna imeachta eatramhacha nua á dtabhairt isteach an 31 Iúil, 2006. De bhreis air sin, dhearbhaigh sé go raibh athbhreithniú ar Ghrúpaí Teicniúla idir lámha. Mhol mé go ndéanfaí dul chun cinn maidir leis an obair seo.



#### ACHOIMRE AR CHÁS 4 - SEASADH LEIS AN nGEARÁN

Roghúchán le haghaidh Seirbhíse Thar Lear – Gan aon phróiseas agallaimh ann le haghaidh an cheapacháin i gceist – Gan aon chúiseanna tugtha don neamhroghnúchán – Critéir bhreise i bhfeidhm tar éis dáta deiridh le haghaidh ainmniúcháin – Gan aon mhodh measúnaithe trédhearcach a bheith i bhfeidhm – critéir chaighdeánaithe cáiliúcháin a bheith fógartha roimh an gcomórtas.

Thairg an Gearánaí seirbhís Thar Lear dá dheoin féin maidir le dhá cheapachán, - is é sin CQMS i Rannóg Soláthair an NSE agus Sáirsint sa Rannóg Soláthair NSE. Tar éis na gcritéar a chomhlíonadh mar a leagadh amach san fhógra ón EPMO, mhol OIC na Rannóige an Gearánaí, agus ina dhiaidh sin d'ainmnigh Ceannasaí a Aonaid é maidir leis an dá cheapachán.

Ba chosúil nár cuireadh agallamh riamh ar an nGearánaí maidir leis na ceapacháin i gceist agus nár cuireadh in iúl dó i scríbhinn nár roghnaíodh é agus nár tugadh aon chúiseanna dó tráth a neamhroghnúcháin. Faoin taca go ndearnadh gearán an Ghearánaí a phróiseáil tríd an nós imeachta Sásamh in Éagóra, ní raibh aon bhealach an scéal a athrú mar go raibh na Poist Thar Lear tar éis tosú. D'iarr an Gearánaí go ndéanfaí an scéal a atreorú chugamsa.

Seo a leanas bonn gearáin an Ghearánaí:

- Sa mhéid go raibh sé cáilithe don cheapachán agus gur chomhlíon sé go hiomlán na critéir a bhain le bheith ar an té ar ais don tréimhse is faide, ba chóir gur roghnaíodh an Gearánaí don cheapachán thar lear. D'aighnigh an Gearánaí sa chás gur chomhlíon na hiarrthóirí go léir na critéir ábhartha le haghaidh ceapacháin thar lear, gur chóir go mbeadh an critéar "an té ar ais don tréimhse is faide" ina chritéar ábhartha agus go gcuirfí é i bhfeidhm de réir na gnáthchleachtas oibre fad-aitheanta le haghaidh roghúcháin thar lear laistigh d'Óglaigh na hÉireann.
- Go raibh timpeallacht ina raibh míbhuntáiste míchothrom tar éis teacht chun cinn, bíodh an timpeallacht sin fíor nó meabhairbhraite, do ONCanna áirithe toisc nár roghnaíodh an Gearánaí.
- Nach cóir aon chritéir sa bhreis a chur i bhfeidhm agus/nó ualú a thabhairt dóibh sa phróiseas roghnúcháin tar éis an dáta dheiridh d'ainmniú iarrthóir le haghaidh comórtais do Cheapacháin Thar Lear.

Loirg an Gearánaí go roghnófaí é mar Sháirsint in NSE nó ar chomh-mhisean trí mheán sásaimh.

Chinn mé nár cuireadh i bhfeidhm agallamh nó modh measúnaithe oibiachtúil trédhearcach sa phróiseas roghnúcháin. Bhí critéir chaighdeánaithe cáiliúcháin in easnamh le haghaidh na Seirbhíse Thar Lear i gceist a fógraíodh don phearsanra uile roimh an gcomórtas. Dhearbhaigh Tuarascáil an Oifigigh Imscrúdaithe gur cuireadh go mór san áireamh taithí thar lear seasta a rinneadh le déanaí, mar go raibh gá le ONCana le taithí fhairsing ilghnéitheach thar lear.

Chinn mé, cé go mb'fhéidir go raibh an breathnú seo ina bhreathnú ábhartha agus cuí i gcás an cheapacháin áirithe thar lear seo, ní raibh sé sin soiléir nuair a fógraíodh an ceapachán. Bhí míbhuntáiste míchothrom ann don Ghearánaí agus cuireadh cosc leis an deis a fháil tabhairt faoin gcheapachán i gceist agus mar thoradh air sin dul chun cinn ina ghairm in Óglaigh na hÉireann.

Thug an phlécháipéis dar teideal: "Standardisation of Selection Criteria for Career Courses in the Defence Forces and Overseas Selection" dar dáta 6 Márta 2006, aghaidh ar na neamhréireachtaí agus ar na hathbhríonna a bhí ann ag an uair. Chinn mé gur léirigh siad admháil intuigthe nach raibh aon chritéir chaighdeánaithe fhoirmiúla i bhfeidhm le haghaidh Seirbhíse Thar Lear a fógraíodh ar fud Óglaigh na hÉireann ag an am ábhartha.

Mhaígh an Gearánaí gur caitheadh leis go míchothrom mar thoradh ar na fabhtanna sa phróiseas riaracháin a bhí ann sa phróiseas roghnúcháin le haghaidh seirbhíse thar lear agus de bhreis air sin chreid sé gur diúltaíodh dá iarratas ar cheapachán naoi mí mar Sháirsint Complachta Gníomhach mar go ndearna sé gearán roimhe sin i gcoinne an Údaráis Roghnúcháin maidir le post eile. Le linn an imscrúdaithe, ceapadh an Gearánaí mar Thiománaí Sáirsint/Chléireach ar feadh 6 mhí agus cé go raibh an Gearánaí sásta leis an gcheapachán seo thaispeáin sé go raibh cailteanas airgeadais i gceist leis an gcheapachán seo i gcomparáid leis na Ceapacháin eile Thar Lear toisc gur ceapachán sé mhí a bhí ann.

Bhí mé sásta maidir leis an gcheapachán mar Sháirsint sa Rannóg Soláthair NSE, go raibh tionchar neamhfhabhrach ag an bpróiseas roghnúcháin ar an nGearánaí, mar nach raibh an próiseas sin trédhearcach go leor maidir leis na critéir inmhianaithe, riachtanacha a raibh gá leo agus an taithí a bhí riachtanach don cheapachán, má bhí sé trédhearcach in aon chor, agus go raibh bonn maith faoi ghearán an Ghearánaí. Rinne mé na moltaí seo a leanas:

- Nósanna imeachta cuí a chur i bhfeidhm le critéir roghnúcháin a shocrú agus a fhógairt le haghaidh seirbhíse thar lear ionas nach mbeadh míthuiscint ann.
- Nósanna imeachta cearta tráthúla le hagallamh a chur nó iarrthóir a mheas ar bhealach eile le haghaidh Seirbhíse Thar Lear le córas rátála agus marcála aontaithe.
- Cúiseanna sonracha a sholáthar le nár éirigh le hiarrthóirí ina n-iarratas ar Cheapacháin Thar Lear agus na céimeanna ar ghá dóibh a ghlacadh chun feabhas a chur ar a seansanna amach anseo (nuair is indéanta).
- Ní dhearna mé aon chinneadh maidir leis an éileamh ar chailteanas measta a chuir an Gearánaí isteach maidir leis na cailteanais bharúlacha i gcomparáid leis na hiarratais a rinneadh i ndiaidh an cheapacháin maidir lena ndearna sé tagairt domsa.
- Bhí gá le himscrúdú sa bhreis a dhéanamh ar na ceisteanna a thug an Gearánaí ar aird faoi thoradh na n-iarratas ar Cheapacháin Thar Lear i ndiaidh an cheapacháin Thar Lear a bhí mar ábhar an Achomhairc a rinneadh liomsa. Dá mba rud é gur mhian leis an Gearánaí coinneáil leis na nithe breise seo bheadh gá tús a chur le próiseas mar fhreagra ar na haighneachtaí ó na páirtithe a bhain leis. Mhol mé gur chóir iarracht a dhéanamh réiteach a fháil ar an scéal ar dtús ar bhealach cairdiúil.

Ina fhreagra, dhearbhaigh an tAire Cosanta go dtabharfaí isteach Nósanna Imeachta Roghnúcháin Eatramhacha an 31 Iúil 2006.



## ACHOIMRE AR CHÁS 5 - SEASADH LEIS AN nGEARÁN

**Ainmniúchán do Chúrsa Gairme – Gan aon mhodheolaíocht measúnaithe oibiachtúil curtha i bhfeidhm – Níor cloíodh leis an ord sinsearachta – Bhí easaontas critéir ann idir an Fógra don Chúrsa agus an Siollabas Traenála – Ní raibh aon chritéir chaighdeánaithe roghnúcháin ann – Níor tugadh aon chúis leis an gcinneadh – Ní raibh aon fhoirm achomhairc ann – Ní raibh aon phróiseas agallaimh ann roimh an ainmniúchán.**

Bhain gearán an Ghearánaí lena roghnú mar an dara hainmniúchán le haghaidh Cúrsa Cuntasáochta Loighistice agus d'aighnigh sé gur chóir gur roghnaíodh é ar an gcéad ainmniúchán don chúrsa mar gur chomhlíon sé na critéir uile a leagadh amach don chúrsa agus go raibh sé níos sinsearaí ná an té a roghnaíodh. Chomh maith leis sin, d'aighnigh an Gearánaí go raibh na critéir a sonraíodh san Fhógra don Chúrsa éagsúil ó na critéir a liostáladh sa Siollabas Traenála. Ba chosúil freisin nár chuir Bord Roghnúcháin agallamh ar na hiarrthóirí don chúrsa seo, nach raibh critéir roghnúcháin chaighdeánaithe i bhfeidhm agus/nó nár fógraíodh iad do na hiarrthóirí roimh ré agus nach raibh an chuma ar an scéal gur cuireadh i bhfeidhm modheolaíocht mheasúnaithe oibiachtúil. Níor tugadh aon chúiseanna don Ghearánaí don chinneadh agus níor cuireadh aon fhoirm achomhairc ar fáil dó. D'iarr an Gearánaí go n-athrófaí a áit ar an liosta ainmniúcháin chun go mbeadh seisean ar an gcéad ainmniúchán.

Chinn an tOifigeach Imscrúdaithe nach ndearnadh éagóir ar an nGearánaí ar an mbonn gur cloíodh leis na treoirlínte a bhí eisithe ag an Údarás Roghnúcháin. D'aighnigh an Gearánaí go ndearna an tOifigeach Imscrúdaithe mífhaisnéis ar chineál beacht an ghearáin. D'aighnigh an Gearánaí chomh maith nár chosúil go raibh an tOifigeach Imscrúdaithe neamhchlaonta agus gur chreid sé go raibh an tOifigeach tar éis teacht ar thuairim maidir lena iarratas roimh an agallamh.

Ní raibh aon sainmhíniú ar "fhostaíocht" laistigh den réimse feidhmiúil loighistice a tugadh don Ghearánaí agus bhí easpa soiléireachta ann maidir le céard a tuigeadh le "réimse feidhmiúil loighistice" nó taithí chúlra i "loighistic". D'eascair míchothroime (fíor nó meabhairbhraite) as an easpa soiléire agus trédhearcachta, chomh maith le héagsúlachtaí idir na doiciméid éagsúla a leag amach na critéir roghnúcháin, a bhí mar ábhar do ghearán an Ghearánaí.

D'aighnigh an Gearánaí go raibh éagsúlacht idir na critéir a sonraíodh san Fhógra don Chúrsa agus sa Siollabas Traenála. De réir na gcritéir a leagadh síos san Fhógra don Chúrsa bhí gá go mbeadh an t-iarrthóir fostaithe i réimse feidhmiúil loighistice agus dúirt an Siollabas Traenála go mbeadh sé inmhianta go mbeadh taithí chúlra ag mic léinn i loighistic. Ón measúnú comparáideach idir na ceithre iarrthóir don chúrsa i gceist ba chosúil go raibh tionchar ag an leibhéal taithí a bhí ag gach iarrthóir ar an ord ainmniúcháin agus go ndéanfaidh an tOifigeach i bhFeighil é seo a dhearbhú. D'fhéadfaí tátal a bhaint freisin as an Rialú Measta a rinne an Ceann Foirne go ndéanfaí an chéad chritéir a chur i bhfeidhm i réimse fheidhmiúil loighistice, agus gurb é seo an critéir cinnitheach sáraitheach agus dá bhrí sin nach raibh aon duine den cheathrar iarrthóirí incháilithe.

Ba chosúil nár cuireadh agallamh ar aon duine de na hiarrthóirí a ainmníodh ag aon staid le linn an phróisis roghnúcháin a dhiúltaigh an deis d'iarrthóirí cur síos iomlán a dhéanamh ar an taithí loighistice a fuair siad roimhe seo nó an taithí nó obair loighistice reatha a bhí idir lámha acu. D'eascair próiseas roghnúcháin míchothrom as na dearthaí athraitheacha agus na léirmhínithe éagsúla. Leag mé béim ar na Nósanna Imeachta a mhol an Grúpa Stiúrtha um Chomhionannas don Phróiseas Agallaimh do Chúrsaí, d'Ardú Céime agus do Sheirbhís Thar Lear mar atá leagtha

amach san fhoilseachán 'Response to the Challenge of a Workplace', - gur chóir go leagfaí amach na cáilíochtaí riachtanacha ginearálta don phost i gceist san fhógra don phost.

Chinn mé, ag tagairt do na nósanna imeachta thuasluaite, gur chóir go mbeifí tar éis aontú ar na critéir/cáilíochtaí don roghnú le haghaidh ardú céim nó folúntais roimh ré agus aontú ar thábla na n-uasphointí a bheadh ar fáil d'iarrthóirí agus don phainéal agallaimh roimh ré. Ba chosúil nár cuireadh i bhfeidhm nó nár fógraíodh aon chineál modheolaíochta oibiachtúla sa chás seo.

Tharraing mé aird freisin ar an ngné mhíshásúil a bhain leis an nós imeachta gearáin a thug mé faoi deara a bhain leis an Oifigeach i gCeannas a bheith freagrach as an t-iarrthóir a ainmniú don chúrsa i gceist, fad is a bhí freagracht ar an duine céanna an t-imscrúdú tosaigh a dhéanamh ar an ngearán.

Ba chosúil gur glacadh leis go forleathan go raibh an Cúrsa Cuntasaíochta Loighistice ina chéim shuntasach i dtreo dhul chun cinn bhall d'Óglaigh na hÉireann ina g(h)airm. Go teoriciúil, ba chosúil gur comórtas ann féin é gach comórtas ar leith, ach, go praiticiúil, nuair a fógraíodh cúrsa ina dhiaidh sin, seans nár athraigh aon rud san idirthréimhse agus go mbeadh cúis inní réasúnta ag iarrthóir go ndéanfaí é a rangú san ord céanna is a rinneadh sa phróiseas ainmniúcháin roimhe sin. Chuir mé in iúl, i gcás ina mbeadh an méid mór sin i ngeall air, go raibh na hiarrthóirí ag brath ar bharántúlacht, neamhchlaontacht, oibiachtúlacht agus cothroime an phróisis a cuireadh i bhfeidhm agus bhí ionchas réasúnta acu go ndéanfaí amhlaidh. Tar éis dom na haighneachtaí a léamh chinn mé nár comhlíonadh na hionchais sin a ndóthain.

Chinn mé nár shroich na próisis na caighdeáin dea-chleachtais a mhol an Grúpa Stiúrtha um Chomhionannas agus sheas mé leis an ngearán. Mhol mé go gcuirfí i bhfeidhm nósanna imeachta cuí do shocrú agus d'fhógairt na gcritéar roghnúcháin don Chúrsa Cuntasaíochta Loighistice agus go nglacfaí le nósanna imeachta cuimsitheacha tráthúla le hagallamh a chur ar iarrthóirí ainmnithe agus/nó iad a mheas ar bhealach eile faoi na ceanteidil critéar agus taithe riachtanacha.

Dhearbhaigh an tAire Cosanta, ina fhreagra, tabhairt isteach Nósanna Imeachta Roghnúcháin nua an 31 Iúil, 2006. Mhol mé freisin go dtabharfaí áit don Ghearánaí ar an gcéad Chúrsa Cuntasaíochta Loighistice eile ar an gcoinníoll go ndearna sé iarratas agus gur chomhlíon sé na riachtanais riaracháin agus leighis.



## **ACHOIMRE AR CHÁS 6 - SEASADH LEIS AN NGEARÁN**

**Próiseas roghnúcháin don Chúrsa ONC -- Critéir thosaíochta gan a bheith soiléir – taifeadh neamhiomlán ar na Cúrsaí a cuireadh i gcrích – Taifid iompair a bheith san áireamh agus é seo a bheith míchothrom – Bunaíodh Bord Athbhreithnithe chun ord tosaíochta a chinneadh – Na baill Bhoird céanna a rinne athbhreathnú ar an gcinneadh bunaidh.**

Bhain an gearán seo le hainmniúchán an Ghearánaí ar an gceathrú rogha san ainmniúchán don Ghnáthchúrsa ONC. Bhí fadhb ag an nGearánaí leis an bpróiseas roghnúcháin agus d'áitigh sé go raibh sé míchothrom na hainmniúcháin a rangú mar a rinneadh ar an bhforas go raibh an tIarrthóir a cuireadh sa dara háit níos sóisearaí ná na hiarrthóirí a cuireadh sa tríú, sa cheathrú

agus sa chúigiú háit. Dúirt an Gearánaí nach raibh na cúrsaí go léir a rinne sé le linn a sheirbhíse míleata taifeadta ina n-iomláine sa mheasúnú dá ainmiúchán, d'ainneoin gur cuireadh in iúl gur cinneadh ar ord tosaíochta na nIarrthóirí ar bhonn líon na gcúrsaí a chuir siad i gcrích ag leibhéal an teagascóra, agus ar an mbonn sin amháin. D'aighnigh sé chomh maith go ndearnadh breathnú éagórach ar a thaifid iompair a bhain lena fhostaíocht sular tugadh ardú céime dó go dtí an rang reatha aige.

Bunaíodh Bord Athbhreithnithe ar leith chun cinneadh ar an ord tosaíochta d'Iarrthóirí don chúrsa i gceist. Tháinig an Bord seo le chéile arís, agus bhí na baill chéanna ar an mbord, chun athbhreathnú a dhéanamh ar an ord tosaíochta agus sheas an Bord leis an gcinneadh bunaidh aige gan cúiseanna soiléire a thabhairt. Ba chosúil nár cuireadh agallamh ar an nGearánaí, ná ar aon iarrthóir eile, le linn an phróisis ainmiúcháin don chúrsa, agus níor cuireadh aon éisteacht ar fáil don Ghearánaí le linn athbhreathnú an Bhoird. Ní raibh aon chritéir roghnúcháin chaighdeánaithe i bhfeidhm agus/nó níor fógraíodh iad do na hiarrthóirí roimh an bpróiseas roghnúcháin. Ba chosúil freisin nach raibh aon mhodheolaíocht mheasúnaithe oibiachtúil a mbeadh tuiscint ag chuile duine air, i bhfeidhm ná nár glacadh lena leithéid.

I Rialú Measta an Chinn Foirne tarraingíodh aird ar nach raibh aon riachtanas reachtúil ná rialaitheach ann do Cheannasaí Aonaid le cur i bhfeidhm i nós imeachta roghnúcháin laistigh d'Aonad le pearsanra a roghnú le go n-ainmneofaí iad le tabhairt faoi aon Chúrsa Gairme. Ina thuairim bhí an próiseas a úsáideach cóir cothrom sa mhéid go ndearnadh gach iarrthóir a mheas ar chomhbhunús. Thaispeáin mé nár fuasclaíodh Ceannasaí Aonaid *per se* ó chloí le nósanna imeachta córa toisc nach raibh riachtanais reachtúla nó rialaitheacha ann. Chinn mé dá mba rud é go ndearna an Bord Athbhreithnithe láimhseáil ar iarratas an Ghearánaí ar an nGnáthchúrsa ONC i gceist de réir Nósanna Imeachta Molta an Ghrúpa Stiúrtha um Chomhionannas don Phróiseas Agallaimh do Cúrsaí, d'Ardú Céime agus do Sheirbhís Thar Lear mar atá leagtha amach ina thuarascáil 'Response to the Challenge of a Workplace', go mbeifí tar éis cúpla gné den phróiseas a chur i gcrích ar bhealach éagsúil.

Bhí inní orm faoi na dálaí a bhain le malartú eolais i measc bhaill an Bhoird Athbhreithnithe maidir leis na cúrsaí a chuir an Gearánaí i gcrích. Ba chosúil nár tugadh aird ar shonraí a mbeadh tionchar acu ar chinneadh an Bhoird. Chomh maith leis sin, níor thug an Bord aon chúiseanna le nár luaigh sé an ardmholadh speisialta a fuair an Gearánaí i bPost Thar Lear. Bunaithe ar a an eolas agus ar na Rialuithe a fuair mé, agus ar an eolas a cuireadh isteach, bhí mé den tuairim go raibh dóthain foras ann a rá nach raibh na nósanna imeachta trédhearcach agus soiléir go leor, agus mar sin go raibh tionchar neamhfhabhrach acu ar an nGearánaí.

D'eisigh mé Tuarascáil Réamhdhearcaidh inar loing mé soiléiriú. Tar éis dom freagra a fháil ar na fiosrúcháin sa Tuarascáil Réamhdhearcaidh, dhearbhaigh mé na tuairimí a cuireadh in iúl i mo Thuarascáil Tosaigh agus sheas mé leis an ngearán.

Rinneadh áit a thairiscint don Ghearánaí ar Ghnáthchúrsa ONC mar shásamh. Ina fhreagra, dhearbhaigh an tAire Cosanta gur tugadh isteach Nósanna Imeachta Roghnúcháin Eatramhacha nua an 31 Iúil, 2006. Chomh maith leis sin, dhearbhaigh sé go raibh Stiúrthóir Cúrsaí Traenála Óglaigh na hÉireann tar eis leasú a dhéanamh ar an siollabas traenála chun a chinntiú go raibh na critéir cháiliúcháin d'incháilitheacht ar an gcúrsa soiléir agus gan athbhrí.



## ACHOIMRE AR CHÁS 7 - SEASADH LEIS AN NGEARÁN

**Cúrsa Cuntasaíochta Loighistice – Leithdháileadh ar áiteanna – Critéir don leithdháileadh – Athbhrí – Ionchas Réasúnta – Ionadaíocht – Easpa trédhearcachta – Critéar sáraitheach nasctha le folúntais – Níor reáchtáladh an próiseas roghnúcháin don chúrsa de réir nósanna imeachta córa agus de réir cleachtais riaracháin inmhianaithe.**

D'oibrigh an Gearánaí mar ionadaí ar feadh tréimhse ocht mbliana, gan phá den chuid is mó, ag comhlíonadh a dhualgas agus dualgais a bhain le post níos airde céime nach raibh líonta. Le linn an ama sin, bhí sé tar éis cur isteach ar Chúrsa Cuntasaíochta Loighistice gach uair a reáchtáladh an cúrsa, agus theip air áit a fháil ar an gcúrsa gach uair. Níor tugadh míniú dó riamh ar an gcúis nár éirigh lena iarratas, ná aon chomhairle maidir leis an gcaoi a bhféadfadh sé feabhas a chur ar a sheansanna amach anseo. San iarratas is déanaí a rinne an Gearánaí, níor éirigh leis áit a fháil d'ainneoin gur mhol an tOifigeach i gCeannas é don phost agus d'ainneoin go bhfuair sé an t-ainmniúchán céad áite dá aonad. An toradh a bhí ar an scéal ná, nuair a tháinig post ag leibhéal níos airde chun tosaigh, ní raibh sé cáilithe chun cur isteach air.

Bhain an Gearánaí úsáid as iarratas Sásamh in Éagóra ar an mbonn gur imigh sé i mbun dualgais bhreise de mheoin mhacánta, mar gur chreid sé go gcuideodh an obair bhreise seo a rinne sé leis agus é ag cur isteach ar phost níos airde céime. D'aighnigh sé go raibh an próiseas roghnúcháin don Chúrsa Gairme míchothrom agus contrártha do phrionsabail an cheartais aiceanta.

Bhí an cás tar éis dul tríd imscrúdú inmheánach fada. Ag gach céim léiríodh comhbhá don Ghearánaí agus glacadh leis go raibh ionchas réasúnta i gceist don Ghearánaí go bhfaigheadh sé an deis an cúrsa a dhéanamh, bunaithe ar a fheidhmíocht trí dhul i mbun dualgais sa bhreis. An toradh a bhí ar an nós imeachta Sásamh in Éagóra, ámh, ná Rialú Measta an Chinn Foirne nach raibh aon éagóir déanta ar ghá sásamh a fháil ina leith de bhrí Alt 114 den Acht Cosanta 1954.

I m'athbhreithniú ar an achomharc, chinn mé gur tharla sé toisc éiginnteacht a bheith i gceist leis an modheolaíocht a cuireadh i bhfeidhm i leithdháileadh áiteanna ar an gcúrsa i gceist. Bhí mé sásta, mar thoradh ar nósanna imeachta riaracháin míchothroma, nár tugadh aon aitheantas ná aon luaíocht don Ghearánaí don méid mór oibre breise a rinne sé. Bhí ionchas réasúnta ag an nGearánaí agus níor comhlíonadh an t-ionchas sin. Chinn mé, cé go raibh an leithdháileadh áiteanna ar chúrsaí gairme nasctha le riachtanais na heagraíochta agus bainistiú ar fholúntais, ní raibh sé intuigthe dóibh siúd a chuir iarratas isteach go soiléir gurbh iad sin na critéir sháraitheacha.

Mhol mé go gcuirfí i bhfeidhm na cleachtais is fearr maidir le nósanna imeachta riaracháin inmhianaithe, mar atá leagtha amach ag an nGrúpa Stiúrtha um Chomhionannas ina thuarascáil '*Response to the Challenge of a Workplace*'. Dá mbeadh siad i bhfeidhm d'fhéadfaí cinntí a sheachaint a mbeadh tionchar ag fabhraíocht nó ag claontacht orthu. De bhreis air sin, mhol mé nach mbeadh aon athbhrí ag baint leis na critéir le haghaidh leithdháileadh áiteanna ar Chúrsaí Gairme agus go leagfaí amach iad go soiléir i bhfógraí do chúrsaí dá leithéid, agus dá mbeadh critéar sáraitheach ann nasctha le folúntas poist nó le riachtanais eile, go soiléireofaí é sin roimh an bpróiseas roghnúcháin. An moladh deiridh a rinne mé ná, go gcuirfí in iúl do phearsana, dála an Ghearánaí, a chuir isteach ar Chúrsa Gairme agus nár éirigh leo, na cúiseanna ar theip orthu áit a fháil agus na céimeanna a d'fhéadfadh siad a ghlacadh chun feabhas a chur ar a seansanna amach anseo.

Léirigh an cas seo gur eascair leatrom nó fabhraíocht mheabhairbraite as an easpa trédhearcachta sna córais riaracháin. De bhreis air sin, murach go raibh an Gearánaí ina dhuine fhoighneach fhadfhuilangach dílis bheadh doicheadall agus domheanma tar éis eascairt as an leatrom.

Ina fhreagra, dhearbhaigh an tAire Cosanta gur tugadh isteach Nósanna Imeachta Roghnúcháin Eatramhacha nua an 31 Iúil, 2006. Chomh maith leis sin, chuir sé in iúl go raibh Stiúrthóir Cúrsaí Traenála Óglaigh na hÉireann tar eis leasú a dhéanamh ar an siollabas traenála chun a chinntiú go raibh na critéir cáiliúcháin d'incháilitheacht ar an gcúrsa soiléir agus gan athbhrí.

Tugadh áit don Ghearánaí le déanaí ar Chúrsaí Cuntasáochta Loighistice.



## ACHOIMRE AR CHÁS 8 - SEASADH LEIS AN NGEARÁN

**Roghnú do Phost Thar Lear – Critéir nua don phost gan a bheith curtha in iúl don Ghearánaí - Nós imeachta gearáin - Cleachtas riaracháin neamh-inmhianaithe – Gan na critéir agus na coinníollacha a bhaineann le post a bheith ar fáil sna Nósanna Imeachta Roghnúcháin.**

D'eascair gearán an Ghearánaí as seo a leanas: nuair a eisíodh liosta do Mhisean Thar Lear le KFOR níor cuireadh in iúl dó cibé acu an raibh sé ar an bpainéal don Phost Thar Lear nó nach raibh. Cuireadh in iúl don Ghearánaí ina dhiaidh sin nach dócha go mbeadh sé ar an bpríomhliosta mar nár fhón sé sa Libéir. D'aighnigh an Gearánaí gur cuireadh in iúl dó nár cuireadh i bhfeidhm a thuilleadh an tosaíocht, a chreid seisean a bhí mar phrionsabal stiúrtha "an té ar ais don tréimhse is faide, an chéad duine a sheolfaí thar lear". Toisc nach raibh an Gearánaí ar thuras dualgais le 8 mbliana bhí sé ag brath ar an gcleachtas ar glacadh leis, gurb é go deimhin an té ar ais don tréimhse is faide an chéad duine a sheolfaí thar lear. D'áitigh an Gearánaí nár fógraíodh riamh an critéir nua agus nár cuireadh an critéir nua sin in iúl don Ghearánaí mar choinníoll nó mar chritéir don Phost Thar Lear i gceist.

Chuir mé in iúl go raibh an nós imeachta inmheánach le gearáin a láimhseáil sa chás seo ina nós imeachta amhrasach mar go raibh an chuma air go raibh an GOC a d'eisigh an Rialú Measta ag feidmiú mar an tÚdarás Roghnúcháin freisin agus i gcás dá leithéid d'fhéadfaí a argóint go raibh sé ag feidmiú mar bhreitheamh ina chás féin, rud a sháródh prionsabail an cheartais aiceanta. Aighníodh ag céim na tuarascála deiridh, ámh, gur tharmlig an GOC an próiseas roghnúcháin ar a fhoireann agus mar sin bhí ar a chumas aon aighneas a eascródh as neamhroghnúchán a thiocthadh chun cinn a mheas agus cinneadh a dhéanamh maidir leis. Chinn mé nuair nár cuireadh eolas maidir le cáilíochtaí cuí ar fáil d'iarrthóirí roimh ré, nach rabhtas ag cloí leis an gcleachtas is fearr agus go bhféadfaí a rá gur cleachtas riaracháin míchothrom é.

Mhol mé go ndéanfaí na gnáthchritéir le haghaidh seirbhíse thar lear a fhógairt ar shlí nach mbeadh aon amhras sa scéal maidir leis na critéir infheidhme agus nuair a bheadh critéir speisialta le cur i bhfeidhm go gcuirfí iadsan san áireamh ar liosta dá leithéid. Mhol mé freisin, ag teacht le tuairimí an Oifigigh Imscrúdaithe, nach bhféadfadh óglaigh a chuir a n-ainmneacha ar liosta dóibh siúd a fhónfadh thar lear glacadh leis go bhfaighidís post sonrath dá bharr.

Comhairlíodh dom go mbaintear leas as alt 107 de Threoir Rialacháin Cuid 26 nuair a bheadh dispeansáid ó chleachtas bunaithe á lorg ..Ach d'airbheartaigh sé seo soiléiriú a dhéanamh ar úsáid agus ar chleachtas an tsoláthair i gceist, mhol mé go raibh an fhoclaíocht mar a bhí



oscailte do léirmhínte éagsúla. Dá ndéanfaí an fhoráil seo a leasú chun a ról agus a feidhm a chur in iúl go cuí, ní bheadh aon mhearbhaill ann maidir le cathain agus cénb chaoi le leas a bhaint as.

Aighníodh freisin cé gur glacadh leis gurb é an DCOS (Sp) an t-údarás deiridh le haghaidh roghnúcháin thar lear, ní bheadh sé praiticiúil ná éifeachtach dá ndéanfaí atreorú ar gach cás neamhroghúcháin i mBriogáid/Eagar chuige siúd le breithniú a dhéanamh air.

Maidir leis an gcás seo, d'admhaigh an Ceann Foirne nach raibh na nósanna imeachta a bhí in úsáid idéalach agus thaispeáin sé gur tugadh isteach na Nósanna Imeachta Eatramhacha nua ag féachaint le comhtháthú a dhéanamh ar roinnt de na moltaí a bhain leis an gcleachtas is fearr a rinne an Grúpa Stiúrtha um Chomhionannas. Mhol an Ceann Foirne gurb é an modh is fearr sásamh a sholáthar sa chás seo ná a admháil nach raibh na nósanna imeachta a úsáideadh ag teacht leis na cleachtais is fearr ach gur léir gur chuir na Nósanna Imeachta Eatramhacha nua a tugadh isteach le déanaí feabhas ar na próisis agus go ndéanfaí breathnú ceart ar iarratas ar sheirbhís thar lear amach anseo ag teacht leis na nósanna imeachta nua.

Chinn mé go raibh easpa soiléire sna nósanna imeachta roghnúcháin do sheirbhís thar lear sa chás seo agus go rachadh sé chun sochair chuile duine gur tharraing Gearánaí aird ar na heasnamh seo. Sa mhéid seo bhí bonn cirt lena ghearán. Ghlac mé le haighneacht ón gCeann Foirne gur dócha nach ndearnadh dochar don Ghearánaí ó thaobh a phróifíl gairme de, i bhfianaise a sheirbhíse thar lear. Chinn mé go raibh an sásamh cuí sna dálaí seo (mar a mhol an Ceann Foirne), is é sin cé nach raibh na nósanna imeachta a úsáideadh de réir na gcleachtas is fearr ach go ndéanfaí breathnú ceart ar iarratais amach seo ag teacht leis na Nósanna Imeachta Eatramhacha nua.

Ina fhreagra, ghlac an tAire Cosanta leis an ngá atá ann leasú agus soiléiriú a dhéanamh ar Threoir Riaracháin Cuid 26.



## Seicliosta d'Achomharcóirí

Ar an leathanach seo tá seicliosta a ceapadh chun cuidiú le daoine gearán a dhéanamh. Tá an seicliosta ar fáil ar [www.odf.ie](http://www.odf.ie) agus tá sé san áireamh sa Bhileog Mhínitheach.

### Riachtanas 1:

Tharla an beart ar mhaith liom gearán faoi tar éis 1 Nollaig 2005



### Riachtanas 2:

Tharla an beart, nó cuireadh mé in iúl ar an mbeart, sa tréimhse 12 mhí seo caite



### Riachtanas 3:

Tá mé tar éis gearán a dhéanamh trí mheán an chórais inmheánaigh Sásamh in Éagóra agus nílim sásta leis an toradh air sin.



*(Ní bhaineann Riachtanas 3 ach le baill atá ag fónamh in Óglaigh na hÉireann. Ní bhaineann sé le hiarbhaill Óglaigh na hÉireann.)*

### Riachtanas 4:

Ní bhaineann an beart le haon cheann díobh seo a leanas:

Oibríochtaí slándála nó míleata, Eagrúchán, struchtúr nó imscaradh Óglaigh na hÉireann, Téarmaí agus coinníollacha fostaíochta, Riaradh na bpríosún míleata



### Riachtanas 5:

Níor triaileadh an beart ar mhaith liom achomharc a dhéanamh ina leith go hachomair de réir Alt 179 den Acht Cosanta, 1954.







## Gnóthaí Corparáideacha

Bhí roinnt mhaith dúshlán ann don Oifig seo maidir le gnóthaí corparáideacha le linn 2006.

Tháinig an Oifig seo i bhfeidhm an 1 Nollaig 2005, an lá ar shínigh an tAire rialacháin chun tús a chur le feidhmiú na hOifige. Chomh maith le déileáil le gearáin agus le fiosrúcháin a thosaigh ag teacht isteach a luaithe is a d'imíomar i mbun oibre, bhí sé ríthábhachtach gur cuireadh bonneagar riaracháin ar bun atá riachtanach chun go mbunófaí an Oifig go sásúil.

Chun é seo a bhaint amach bí gá teacht ar réiteach ar an iliomad saincheisteanna - ina measc soláthar foirne, cóiríocht, próiseas chun déileáil le cásanna, cosaint sonraí agus airgeadas. Ar dtús, leag mé amach treoiphean don Oifig, ina bhfuil spriocanna ann maidir le soláthar seirbhísí dár gcustaiméirí.

Sa chuid seo den Tuarascáil Bhliantúil tá sé beartaithe agam forléargras gairid a thabhairt ar an dul chun cinn atá déanta ar na saincheisteanna sin. Ag an staid seo tá sé tábhachtach buíochas a ghabháil leo siúd sa Státseirbhís a chuir cúnamh ar fáil maidir le roinnt saincheisteanna.

### ***Teachtaireacht an Ombudsman a chur in iúl:***

Mar Ombudsman d'Óglaigh na hÉireann, freastalaím ar raon fairsing páirtithe leasmhara. Nuair a cuireadh an Oifig ar bun bhí sé thar a bheith tábhachtach gur bhuail mé leis na páirtithe leasmhara sin agus go raibh idirphlé agam leo ionas go mbeadh siad in iúl ar chúraimí agus ar fheidhm na hOifige nua seo - an tOmbudsman d'Óglaigh na hÉireann.

Ón tús, bhí a fhios go maith agam go mbeadh dearcthaí agus ionchais éagsúla ann maidir leis an méid a d'fhéadfadh an Oifige a dhéanamh go praiticiúil. Bhí daoine áirithe ag súil le roinnt mhaith ón oifig agus bhí sé tábhachtach gur thapaíomar an deis i rith tréimhse theoranta laethanta tosaigh na hOifige go gcuirfí ár bpríomhghclianint - 'sé sin baill agus iarrbhaill Óglaigh na hÉireann ach go háirithe, ar an eolas maidir le mo ról agus le m'fheidhm, agus maidir le cumhachtaí na hOifige agus a teorainneacha.

Baineadh feidhm as raon modhanna cumarsáide chun ár spriocghúpráí éagsúla a chur ar an eolas maidir leis an Oifig, maidir lena feidhmeanna agus a cumhachtaí. Seo a leanas forléargas ar na gníomhaíochtaí cumarsáide a raibh an Oifig ina mbun le linn 2006. Tá tagairtí san áireamh d'obair a rinne mé ó mhí Mheán Fómhair 2005 amach, an dáta a cheap an tUachtarán Máire Mhic Giolla Íosa mé sa phost seo.

### ***Cuairteanna agus Cur i Láthair d'Óglaigh na hÉireann***

Na spriocghrúpaí is tábhachtaí don Oifig seo ná baill agus iarrbhaill Óglaigh na hÉireann. Fiú sular cuireadh an Oifig seo ar bun go hoifigiúil, rinne mé mo dhícheall cúraimí agus feidhm na hOifige a chur in iúl ar bhonn pearsanta do bhaill agus d'iarrbhaill Óglaigh na hÉireann – de gach céim. Bhí cuairteanna, léachtaí agus cur i láthair mar chuid den phróiseas seo i roinnt beaircí míleata, ag comhdhálacha agus ag cruinnithe eile ar fud na tíre.

Chomh maith leis sin, bhain mé leas as deiseanna a chuir eagraíochtaí ionadaíocha Óglaigh na hÉireann ar fáil dom chun labhairt lena mbaill.

Bhí na cuairteanna leanúnacha seo an-luachmhar ar fad. Is féidir le baill d'Óglaigh na hÉireann léargas díreach a fháil ar an mbonn dlíthiúil atá le nósanna imeachta riaracháin na hOifige. Bhí na cuairteanna fíorluachmhar domsa mar gur chuir siad le mo thuiscint ar éiteas Óglaigh na hÉireann agus ar an méid atá na baill ag súil leis ón Oifig seo.

*I measc na gcuairteanna agus na n-ócáidí ar freastalaíodh orthu idir 2005 agus 2006 bhí siad seo a leanas:*

- D. Fómhair 2005  
Freastal ar Chomhdháil PDFORRA
- D. Fómhair 2005  
Faisnéisiú leis an gCeann Foirne Cúnta, Dún Mhic Aoidh
- D. Fómhair 2005  
Faisnéisiú leis an Stiúrthóir ar Sheirbhísí Acmhainní, Dún Mhic Aoidh
- D. Fómhair 2005  
Cruinniú le Feidhmeannas PDFORRA
- D. Fómhair 2005  
Cruinnithe le hoifigigh ón Roinn Cosanta
- Samhain 2005  
Freastal ar chomhdháil RACO
- Samhain 2005  
Cur i láthair ag Dún Chathail Bhrugha, Briogáid an Oirthir
- Nollaig 2005  
Cur i láthair do Aerchór, Baile Dhónaill, DFTC
- Nollaig 2005  
Cur i láthair ag Campa an Churraigh, DFTC
- Feabhra 2006  
Cur i láthair do Cheannasaithe Aonaid, Campa an Churraigh
- Feabhra 2006  
Cur i láthair don tSeirbhís Chabhlaigh, Inis Sionnach
- Feabhra 2006  
Cur i láthair ag Dún Uí Choileáin, Briogáid an Deiscirt
- Feabhra 2006  
Cur i láthair ag Dún Chostúim, Briogáid an Iarthair
- Bealtaine 2006  
Cur i láthair ag Campa an Churraigh, DFTC
- Bealtaine 2006  
Cur i láthair ag Comhdháil RDFRA, Campa an Churraigh
- M. Fómhair 2006  
Cur i láthair i Sciathán Traenála na nOifigeach, Campa an Churraigh, DFTC
- D. Fómhair 2006  
Cur i láthair ag Comhdháil Bhliantúil Toscairí PDFORRA
- Samhain 2006  
Freastal ar bhéile bliantúil RACO
- Nollaig 2006  
Freastal ar fháiltiú PDFORRA

### **Grúpa Oibre OSCE:**

I mí na Nollag 2006 tugadh cuireadh dom freastal ar shainghrúpa de chuid Eagraíocht na Náisiúnta Aontaithe um Shlándáil agus Chomhoibriú san Eoraip (OSCE) i Vársá, an Pholainn, a bhfuil tionscadal idir lámha aige dar teideal '*The Citizen in Uniform*'.

Faoi láthair tá lámhleabhar maidir le cearta daonna agus saoirsí bunúsacha phearsanra fhórsaí armtha á chur le chéile ag an Sainghrúpa agus tá áthas orm gur iarraidh orm páirt a ghlacadh sa tionscadal ach bheith mar bhall den Sainghrúpa.

Déanann Oifig an OSCE d'Institiúidí Daonlathacha agus Cearta Daonna (ODIHR) agus an tIonad do Rialú Daonlathach ar Fhórsaí Armtha (DCAF) atá lonnaithe sa Ghinéive comhstiúradh ar an tionscadal.

### **Lógó á fhorbairt le haghaidh ODF**

Mar Ombudsman d'Óglaigh na hÉireann, is trúy páirtí neamhchlaonta mé. Tá m'Oifig neamhspleách ar an Aire Cosanta agus ar na húdaráis mhíleata.

Nuair a cuireadh an Oifig ar bun bhí sé tábhachtach go gcruthófaí suaitheantas ar leith a úsáidfí ar ár n-ábhar uile a léireodh neamhspleáchas agus seasamh na hOifige seo.

Go luath sa bhliain 2006, chruthaigh an ODF lógó le cúnamh ó ghníomhaireacht dearthóireachta atá lonnaithe i mBaile Átha Cliath agus tá an lógó sin le feiceáil ar ár n-ábhar agus ar ár bhfoilseacháin uile.

### **Suíomh gréasáin an ODF a fhorbairt:**

Rinneadh ár suíomh gréasáin, [www.odf.ie](http://www.odf.ie) a fhorbairt sa chéad leath de 2006 agus bhí an suíomh beo i mí an Mheithimh.

Tá an téacs ar an suíomh gréasáin ar fáil i nGaeilge agus i mBéarla.

Dearadh an suíomh gréasáin chun eolas ar gach gné d'obair na hOifige a sholáthar do bhaill agus d'iarbhaill Óglaigh na hÉireann, agus do pháirtithe leasmhara eile, saor ó bhéarlagair agus éasca le teacht air. Chomh maith leis sin, cuireann an suíomh gréasáin ar chumas na gcliant achomharc a thaisceadh ar líne, ach úsáid a bhaint as an áis ghearáin ar líne. Tugtar cuireadh do dhaoine aiseolas a sheoladh chugainn ar an suíomh gréasáin maidir le caighdeán na seirbhíse a chuireann an Oifig seo ar fáil.

Tugadh cuairt ar an suíomh [www.odf.ie](http://www.odf.ie) 6,608 uair idir Meitheamh 2006 agus Nollaig 2006.



### ***Bileog Mhínteach:***

Rinneadh 35,000 Bileog Mhínteach a dheardh, a tháirgeadh agus a dháileadh faoi thús 2006 maidir le mo ról mar Ombudsman d'Óglaigh na hÉireann agus ag cur síos ar an nós imeachta le hachomhairc incháilithe a thaisceadh. D'oibrigh mé i ndlúthpháirt leis an nGníomhairecht Náisiúnta um Litearthacht d'Aosaigh chun a chinntiú go raibh an téacs soiléir gan débhrí. Tá Lógó Béarla Soiléir NALA le sonrú ar an mbileog.

Dáileadh an Bhileog Mhínteach mar fhorlíonadh i roinnt foilseachán ábhartha – ina measc, *Irish Defender, Signal* and *One Connect*.

Seoladh cóipeanna den Bhileog Mhínteach chuig baill den Oireachtas chomh maith.

Cuireadh an Bhileog Mhínteach ar fáil ag comhdhálacha freisin air ar fhreastail mise nó áit a ndearna mé cur i láthair go díreach ag suiteálacha míleata nuair a iarraidh é.

Cuirtear an Bhileog Mhínteach ar fáil in Braille agus i gclosfhormáid freisin.

### ***Soláthar foirne:***

Chuidigh sé go mór liom nuair a ceadaíodh an chéad bhall foirne i mí an Mheithimh 2006. Ceapadh an dara ball foirne i mí Mheán Fómhair.

Rinne m'fhoireann bheag méid mór oibre sa dara cuid de 2006.

De réir mar a fhorbraíonn an Oifig is dócha go mbeidh gá le hacmhainní foirne sa bhreis chun a chinntiú go gcothaítear soláthar seirbhíse atá gairmiúil agus éifeachtach.

Sular fostaíodh na baill foirne nua bhí orm foinsí eiseacha a úsáid le haghaidh seirbhísí tacaíochta cléireachais agus taighde. Ba mhaith liom mo bhuíochas a chur in iúl do na daoine sin a d'fhreastail ar riachtanais na hOifige ag an am sin.

### ***Áitreabh Oifige:***

Nuair a cuireadh an Oifig ar bun fuaireamar cóiríocht i bhFoircneamh na Drioglainne, ar Shráid an Teampaill, Baile Átha Cliath 7.

An 1 Nollaig 2006 athlonnaíodh an Oifig go trí sheomra ar an gcéad urlár in 13/15 Sráid Haiste i mBaile Átha Cliath. Níl an t-áitreabh seo leorga ná oiriúnach agus táim tar éis iarratas a dhéanamh ar Oifig na nOibreacha Poiblí áitreabh oiriúnach buan a aimsiú.

### ***An Córas le Cásanna a Láimhseáil:***

Nuair a ceapadh mé, rinne mé athbhreithniú ar an gcóras ríomhairithe atá in úsáid i raon Oifigí Ombudsman eile chun cásanna a láimhseáil. Ina dhiaidh sin eisíodh cuireadh chun tairisceana chun freastal go sonrath ar riachtanais Oifig an ODF.

Is cúis áthais dom é a chur in iúl go bhfuil córas ríomhairithe chun cásanna a láimhseáil i bhfeidhm - córas a úsáideann na cleachtais is fearr agus atá in oiriúint do shainriachtanais na hOifige, agus go bhfuil sonraí, taifid agus eolas a bhí ann roimhe seo ionchurtha ar an gcóras.

### ***Cosaint Sonraí:***

Tá an tOmbudsman d'Óglaigh an hÉireann cláraithe leis an gCoimisinéir Cosanta Sonraí.

Chomh maith leis sin, tá an Oifig seo cláraithe faoin Direct Professional Access Scheme atá ag an gComhairle Bharra.

### ***Sláinte agus Sábháilteacht:***

Bhí an Ráiteas Sábháilteachta dár seomraí i Sráid Haiste beagnach i gcrích amhail an 31 Nollaig 2006.

Tá an Roinn Airgeadais i bhfeighil cúrsaí Sláinte agus Sábháilteachta don fhoirgneamh ina bhfuil ár seomraí, mar gurb í an Roinn an príomhthionónta san áitreabh.

### ***Polasaí maidir le Gaeilge:***

Amhail an 31 Nollaig 2006 níl an tOmbudsman d'Óglaigh na hÉireann ar cheann de na comhlachtaí poiblí a thagann faoi réir Acht na dTeangacha Oifigiúla, 2003.

Ag teacht leis na cleachtais is fearr, ámh, ar fud na seirbhíse poiblí, déanann an Oifig seo a dícheall eolas a sholáthar i nGaeilge agus i mBéarla. Tá an suíomh gréasáin ar fáil i nGaeilge.

### ***Cúrsaí Buiséid:***

Cuireadh i gcrích na cuntais don tréimhse 15 mhí ó cheap an tUachtarán mé ag deireadh mhí na Nollag 2006 agus cuireadh iad faoi bhráid an Ard-Reachtair Cuntas agus Ciste i mí Feabhra 2007.

Táim in iúl ar mo fhreagrachtaí mar Oifigeach Cuntasaíochta na hOifige seo agus mo fhreagrachtaí agus tá rialuithe airgeadais i bhfeidhm chun a chinntiú go mbainfear úsáid stuama éifeachtach as airgead poiblí.

Chun críocha cuntasaíochta, amhail an 31 Nollaig 2006, bhí an tOmbudsman d'Óglaigh na hÉireann ag feidhmiú mar fho-mhírcheann de chuid na Roinne Cosanta.

Ag teacht leis na prionsabail ghinearálta a bhaineann le bheith i do Ombudsman, agus sa mhéid go gcaithfidh an Oifig seo a bheith neamhspleách, agus go gcaithfidh go bhfeicfeadh daoine go bhfuil an Oifig neamhspleách, bheadh sé níos oiriúnaí go mbeadh a vóta féin ag an Oifig agus go mbeadh sí freagrach as a buiséad féin. Tá súil agam gur féidir dul chun cinn a dhéanamh maidir leis an gceist seo amach anseo.

### ***Polasaí maidir le Saoráil Faisnéise***

Amhail an 31 Nollaig 2006 ní raibh an tOmbudsman d'Óglaigh na hÉireann mar chomhlacht poiblí atá faoi réir an Achta um Shaoráil Faisnéise 1997 (arna leasú).

Tá polasaí ag an Oifig, ámh, gach iarratas ar eolas a láimhseáil ar bhealach oscailte trédhearcach ag teacht le spiorad an Achta um Shaoráil Faisnéise, ag cur san áireamh na n-eisiamh i gCuid III den reachtaíocht sin a bhaineann le hobair imscrúduithe Oifige dá leithéid.

### ***Polasaí maidir le hÚsáid an Idirlín:***

Tá polasaí i bhfeidhm maidir leis an úsáid a bhaineann foireann na hOifige as an idirlíon.

### ***Rúndacht:***

Mar a luaigh mé sa réamhrá, tá iontaoibh riachtanach d'obair Ombudsman. Tá rialacha dochta ann ag rialú rúndacht na n-achomharc agus na bhfiosrúchán uile a fhaigheann m'oifig.

Tá úsáid á bhaint as cás-staidéir sa Tuarascáil Bhliantúil seo, ar baineadh sonraí pearsanta astu, chun léargas a thabhairt ar an gcaoi a ndéileálann an Oifig le gearáin. Rinneadh teagmháil le gach duine a bhfuil a gcás in úsáid sa Tuarascáil sular foilsíodh í chun a dtoilíú a fháil.

### ***Ár ndícheall na Caighdeáin is Airde Eiticiúla a Bhaint Amach:***

Go dtí seo bhí obair na hOifige bunaithe ar na caighdeáin eiticiúla is airde agus is oiriúnaí d'obair Ombudsman.

Ní féidir leis an Oifig feidhmiú murar féidir léi déileáil le cásanna do bhaill agus d'iarbhaill Óglaigh na hÉireann ar bhealach éifeachtacht gairmiúil tráthúil. Táim féin agus m'fhoireann aireach ar an tábhacht a bhaineann le gach cás ar leith don duine atá ag lorg sásaimh. Tuigimid freisin go bhfuil sé dian go leor don ghearánaí cás gearáin a chur faoi bhráid na hOifige. Déanaim féin agus m'fhoireann bheag ár lándícheall i gcónaí meas a bheith againn ar ionracas na ndaoine a dhéanann achomharc leis na Oifig nó a atreoraíonn achomharc chun na hOifige.

Creidim gur éirigh leis na Oifig seo dul chun cinn suntasach a dhéanamh sa bhliain 2006 i mbunú agus i gcothú dea-cháil toisc na caighdeáin arda atá ann i measc na ndaoine uile a bhfuil spéis acu in obair na hOifige.





Tuarascáil an Ard-Reachtair  
Cuntas agus Ciste

## AN OMBUDSMAN d'ÓGLAIGH NA hÉIREANN

### Tuarascáil an Ard-Reachtair Cuntas agus Ciste le cur i láthair

#### Thithe an Oireachtais

Tá ráitis airgeadais an Ombudsman d'Óglaigh na hÉireann don tréimhse dar críoch 31 Nollaig 2006 iniúchta agam faoin Acht Ombudsman (Óglaigh na hÉireann) 2004.

Tá na ráitis airgeadais, a ullmhaíodh faoi na beartais chuntasaíochta arna leagan amach sna ráitis, comhdhéanta den Ráiteas ar Bheartais Chuntasaíochta, an Cuntas Ioncaim agus Caiteachais, an Clár Comhardaithe agus na nótaí gaolmhara.

#### Freagrachtaí an Ombudsman agus an Ard-Reachtair Cuntas agus Ciste faoi seach

Tá an Ombudsman freagrach as na ráitis airgeadais a ullmhú de réir an Achta Ombudsman (Óglaigh na hÉireann) 2004, agus as rialtacht na n-idirbheart a chinntiú. Ullmhaíonn an Ombudsman na ráitis airgeadais de réir Cleachtais Chuntasaíochta a nGlactar Leis go Coitianta in Éirinn. Tá freagrachtaí cuntasaíochta an Ombudsman leagtha amach sa Ráiteas um Fhreagrachtaí an Ombudsman d'Óglaigh na hÉireann.

Is é m'fhreagrachta ná na ráitis airgeadais a iniúchadh de réir cheanglas ábhartha dlí agus rialúcháin agus Caighdeán Idirnáisiúnta maidir le hIniúcháireacht (Ríocht Aontaithe agus Éire).

Tuairiscím mo thuairim maidir le cibé an dtugann na ráitis airgeadais léargas fíorcheart, de réir Cleachtais Chuntasaíochta a nGlactar Leis go Coitianta in Éirinn. Tuairiscím freisin cibé, dar liom, an raibh leabhair chuntais chúil coinnithe. Lena chois sin, deirim cibé an dtagann na ráitis airgeadais leis na leabhair chuntais.

Tuairiscím ar aon chás ábhartha nár feidhmíodh suimeanna airgid chun na gcríoch a bhí beartaithe nó sa chás nach leanann na hidirbhearta do na húdaráis a rialaíonn iad.

Tuairiscím freisin mura bhfuil an fhaisnéis agus na mínithe ar fad faighte agam agus atá riachtanach chun críocha m'iniúchta.

Scrúdaím an Ráiteas maidir le Rialú Inmheánach Airgeadais le féachaint an léirítear ann gur chomhlíon an Ombudsman an Cód Cleachtais maidir le Rialachas Comhlachtaí Stáit agus tuairiscím ar aon chás ábhartha nach ndéanann sé amhlaidh, nó más rud é go bhfuil an ráiteas míthreorach nó nach dtagann sé le faisnéis eile atá ar eolas agam de bharr na ráitis airgeadais a bheith iniúchta agam. Ní cheanglaítear orm a bhreithniú cibé an gclúdaíonn an Ráiteas maidir le Rialú Inmheánach Airgeadais gach priacal agus rialú airgeadais, ná teacht ar thuairim maidir le héifeachtacht na nósanna imeachta maidir le priacail agus rialú.

Léim faisnéis eile atá sa Tuarascáil Bhliantúil, agus breithním cibé an dtagann sé leis na ráitis airgeadais iniúchta. Breithním na himpleachtaí do mo thuarascáil má thagaim ar an eolas faoi aon rud atá, de réir cosúlachta, ina mhíríteas nó ina neamhréireacht ábhartha leis na ráitis airgeadais.

## **An Bunús atá le mo Thuairim ar na Ráitis**

I mbun m'fheidhme mar Ard-Reachtair Cuntas agus Ciste, rinne mé m'iniúchadh ar na ráitis airgeadais de réir Caighdeán Idirnáisiúnta maidir le hIniúchóireacht (Ríocht Aontaithe agus Éire) arna n-eisiúint ag an mBord um Chleachtais Iniúchóireachta agus trí thagairt a dhéanamh do na nithe ar leith is gá a chur san áireamh i ndáil le cúrsaí bainisteoireachta agus oibriúcháin a ghabhann le comhlachtaí Stáit. Déantar scrudú mar chuid den iniúchadh, ar bhonn tástála, ar fhianaise a bhaineann le suimeanna agus rialtacht na n-idirbheart airgeadais a chuirtear san áireamh sna ráitis airgeadais, agus leis na hidirbhearta a fhoilsítear iontu. Chomh maith leis sin, cuimsíonn an t-iniúchadh measúnacht ar na meastacháin agus ar na breitheanna suntasacha a rinneadh agus na ráitis airgeadais á n-ullmhú, agus measúnacht le féachaint an n-oireann na beartais chuntasaíochta don bhail atá ar chúrsaí an Ombudsman, ar feidhmíodh na beartais sin ar bhealach leanúnach agus ar foilsíodh iad ar bhealach sásúil.

Phleanáil mé agus rinne mé m'iniúchadh sa chaoi is go bhfaighinn an fhaisnéis agus na mínithe ar fad a mheas mé a bheith riachtanach ionas go mbeadh leordhóthain fianaise agam a d'fhágfadh cinnteacht réasúnach ann go bhfuil na ráitis airgeadais saor ó mhíríteas ábhartha, cibé calaois nó neamhrialtacht eile nó earráid is cúis leis sin. I dteacht ar mo thuairim, rinne mé meastóireacht ar a shásúla is a cuireadh faisnéis i láthair sna ráitis airgeadais san iomlán freisin.

## **Tuairim**

Is é mo thuairim go dtugann na ráitis airgeadais léargas fíorcheart, de réir Cleachtais Chuntasaíochta a nGlactar Leis go Coitianta in Éirinn, ar riocht ghnóthaí an Ombudsman ag 31 Nollaig 2006 agus ar an ioncam agus an chaiteachas don tréimhse dar críoch sin.

Is é mo thuairim go raibh leabhair chuntais chuí coinnithe ag an Ombudsman. Tá na ráitis airgeadais ag teacht leis na leabhair chuntais.



**John Purcell**

**Ard-Reachtair Cuntas agus Ciste**

**5 Aibreán 2007**







## Ráitis Airgeadais

## Ráiteas Maidir Le Freagrachtaí An Ombudsman d'Óglaigh na hÉireann

De réir Alt 16 den Acht Ombudsman (Óglaigh na hÉireann), 2004, tá sé de cheangal ar an Ombudsman d'Óglaigh na hÉireann, le haghaidh gach bliana airgeadais, ráiteas maidir le gach cuntas cuí agus gach gnáthchuntas a ullmhú a chaith sí agus í ag comhlíonadh a feidhmeanna mar Ombudsman d'Óglaigh na hÉireann

Agus na ráitis seo á n-ullmhú, bhí sé de cheangal ar an Ombudsman:

- **polasaithe oiriúnacha cuntasáiochta a roghnú agus iad a chur i bhfeidhm go leanúnach tríd síos;**
- **breithiúnais agus meastacháin a dhéanamh a bhí réasúnta agus stuama;**
- **ráitis a ullmhú ar bhunús gnóthas leantach mura raibh sé míchuí a cheapadh go leanfadh oifig an Ombudsman d'Óglaigh na hÉireann uirthi ag feidhmiú;**
- **sonrú agus míniú a thabhairt murar cloíodh le caighdeáin chuntasáiochta chuí.**

Tá sé de fhreagracht ar an Ombudsman d'Óglaigh na hÉireann a chinntiú go gcoinnítear taifid chuntasáiochta chuí, le taifid a nochtadh, le cruinneas réasúnta ag aon am staid airgeadais na heagraíochta maidir le hairgead a fuair an tOmbudsman nó a chaith sí agus a chinntiú go bhfuil na ráitis airgeadais ag cloí leis an Acht Ombudsman (Óglaigh na hÉireann), 2004.

Tá sé de fhreagracht ar an Ombudsman d'Óglaigh na hÉireann, freisin, sócmhainní na heagraíochta a chosaint agus aon chalaois nó aon mhírialtachtaí eile a thabhairt faoi deara agus iad a chosc, agus a chinntiú go gcomhlíontar an reachtaíocht a bhaineann le híocaíochtaí déanacha.



Paulyn Marrinan Quinn, SC  
An tOmbudsman d'Óglaigh na hÉireann

2nd Aibreán 2007

## An tOmbudsman d'Óglaigh Na hÉireann Ráiteas Maidir Leis An Gcóras Um Rialú Inmheánach Airgeadais

1. Mar Ombudsman d'Óglaigh na hÉireann glacaim le mo fhreagracht a chinntiú go gcoinnítear agus go bhfeidhmítear córas um rialú inmheánach airgeadais.
2. Níl ar chumas an chórais ach forchinntiú réasúnta seachas forchinntiú iomlán a sholáthar go ndéantar cosaint ar na sócmhainní, go ndéantar idirbhearta a údarú agus a thaifeadh agus go dtugtar faoi deara nó go gcuirtear cosc le haon mhírialtacht ábhartha, in am trátha.
3. Cuireadh Oifig an Ombudsman d'Óglaigh na hÉireann ar bun i mí na Nollag 2005. Sa bhliain 2006, d'imigh mé i mbun na nósanna imeachta seo a leanas, a bheidh i bhfeidhm ina n-iomláine sa bhliain 2007 agus a ceapadh chun rialú éifeachtach inmheánach airgeadais a sholáthar:
  - i cinnteofar timpeallacht rialaithe cúí trí fhreagrachtaí bainistíochta a leagan amach go soiléir, le cuntasacht ag comhfhreagairt do na freagrachtaí sin.
  - ii cuirfear nós imeachta foirmiúil i bhfeidhm chun rioscaí gnó a mheas.
  - lii táthar ag súil córas buiséid cuimsitheach a bheith i bhfeidhm sa bhliain 2007 agus déanfar treochtaí caiteachais a athbhreithniú gach ráithe
  - iv cuirfear i bhfeidhm nósanna imeachta chun dul i ngleic le rioscaí móra gnó mar seo a leanas: teoracha airgeadais agus nótaí nósanna imeachta, cleachtais tarmligin amhail teorainneacha údaraithe, dualgais a scagadh agus modhanna chun calaois a thabhairt faoi deara.

I rith 2007 déanfar athbhreithniú ar éifeachtas an chórais um rialú inmheánach.



Paulyn Marrinan Quinn, SC  
An tOmbudsman d'Óglaigh na hÉireann

2nd Aibreán 2007

# An tOmbudsman d'Óglaigh na hÉireann

## Ráiteas Maidir Le Polasaithe Cuntasaíochta

### 1. *Bunús na Cuntasaíochta*

Ullmhaítear na ráitis airgeadais faoi mhodh fabhráithe na cuntasaíochta faoi ghnás costais stairiúil agus seachas mar atá sonraithe thíos, de réir na gcleachtas cuntasaíochta coitianta.

Tá na ráitis airgeadais san fhormaid a d'fhaomh an tAire Cosanta.

### 2. *Tréimhse na Ráiteas Airgeadais*

Cuireadh Oifig an Ombudsman d'Óglaigh na hÉireann ar bun an 1 Nollaig 2005 agus dá bhíthin sin, is don tréimhse dar críoch 31 Nollaig 2006 na Ráitis Airgeadais seo.

### 3. *Deontais Oireachtais*

Is é atá san ioncam a aithnítear sna ráitis airgeadais mar Dheontais Oireachtais ná deontais a fuair an tOmbudsman mar airgead tirim móide méideanna a d'íoc an Roinn Cosanta thar ceann an Ombudsman le linn na tréimhse.

### 4. *Sócmhainní Seasta Inláimhsithe*

(a) Luaitear Sócmhainní Seasta Inláimhsithe ag a gcostas nó a luach stairiúil lúide dímheas cnuasaithe.

Ríomhtar dímheas sa mhodh díreach ag rátaí a ríomhtar chun sócmhainní a dhíscríobh, coigeartaithe dá luach iarmharacha, thar a dtréimhse saoil mar seo a leanas:

Feistis & Troscán	10%
Trealamh TF & Suíomh Gréasáin	20%

(b) Déantar dímheas a chomhoiriúnú trí amúchadh comhionann a dhéanamh ar an gCuntas Caipítíl.

### 5. *Cuntas Caipítíl*

Seasann an Cuntas Caipítíl don luach amúchta maoinithe chun sócmhainní seasta a cheannach.

### 6. *Pinsin*

Is státseirbhísigh iad fostaithe an Ombudsman d'Óglaigh na hÉireann agus is baill iad de scéim shainithe socair, nach bhfuil ina scéim mhaoinithe, agus a riarann an Roinn Cosanta. Níor pléadh ná níor aontaíodh teidlíochtaí pinsin an Ombudsman d'Óglaigh na hÉireann fós. Is í an tUachtarán a cheap an tOmbudsman d'Óglaigh na hÉireann. Níl aon mhuirear san áireamh sna ráitis airgeadais seo d'aon dhliteanais a d'fhéadfadh a eascairt maidir le pinsean an Ombudsman.

An tOmbudsman d'Óglaigh na hÉireann  
 An Cuntas Ioncaim Agus Caiteachais Don Tréimhse Dar  
 Críoch 31 Nollaig 2006

	Nótaí	13 Mhí dar críoch 31/Nollaig/2006
<b>Ioncam</b>		€
Deontais Oireachtais	1	289,249
Aistrithe ón gCuntas Caipitil chun Sóchmainní Seasta a fháil	8	(199,821)
Ioncam Iomlán		<u>89,428</u>
<b>Caiteachas</b>		
Costais Foirne	2	180,502
Deisiúcháin agus Cothabháil	3	921
Costais Reatha na hOifige	4	74,203
Cainteanna ag Comhdhálacha agus cuairteanna ar shuiteálacha	5	5,133
Dímheas	6	43,083
		<u>303,842</u>
(Easnamh) don tréimhse		(214,414)
(Easnamh) ag tús na tréimhse		-
(Easnamh) ag deireadh na tréimhse		<u>(214,414)</u>

Cuireadh na gnóthachain agus an cailteanas aitheanta go léir don tréimhse dar críoch 31 Nollaig 2006 san áireamh sa Chuntas Ioncaim agus Caiteachais.

Is cuid de na Ráitis Airgeadais seo iad an Ráiteas maidir le Polasaithe Cuntasaíochta agus na nótaí ar lgh 1-10 a ghabhann leis na ráitis airgeadais.



Paulyn Marrinan Quinn, SC  
 Ombudsman for the Defence Forces

2nd Aibreán 2007

## An tOmbudsman d'Óglaigh Na Héireann An Clár Comhardaithe Amhail An 31 Nollaig 2006

	Nótaí	13 Mhí dar críoch 31/Nollaig/2006
<b>Sócmhainní Seasta</b>		€
Sócmhainní Inláimhsithe	6	199,821
<b>Sócmhainní Reatha</b>		
Airgead ar láimh agus iarmhéideanna bainc		4,035
		<hr/> 4,035
<b>Dliteanais Reatha</b>		
Méideanna dlite laistigh de thréimhse bliana		
Creidiúnaithe agus Fabhruithe	7	(218,449)
Glansócmhainní Reatha/(Dliteanais)		(214,414)
Sócmhainní Iomlána líide Dliteanais Reatha		<hr/> (14,593) <hr/>
<b>Capiteal agus Cúlchistí</b>		
Easnamh an Chuntais Ioncaim & Caiteachais		(214,414)
Cuntas Caipitil	8	199,821
		<hr/> (14,593) <hr/>

Is cuid de na Ráitis Airgeadais seo iad an Ráiteas maidir le Polasaithe Cuntasaíochta agus na nótaí ar lgh 1-10 a ghabhann leis na ráitis airgeadais.



Paulyn Marrinan Quinn, SC  
Ombudsman for the Defense Forces

2nd April 2007

## Nótaí Ag Gabháil Leis Na Ráitis Airgeadais Don Tréimhse

		13 Mhí dar críoch 31/Nollaig//2006
<b>1</b>	<b>Deontais Oireachtais</b> An Roinn Cosanta	€ 289,249
<b>2</b>	<b>Costais Foirne agus Eolais ar Fhostaithe</b> <b>Costais Párolla na Foirne</b> Pá agus tuarastal	€ 173,597
<b>Costais d'Fhoireann Eisfhoinsithe</b>		
Clóscríbhneoireacht Cléireachais		1,400
Taighdeoirí Cás		5,505
<b>Costais Fhoireannbhainteacha</b>		
Taisteal agus cothabháil		-
Costais Iomlána Foirne		180,502
<b>Líon Fostaithe</b>		
Seo a leanas an meánlíon foirne don tréimhse & an miondealú:		
An tOmbudsman		1
Foireann Riaracháin:		2
Iomlán		3
<b>3</b>	<b>Deisiúcháin agus Cothabháil</b> Deisiúcháin agus cothabháil	€ 921
		921
<b>4</b>	<b>Costais Reatha na hOifige</b>	€
Cumarsáid agus uirlisí for-rochtana		18,650
Costais Postais & Ghutháin		12,118
Ceadúnais TF		1,104
Fógraíocht - iatáin in irisleabhair		10,799
Soláthairtí ginearálta oifige		2,742
Stáiseanáireacht agus doiciméadú brándáilte		20,707
Síntiúis		1,570
Táillí Cuntasaíochta		3,025
Iniúchadh		2,450
Ceaintín agus glantóireacht		950
Teachtairí		73
Costais Bhainc		15
Leabharlann - acmhainní - irisleabhair		-
Oiliúint - forbairt		-
Caidreamh poiblí - cumarsáid		-
		74,203

# Nótaí Ag Gabháil Leis Na Ráitis Airgeadais Don Tréimhse

13 Mhí dar críoch  
31/Nollaig//2006

## 5 Labhairt ag comhdhálacha agus cuairteanna ar shuiteálacha

Taisteal agus cothabháil	€ 5,133
	<u>5,133</u>

6 Sócmhainní Seasta Inláimhsithe	Trealamh TF & S. Gréasáin	Trealamh Oifige	Troscán & Feistis	Iomlán
	€	€	€	€
<b>Costas</b>				
Breiseanna don tréimhse	-	-	-	-
Díúscairt	173,742	14,181	54,981	242,904
Amhail 31 Nollaig 2006	<u>173,742</u>	<u>14,181</u>	<u>54,981</u>	<u>242,904</u>
<b>Dímheas Cnuasaithe</b>				
Costas dímheasa don tréimhse	-	-	-	-
Díúscairt - dímheas cnuasaithe	34,748	2,836	5,498	43,083
Amhail 31 Nollaig 2006	<u>34,748</u>	<u>2,836</u>	<u>5,498</u>	<u>43,083</u>
<b>Leabharluach Glan</b>				
Amhail 31 Nollaig 2006	<u>138,994</u>	<u>11,345</u>	<u>49,483</u>	<u>199,821</u>
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>



## Nótaí Ag Gabháil Leis Na Ráitis Airgeadais Don Tréimhse

### 7 *Creidiúnaithe agus Fabhruithe*

13 Mhí dar críoch  
31/Nollaig//2006

Méideanna dlite laistigh de thréimhse bliana: €

Speansais Fabhraithe:

#### Costais Foirne

Pá & tuarastail 22,661  
Cásthaghde 907

Deisiúcháin agus Cothabháil 666

#### Costais Reatha na hOifige

Cumarsáid agus uirlisí for-rochtana 5,970  
Costais Postais & Ghutháin 372  
Ceadúnais TF -  
Fógraíocht - iatáin in irisleabhair 2,951  
Soláthairtí ginearálta oifige 818  
Stáiseanáireacht agus doiciméadú brándáilte 4,780  
Síntiúis -  
Táillí Cuntasaíochta 3,025  
Iniúchadh 2,450  
Ceaintín agus glantóireacht -  
Teachtairreachtaí 65  
Costais Bhainc -

Cainteanna ag Comhdhálacha agus cuairteanna ar shuiteálacha 56

#### Sócmhainní Seasta Inláimhsithe

Trealamh TF agus suíomh gréasáin:

- Córas ríomhaire chun cásanna a láimhseáil 149,118  
- Teicneolaíocht Oifige 8,167  
Trosacán 16,443

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218,449

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### 8 *Cuntas Caipitil*

€

Iarmhéid amhail an 1 Nollaig 2005 -

#### Breiseanna

Aistrithe ón gCuntas Ioncaim agus Caiteachais chun Sócmhainní Seasta a fháil 242,904

#### Lúide -

Méid amúchta ag teacht le dímhéas sócmhainní don bhliain (43,083)

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Iarmhéid amhail 31 Nollaig 2006 199,821

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## Nótaí Ag Gabháil Leis Na Ráitis Airgeadais Don Tréimhse

### **9** *Ceangaltais Chaipitil agus Eile*

Ní raibh aon cheangaltais chaipitil ann amhail 31 Nollaig 2006.

### **10** *Idirbhearta Pháirtithe Bainteacha/Leasanna a Nochtadh*

Cloíonn an tOmbudsman leis an gCód Cleachtais um Rialú Comhlachtaí Stáit a d'eisigh an Roinn Airgeadais maidir le nochtadh ar leasanna an Ombudsman agus bhaill foirne na hOifige. Tá nósanna imeachta foirmiúla ann chun a chinntiú go gcloítear le ceanglais an Chóid.



Ombudsman for the Defence Forces  
13/15 Lower Hatch Street  
Dublin 2

T: +353 1 663 3222  
F: +353 1 663 3223  
W: [www.odf.ie](http://www.odf.ie)  
E: [admin@odf.ie](mailto:admin@odf.ie)

Ombudsman d'Óglaigh na hÉireann  
13/15 Sráid Haiste Íochtarach  
Baile Átha Cliath 2

T: +353 1 663 3222  
F: +353 1 663 3223  
I: [www.odf.ie](http://www.odf.ie)  
R: [admin@odf.ie](mailto:admin@odf.ie)