

# A New Challenge:

## The Ombudsman for the Defence Forces



The office of the Ombudsman for the Defence Forces was established late last year with the mission of creating a completely independent third party to ensure that members and former members of the Permanent Defence Forces (PDF) and Reserve Defence Forces (RDF) have an external appeal mechanism for complaints which they believe may not have been correctly addressed by the existing internal complaints process.

The Ombudsman nominated by the Government and appointed by the President on the 1st of December 2005 is Ms Paulyn Marrinan Quinn, whose impressive qualifications and professional experience include practicing as a senior counsel, arbitrator and mediator as well as a very successful tenure as the first Ombudsman for the Insurance Industry, a position she held from 1992 until 1997. She has also contributed to the establishment of a credible Ombudsman culture within this country and to this end she contributed as a founding member of the British and Irish Ombudsman Association (BIOA) and served on the sub-committee established to determine 'Standards Of Best Practise For Ombudsmen'; and the BIOA Rules Committee set up to review and monitor the criteria applied in recognising and validating Ombudsman schemes.

"The establishment of a strong Ombudsman culture is something which I feel very strongly about and I have been involved in hard work with the BIOA which helped combat the proliferation of an ad hoc Ombudsman culture which would denigrate the office of the Ombudsman," explains Ms Marrinan Quinn. "The challenge of working with the Defence Forces is an engaging one and I look forward greatly to working in a successful manner as an Ombudsman in this context."

Paulyn was heavily involved in the genesis of the Ombudsman process within the Defence Forces. "In 1998 I made a presentation to the Chief of Staff and Defence Forces personnel on the appropriateness of the Ombudsman concept in dealing with grievance and complaint handling within the Defence Forces. At around the same time I also made a presentation to the Association of Chief Superintendents within An Garda Síochána

on the viability of the Ombudsman concept.” The presentation to the Chief of Staff was her first encounter with the Defence Forces on the subject.

Subsequently, following the release of the report Harassment, Workplace Bullying, Discrimination and Sexual Harassment in the Defence Forces by Dr Eileen Doyle in 2002 the whole issue of discipline, bullying and grievance procedures within the Force were catapulted into focus; that report was welcomed by RACO and the association also welcomed the response of Defence Forces management who, in partnership with the representative associations, outlined a clearly defined policy to tackle the issues raised by the report. Amongst the key issues raised in the Doyle report was that organisational change can contribute to bullying and other behavioural issues. In the aftermath of the Doyle Report an Independent Monitoring Group (IMG) was established, to effect discussion and change on the recommendations of the report, comprising the general secretaries of both representative associations, RACO and PDFORRA, in addition to senior military and Department of Defence management. The work of the group was finished in 2004 and tangible elements of change such as the revised Defence Forces complaint procedures and an independent helpline have been implemented in addition to the advent now of the Ombudsman’s office.

“The work of the IMG has been hugely important in driving change in this respect and it has been hugely important to my own work to date,” said Ms Marrinan Quinn. Indeed the establishment of the Ombudsman’s office was seen by Eileen Doyle as an essential tenet for change, as she said in a SIGNAL magazine interview in 2002; “When the Dail delivers on the Ombudsman, which I sincerely hope will happen in this Dail’s term, it will be a definite and symbolic sign to the Defence Forces that change is real and change is happening. It will bring about the realisation that there can be a better workplace for every individual within the organisation.”

The establishment of the office of the Ombudsman for the Defence Forces was another tangible result of the process instigated by the IMG. “The level of research which the IMG conducted following the report was exhaustive and it must be said, quite unique in its scope. It was good to see that level of resources being put into something like this, which requires precise and meticulous analysis,” said Ms Marrinan Quinn. The office, currently housed in temporary premises in the Distillery building in Dublin, will be moved to permanent offices in the near future. So what are the key challenges in terms of establishing an office such as this to work within the military sphere? “I think that the problem for any Ombudsman office is that there will always be people who are convinced that change will not help them and of course there will always be people who are left behind by change. What we’re currently doing is ensuring that all members of the Defence Forces are aware of the office, its remit and its function. The theory of the service which an Ombudsman provides has been very well worked out and my experience to date is that the service which this office provides will be very similar to other such offices. Obviously, the military structure is far different from most workplaces and I would say that the concept of an Ombudsman is never more challenged then when it is applied to a military structure because you’re dealing with a hierarchical structure which must maintain strong discipline as that is one of the core values of the military.”



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*Above: Defence Forces Chief of Staff, Lt Gen Jim Sreenan.*

Ms Marrinan Quinn is quick to point out that unfair grievances can destroy careers and it is for that precise reason that the Ombudsman for the Defence Forces exists. The parameters under which the office operates are specified by the Ombudsman (Defence Forces) Act 2004. The office is open to serving and former members of both the Permanent Defence Forces (PDF) and Reserve Defence Forces (RDF). Serving members of the PDF or RDF must firstly pursue their complaints through the internal Defence Force structures and if after 28 days of that complaint having been made there is no resolution, the complainant is entitled to pursue their complaint through the office of the Ombudsman. For former members of either the RDF or PDF, they can take their complaint directly to the Ombudsman. Complaints must be made within 12 months of the actual action happening or within 12 months of the complainant becoming aware of the action. The Ombudsman can only investigate claims taken since 1st December 2005.

For Paulyn Marrinan Quinn, the challenge of becoming inculcated into and familiar with the Defence Forces is one of the office’s

clearest objectives. "I have done as much as I can so far to familiarise myself with the military structures and conditions within the Defence Forces, in the Army, Naval Service and Air Corps. I do realise, with the office only functional since last December, that I am still only at the tip of the iceberg in this respect but I have found my introduction to the work of the organisation to be highly interesting and I am constantly expanding my knowledge in this area."

While seeking to learn more about the structure and operational capacities of the Defence Forces, Ms Marrinan Quinn is also learning the parameters under which military personnel must operate to effectively function in various roles at home and abroad.

The three main issues which she has highlighted as being the most frequent sources of complaint is the nature of training, promotion and overseas service. "I can't become involved in military operational matters but I can form an opinion of them. It is my belief that training viewpoints can become tainted by methods which are too robust. We need to remember that a member of the military is a citizen as well as being a soldier. We need to remember that they have volunteered to provide this service to the state and we need to cherish that commitment. We have to remember that they are volunteering for a job which may place them in harms way. Of course I understand that those involved in training, the instructors, may be worried about the influence of the Ombudsman's office on training protocols, but as I've already said I don't have a direct input into operational matters and the Office can only make recommendations.

This is obviously a complaint driven office so while I may be contacted due to what is perceived as negative procedures, there may be as a result some positive change. The level of access I have will enable me to identify both good and bad systems." Ms Marrinan Quinn has also been very positive in her initial impressions of the representative associations and how they will work with her Office. "They have set a benchmark of strong and active cooperation when they worked so well within the IMG and I look forward to working with them in an equally productive manner."

The first report from the Defence Forces Ombudsman's office is due in April 2007 and

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the office has recently launched a website in tandem with a publicity campaign to highlight their work. "One of our biggest challenges is to make sure that people realise what they can expect from the office. We do need to achieve something in order to foster further respect within the defence community. I'm very conscious of that."

