

Press release
February 16, 2009

Catalan Ombudsman calls for compliance with time frames, more resources in social policies for society's most vulnerable

The Catalan Ombudsman has demanded that administrations devote more attention, human and financial resources to the application of social policies. Upon presentation of his office's 2008 Report to Parliament, Ombudsman Ribó also requested that the involved services be expedited and better coordinated.

Ribó pointed out such managerial shortcomings as the application of the Dependency Act, delays in acknowledgement and later payment of the basic emancipation benefit and further delays in plans to eliminate architectural barriers.

Application of the Dependency Act

Throughout 2008, 528 complaints were received that had to do with application of the Dependency Act. A full 76% of the 528 complaints received were from persons with disabilities, and 24%, from senior citizens. The main grounds for complaints were the delays in Individual Care Plans (PIA - Plan Individual d'Atenció, 28.65%) and the assessments of dependency situations (27.27%), followed by delays in the reception of the benefits (15.91%). Delays in the completion of administrative procedures, lack of information provided to interested parties, and the lack of criteria and instruments to conduct uniform management and follow-up of cases were also among the deficiencies detected.

In recent months, most complaints have referred to delays in approval of the Individual Care Plans (PIA), and payment of benefits. The Catalan Ombudsman has insisted on the need for the proper organizational measures to be implemented –including reinforcement of the units, or the services responsible for management– to rectify these delays.

Delays in recognition and later payment of basic emancipation benefits

Mention must be made of the number of complaints filed due to the slow process of recognition for the basic emancipation benefit and the payment of this aid once it has been recognized. In many cases, the slowness has been motivated by the difficulty of correcting errors in applications, as the management of this aid is shared between the Ministry of Environment and Housing and the Ministry of Housing. In light of the current situation, the Catalan Ombudsman has suggested that special diligence be applied to the processing of applications that have been delayed for months, halted due to technical errors that are not attributable to the interested party, who can not understand why internal problems and errors can not be solved more quickly.

Accessibility for persons with disabilities

The Catalan Ombudsman continues to draw attention to the need for the progressive adaptation and enforcement of measures that facilitate mobility. He has encouraged the administration to include measures to facilitate accessibility in their political agendas.

The maximum period of 15 years in which to draw up and implement plans to eliminate architectural barriers, in accordance with the law, expired in early December.

Nonetheless, the general conditions of accessibility in municipalities of Catalonia are still distant from the minimums desirable to ensure that persons with disabilities can move about autonomously in society.

The Catalan Ombudsman has received complaints regarding accessibility problems on the local level, and also regarding various public transport services.

Catalan Ombudsman interventions increase 8.8% over 2007, nearly quadruple 2004 figure

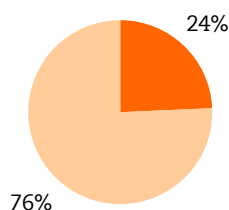
In 2008, the Catalan Ombudsman's interventions increased 8.8% over 2007. Overall, there were 23,170 interventions, divided among 5,610 complaints (23.66%), 97 ex-officio actions (0.41%) and 18,003 queries (75%).

There has been a 259.5% increase in the number of interventions since 2004. In other words, 3.5 interventions have been made in 2008 for every intervention conducted in 2004.

Adding the number of persons –individuals and groups– who filed the complaints (12,397), to the number of queries received –considering consultations of a unipersonal nature– it could be said that the Catalan Ombudsman assisted 30,400 people in 2008.

Interventions in 2008

Complaint	5,610	23.66%
Ex-officio action	97	0.41%
Query	18,003	75.93%
Total	23,710	100.00%



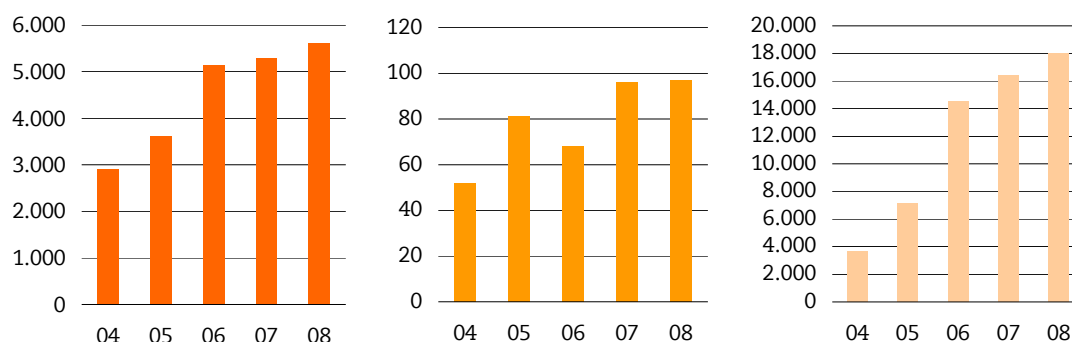
■ **Complaint (C):** filed by persons to express their dissatisfaction with the action, or lack thereof, of the Public administration.

■ **Ex-officio action (EOA):** investigation begun by the Catalan Ombudsman carried out when considered opportune to open a case to defend people's rights, either to monitor the actions of public administrations or supervise social situations of special relevance.

■ **Query (Q):** filed by persons to attain information and guidance on a given subject. If the query constitutes grounds for a complaint, the person is advised on how to proceed. If it is not, the person will be advised on where to get information or resolve the matter.

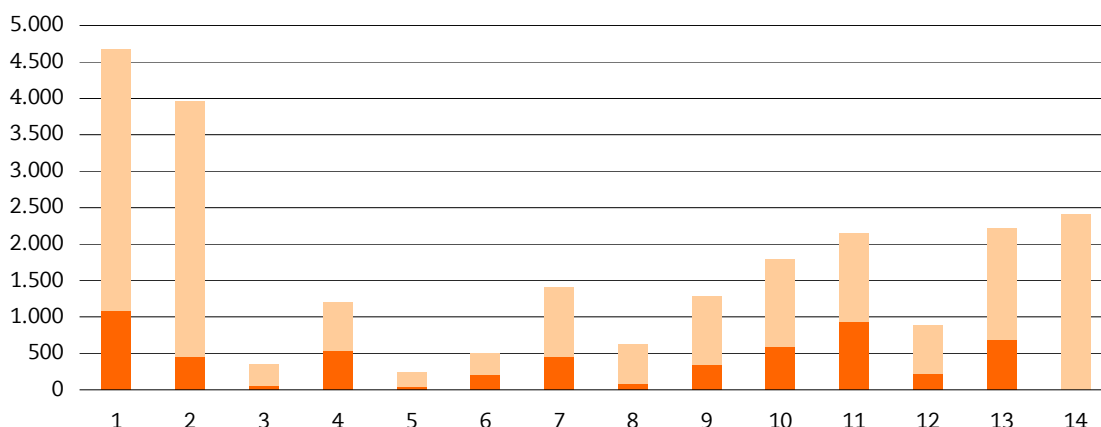
5-year evolution of interventions

	2004	2005	2006	2007	2008
Complaints	2,901	3,617	5,150	5,299	5,610
Ex-officio actions	52	81	68	96	97
Queries	3,640	7,095	14,515	16,399	18,003
Total	6,593	10,793	19,733	21,794	23,710



Interventions by subject matter

	Ex-officio actions		Complaints		Queries		Total	
1 Public administration and rights	14	14.43%	1,080	19.25%	3,586	19.92%	4,680	19.74%
2 Consumer affairs	9	9.28%	444	7.91%	3,511	19.50%	3,964	16.72%
3 Culture and language		0.00%	50	0.89%	295	1.64%	345	1.46%
4 Education	11	11.34%	523	9.32%	676	3.75%	1,210	5.10%
5 Immigration		0.00%	47	0.84%	194	1.08%	241	1.02%
6 Child and adolescent affairs	20	20.62%	187	3.33%	290	1.61%	497	2.10%
7 Environment	9	9.28%	444	7.91%	956	5.31%	1,409	5.94%
8 Labour relations and pensions	4	4.12%	79	1.41%	540	3.00%	623	2.63%
9 Health care	14	14.43%	332	5.92%	940	5.22%	1,286	5.42%
10 Public safety and justice	8	8.25%	591	10.53%	1,197	6.65%	1,796	7.57%
11 Social services	3	3.09%	929	16.56%	1,217	6.76%	2,149	9.06%
12 Taxes	3	3.09%	223	3.98%	664	3.69%	890	3.75%
13 Town & country planning / housing	2	2.06%	681	12.14%	1,530	8.50%	2,213	9.33%
13 Private or incorrect	-	-	-	-	2,407	13.37%	2,407	10.15%
Total	97	100%	5,610	100%	18,003	100%	23,710	100%



As in prior years, the area of public administration and rights, which covers, among others, actions regarding administrative procedure, civil service or participation in public affairs, concentrated the highest number of complaints (19.25%) and queries (19.92%). The application of the Dependency Act has meant that the realm of social services had the second-highest number of complaints (16.56%), followed by town and country planning and housing (12.14%) and public safety and justice (10.53%).

As regards the acceptance of the decisions handed down by the Catalan Ombudsman throughout 2008, 78.59% were totally accepted, and 7.95%, partially accepted.

Main subject matter of complaints and queries received in 2008

The Catalan Ombudsman noted an increase in the exercise of rights by consumers, and recalls the new statutory provisions that allow the Ombudsman's office to intervene in the realm of private companies that render services of general interest.

Consumer affairs

Agreements and collaboration with major service companies

Throughout 2008, the Catalan Ombudsman has signed agreements with private and public companies that provide services of general interest. At this time, such agreements have been formalized with Ferrocarrils de la Generalitat de Catalunya (Light Rail Company of the Catalan Government), Gas Natural (gas utility provider), Feinsa ENDESA (electricity provider) and Telefonica (telephony provider). The latter was signed in 2007.

These agreements work to facilitate the processing of complaints and shows these companies' willingness to work under the supervision of the Catalan Ombudsman in a demonstration of transparency and good governance.

Definition of broad-band Internet as a universal service

The Catalan Ombudsman found that progress was slow in the definition of broad-band Internet access as part of universal service within the framework of telecommunications.

Its regulation as a universal, basic and fundamental service would allow anyone, regardless of where they worked or lived, access to a broad-band connection at an affordable price, and with better protection in accessibility and service quality. It would also open the door to improving the specific regulation of the service and put an end to many malpractices now suffered by users of these services at the hands of service providers.

There has been continued evidence of non-compliance with the terms to allow access of small towns or inhabited rural areas to broad-band connections in the same conditions as the rest of Catalonia. There are also metropolitan areas that still face difficulties when it comes to accessing Internet at the proper speed.

Education

Shortcomings in educational offering plans

The saturation of the supply and insufficient provision of school openings, has led to the assignation of openings to students outside their areas of influence, or to schools distant from their residence, and increases in teacher-student ratios, groups, and centres once the pre-enrolment period has concluded. The complaints filed describe the problems of supply saturation or the non-provision of a sufficient number of openings.

Planning problems are added to the delays in construction starts of new centres, or remodelling or maintenance of existing ones, and the primary and secondary schools housed in provisional conditions, which must use prefabricated classroom buildings. These construction delays do not contribute to guaranteeing the quality of the public education system, as all too often, spaces are used for classes that were not conceived for such use. There are space shortages, and available spaces are often minimal. These include playgrounds without recreational equipment, or an insufficient number of bathrooms for the number of students. Such precarious conditions bear a second negative impact on the demand for admissions processes, and accentuate the problems of school segregation, already described in the special report on this issue presented to Parliament in May, 2008. Additionally, the Catalan Ombudsman found that the commitments acquired regarding the construction of centres are not being met.

Children

Overcrowding of minors' centres

The overcrowding of many minors' centres is causing difficulties in the allocation of resources suited to the needs of children, and in guaranteeing the necessary quality of care they receive. The creation of new openings in 2008 was not sufficient to stem this trend. The closure of some centres, and upward pressure in the number of children to be cared for have kept many residential educational activity centres (CRAE - centres residencials d'acció

educativa) and shelters at their capacity limits. This overcrowding is especially alarming in some centres, where privacy is compromised by the number of children who must share bedrooms, and the fact that they have no individual closet space or desks to keep their belongings. Nor do they have desks to study in their rooms. The overcrowding of the shelters is partly a result of the extended stays of children in the centres due to the lack of proposed residential resources, or because they are awaiting adoption or foster care.

Justice

Temporary staff in the Justice Administration

Complaints on undue delays have shown that there is a high number of temporary personnel in Justice Administration bodies. This means that there is a high degree of mobility among staff. In some judiciary bodies, support staffing has become obsolete, and is often insufficient to meet the increased work load.

Likewise, the analysis of complaints has shown that, at times, although the staff of a judiciary body is totally covered, there could be a situation in which a staff member is on sick leave at the same time that a co-worker is on leave of absence, or a reduced schedule. If consideration is given to the difficulty of immediately covering the opening caused by the leave, and the fact that on the remaining staff there are temporary employees without sufficient training, it is easy to see how the judiciary body in question may arrive at an unsustainable situation.

The Autonomous Ministry of Justice should propose a readaptation of staffs to the Spanish Ministry of Justice, to reduce the number of openings among support personnel. Openings for civil servants must be covered with properly trained temporary personnel, as soon as the opening arises. Budgetary limitations can not exonerate the Autonomous Ministry from its competency to organize and redistribute the personnel resources it administers.

Registry offices

The Catalan Ombudsman calls for an end to the situation of collapse and saturation suffered by registry offices. The 53 complaints received on the deficient operations of registry offices have led to an ex-officio action being taken, from which a number of proposals and recommendations to improve service have been derived.

Equipping registries with telephone switchboards, with a minimum of two lines, to provide information and extend the business hours, opening two afternoons a week, as is already done in Barcelona, are among the recommendations made.

As for face-to-face service, there must be information and service points for users, with functions of general orientation around the building, and basic information on registry procedures, etc.

There is also a proposal to include new services that can be processed over the Internet, such as an appointment-setting system for birth registrations, and marriage licenses, proof of identity or nationality certificates.

Health

Free visits to international vaccination centres

The Catalan Ombudsman has recommended to the Autonomous Ministry of Health that it not charge for visits to international vaccination centres, and that this be offered as another service of the public health care system. The rationale behind this request is the significant increase in the number of persons who travel. Likewise, there are many immigrants who travel to their countries of origin to spend their holidays or visit relatives.

This new situation has led to the appearance of imported diseases in our society, making it necessary to first establish measures to prevent, to the degree possible, that travellers become infected with these diseases during their trips, and second, assist the persons who return from their travels with any disease.

In Catalonia, vaccination centres form part of the Catalan Health Care Institute (ICS - Institut Català de Salut), the Foreign Services of the Ministry of Health and third-party facilities. Doctor's appointments are charged for or not according to the affiliation of each centre. When charged for, the amount charged is different depending on whether it is an ICS centre or not.

The Catalan Ombudsman has also reminded the authorities that the State Law for Cohesion and Quality of the National Health Care System specifies as a service the monitoring and control of possible health risks derived from the international travel of persons.

Administrative procedure

Right to response

There continued to be numerous complaints on the lack of response by public administrations. In such cases, administrations default on the duty to respond specifically to the requests sent to them. The Catalan Ombudsman considers this practice an indicator of poor governance, as legislation establishes administrations' obligation to offer sufficient, well-grounded responses. Additionally, the use of information and communication technologies must facilitate the management, search and localization of information. The more information provided through electronic means, the fewer requests will be received.