

Investigation of Complaints under the Disability Act, 2005

Dublin City Council - Complaints Procedure

Background

A person may make a complaint to the Inquiry Officer of Dublin City Council in relation to the failure of the Local Authority to comply with Section 25, 26, 27, 28 or 29 of the Disability Act, 2005.

Section 25: a public body shall ensure that its public buildings are, as far as possible, accessible to persons with disabilities.

Section 26: a public body shall ensure that its services are fully accessible to people with disabilities, where practicable and appropriate. The public body shall appoint an officer/s to provide guidance and support to help ensure that people with disabilities can access the services of a public body. In relation to Dublin City Council, contact details are at the end of this document.

Section 27: where a service is provided by that public body, the head of the body shall ensure that the service is accessible to persons with disabilities.

Section 28: where a public body communicates with one or more persons, that body shall as far as practicable ensure that the contents of the communication are in a form that is accessible to the person/s concerned.

Section 29: the head of a public body shall, as far as practicable, ensure that the whole or a part of a heritage site in its ownership, management or control to which the public has access is accessible to persons with disabilities and can be visited by them with ease and dignity.

Investigations by the Inquiry Officer will be conducted in accordance with Section 39 of the Disability Act, 2005. A report will be issued setting out the findings of the Inquiry Officer; this will include a declaration whether there has been a fault by the Local Authority in relation to the matter complained of. Where a failure is identified, the report will outline the steps to be taken to ensure future compliance.

Step 1: Making a Complaint

- A complaint must clearly outline the reason for the complaint and set out any relevant information to enable the complaint to be investigated, and the complaint should be addressed to the Inquiry Officer.
- A complaint can be in writing, in person, by e-mail or with assistance, and should state what section of the Act the complaint relates to and should also set out the cause of the complaint.
- A complaint may be made by the person, or on the person's behalf.

Step 2: Investigation of Complaints

- Receipt of a complaint will be acknowledged to the complainant as soon as it is received by Dublin City Council.
- The complaint will be examined by the Inquiry Officer to establish if it relates to an alleged failure by the Local Authority to comply with Section 25, 26, 27, 28 or 29 of the Act.
- If the complaint does not relate to Sections 25 to 29 of the Act, the Inquiry Officer will inform the complainant and give supporting reasons and, if possible, will advise on alternative avenues of redress. If the complaint is deemed valid, the Inquiry Officer will commence the investigation.
- The Inquiry Officer will then liaise with the relevant Dublin City Council department/s to investigate the complaint. The City Council department/s in question will provide the Inquiry Officer with any supporting information as possible in relation the complaint/s.
- The Inquiry Officer may seek to interview staff in relevant departments and/or the complainant. The Inquiry Officer will investigate the complaint and make a decision on what action, if any, is required by the City Council.
- The Inquiry Officer shall prepare a report setting out their findings. The report shall state the opinion of the Inquiry Officer as to whether or not there has been a failure by the Local Authority to comply with the relevant Section/s of the Act.
- The report shall also set out the steps which might have to be taken to ensure future compliance with the relevant Section, where a failure has been identified.
- The Inquiry Officer will complete this report and forward it to the complainant within 15 working days of receiving a complaint. A copy of this report will also be sent to the Access Unit, and to a senior official in the relevant department/s under investigation.

Step 3: Ombudsman

- If the complainant does not receive a response/report within the allocated 15 working day period, or if the complainant is unsatisfied with the outcome of a particular response, they may contact the Ombudsman, (see contact details below).
- The Ombudsman will initially establish whether she can examine a complaint.
- The Ombudsman will ask the public body to send a report.
- The Ombudsman may examine the files and records and may question people involved with the complaint.
- Following the Ombudsman's investigation of a complaint, he or she may conclude that a public body has failed to comply with a provision of Part 3 of the Disability Act, 2005 or a sectoral plan.
- If he or she does, they may recommend that the public body or other person (in the case of a sectoral plan) further considers the matter that led to the complaint, takes action to remedy the complaint, reduces or changes the action that led to the complaint, or tells her why it took the action.
- If the Ombudsman thinks it is appropriate, he or she may ask the head of the public body to let her know their response to her recommendation.

Contacts:

Inquiry Officer

Grainne Kelly
Inquiry Officer
1st Floor
Number 3 Palace Street
Barnardo's Square
Dublin 2
Tel: 01 222 3192
E-mail: grainne.kelly@dublincity.ie

Office of the Ombudsman
Number 18 Lower Leeson St
Dublin 2
Tel: 01 6395600
LoCall: 1890 22 30 30
E-mail: ombudsman@ombudsman.gov.ie Web: www.ombudsman.gov.ie

If you require this document in an alternative format, or would like assistance in making a complaint, please contact the Access Officer in Dublin City Council, contact details are as follows:

Pat Nestor
Access Officer
Block 4 Floor 2
Civic Offices
Wood Quay
Dublin 8
Tel: 01 222 2145
E-mail: accessofficer@dublincity.ie