



Making a Complaint under the Disability Act 2005

Provisions of the Disability Act 2005 include a number of positive measures designed to enable participation by people with disabilities on an equal footing in all aspects of life. In particular, Part 3 of the Act contains a number of obligations specifically related to legal obligations for public bodies, including UCD that are in effect since 31st December 2005. The objective of Part 3 of the Act is to ensure that access to buildings and services is available on an equal basis to both people with disabilities and to the general population. All goods and information services purchased or provided by UCD must comply with accessibility legislation in its procurement procedures. Sections 25, 26, 27, 28 and 29 of this Act in particular relate to these matters.

In accordance with the Act, a panel of Inquiry Officers have been appointed by the University.

Inquiry Officer: UCD has set up a panel of inquiry Officers, and their role is to investigate any complaints made under the Disability Act 2005 on the grounds of alleged failure by UCD to comply with Sections 25, 26, 27, 28 and 29 of this Act. Investigations by the panel of Inquiry Officers will be conducted in private, in accordance with Section 39 of the Act.

PROCEDURES FOR MAKING AND INVESTIGATING COMPLAINTS

A person may make a complaint against University College Dublin for failure to comply with Sections 25 to 29 of the Disability Act, 2005. Complaints can relate to:

- Access to public buildings (section 25)
- Access to services (section 26)
- Accessibility of services supplied to a public body (section 27)
- Access to information (section 28)
- Access to Heritage Sites (Section 29)

Complaints can be made in writing, by fax, letter or by e-mail and should set out as clearly as possible the grounds for the complaint.

Complaints should be made to:

Inquiry Officer,
Presidents Office,
Tierney Building,
UCD,
Belfield,
Dublin 4

Email: inquiryofficer@ucd.ie

Fax: 353 1 716 7503

- The Inquiry Officer will examine the complaint to establish if it relates to an alleged failure by UCD to comply with Sections 25 to 29 of the Disability Act.
- If the complaint is invalid, i.e. it does not relate to matters covered by Sections 25 to 29 of the Act, or if it is the opinion of the Inquiry Officer that the complaint is frivolous or vexatious the Inquiry Officer will so inform the complainant and give supporting reasons and, if possible, he/she will advise on alternative avenues of redress.
- If the complaint is valid, the Inquiry Officer shall commence an investigation.
- The Inquiry Officer will maintain a written record of his or her investigation.

As part of the investigation, the Inquiry Officer may:

- Request further information/details from the person who made the complaint and may require that such information/details be furnished within a specified time.
- Liaise with the relevant units and seek relevant documentation where necessary.
- Interview personnel in relevant units and/or the complainant. The Inquiry Officer will prepare a written report of the results of the investigation setting out his or her findings together with a determination in relation to:-
- Whether there has been a failure by UCD to comply with the relevant provision of the Disability Act. If such a determination indicates that there has been such a failure, the steps required to be taken by UCD to comply with the relevant provision(s) of the Act.

In the case where a failure has been identified, the steps required to be taken by the University to comply with the provision concerned are as follows:

- The Inquiry Officer will provide the person with a disability who has taken the complaint and the President of the University with a written response to the complaint.
- However, if a person with a disability who has taken a complaint with UCD under this Act is not satisfied with the outcome, the person may then make an appeal to The Ombudsman. Under the legislation The Ombudsman has been given powers to investigate failure by a public body to comply with the Disability Act 2005.

What can the Ombudsman do?

Once it has been established that the Ombudsman can examine the complaint(s), the Ombudsman will ask UCD to send a report, examine the findings and recommend that UCD takes action to remedy the complaint.

The Office of the Ombudsman contact details:

18 Lower Leeson Street, Dublin 2.

Phone: LoCall 1890 22 30 30

Fax: 01 639 5674

Email: ombudsman@ombudsman.gov.ie

Online Complaint Form: www.ombudsman.com