

Procedures for dealing with Complaints under Section 38 of the Disability Act, 2005

A complaint may be made against The Pensions Board if it does not comply with the provisions of Sections 25, 26, 27 and 28 of the Disability Act, 2005. These sections of the Act relate to access by persons with disabilities to:

- the Board's public buildings;
- the Board's schemes and services;
- services supplied to the Board; or
- information.

In accordance with Section 39 (2) of the Disability Act, 2005 the following are the procedures for making and investigating such complaints.

Making a complaint

1. A complaint may be made by a person, or through his or her:

- spouse/partner, parent or relative;
- guardian or a person acting in *loco parentis* to that person;
- legal representative;
- a personal advocate, assigned by the Citizens Information Board to represent that person;

or by another person advocating on behalf of that person with his or her consent.

2. A complaint must be made in writing, which can include fax or e-mail, and should provide all contact details for the person making the complaint.

3. The complaint should state that it is a complaint under Section 38 of the Disability Act 2005 and should, in so far as is possible, set out as clearly as possible the grounds for the complaint regarding the failure of The Pensions Board to provide access to its buildings, services, and information.

4. The complaint must be made to:

Mr. Andrew Nugent,
Inquiry Officer,
The Pensions Board,
Verschoyle House,
28-30 Lower Mount Street,
Dublin 2.

Fax: (01) 6318602

E-Mail: anugent@pensionsboard.ie

Investigating a complaint

5. On receipt of the complaint, the Inquiry Officer will acknowledge receipt to the person who made the complaint.

6. The Inquiry Officer will examine the complaint to establish if it relates to an alleged failure by The Pensions Board to comply with Sections 25, 26, 27 and 28 of the Disability Act, 2005.

7. Where the Inquiry Officer considers that the complaint is frivolous or vexatious, the person making the complaint will be notified to that effect. Otherwise he or she will investigate the complaint.

8. 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.

9. The Inquiry Officer may consult with all parties which he or she considers appropriate regarding the matter.

10. In the course of the investigation the Inquiry Officer may undertake interviews with such persons which he or she considers appropriate, including the person who made the complaint, to elicit information.

11. The Inquiry Officer will maintain a written record of his or her investigation.

12. 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 The Pensions Board to comply with the relevant provision of the Disability Act; and
- if such a determination indicates that there has been such a failure, the steps required to be taken by the The Pensions Board to comply with the relevant provision(s) of the Act.

13. The Inquiry Officer will furnish a copy of his or her report to the person who made the complaint and to the Chief Executive.

14. The furnishing of the report to the person who made the complaint and to the Chief Executive concludes the investigation of the complaint.

15. If the person who made the complaint wishes to appeal the decision they may forward a request for an internal review to:

Mr. Thomas Dunphy,
Head of Corporate Services,
The Pensions Board,
Verschoyle House,
28-30 Lower Mount Street,
Dublin 2

Fax: (01) 6318602

E-Mail: tdunphy@pensionsboard.ie

16. If you are not satisfied with our final response, you have the option of raising the matter with the Ombudsman who may be contacted at:

Office of the Ombudsman,
18 Lower Leeson Street,
Dublin 2.

Tel: (01) 639 5600

Fax: (01) 6395674

Email: ombudsman@ombudsman.gov.ie