

The Ombudsman and Complaints under the Disability Act

What can the Ombudsman do?

The Ombudsman can examine complaints about the administrative actions of a wide range of providers of public services such as Government Departments, Local Authorities and the Health Service Executive (HSE).

The Ombudsman can also examine complaints about:

- **Access** by people with disabilities to public buildings, services and information and
- **Sectoral plans.** Sectoral plans are plans by government to ensure that services are provided to people with specified disabilities.

Complaints about access to public buildings, services and information

The Disability Act 2005 gives the Ombudsman the power to investigate complaints about compliance by public bodies and others with Part 3 of the Act. This Part deals with:

- 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) and
- 'sectoral plans' (sections 32 to 37).

Which public bodies are covered by Part 3 of the Disability Act 2005?

Generally, the Act covers:

- Government departments (for example the Department of Transport, Tourism and Sport)

- local authorities (for example the county councils)
- the Health Service Executive
- semi-state bodies (for example Údarás na Gaeltachta and the Health and Safety Authority) and
- most other state organisations

If you are unsure whether a particular body is covered by the Act, please contact us (see contact details below).

What can the Ombudsman NOT do?

- The Ombudsman has **no role** in relation to public service employment (Part 5 of the Disability Act 2005).
- The Equal Status Acts 2000 to 2012 outlaw discrimination by public and private sector organisations when providing goods and services to which the public generally have access. The Acts outlaw discrimination on nine distinct grounds, one of which is disability. You can get more information about the Equal Status Acts 2000 to 2012 from the Irish Human Rights and Equality Commission (www.ihrec.ie). The Ombudsman has **no role** in relation to the Equal Status Acts 2000 to 2012.

What are sectoral plans?

Six Government ministers are required to prepare sectoral plans. These outline what the ministers plan to do to ensure that services are provided to people with specified disabilities. They cover the role of public bodies or other people supported or funded by the minister.

Areas covered by sectoral plans include:

- public transport
- health services
- vocational training
- employment support services
- housing and
- accommodation

The following Government ministers were required to prepare sectoral plans:

- Minister for Health
- Minister for Social Protection
- Minister for Transport, Tourism and Sport
- Minister for Communications, Energy and Natural Resources
- Minister for the Environment, Community and Local Government and
- Minister for Jobs, Enterprise and Innovation.

Is the Ombudsman independent?

Yes. The Ombudsman deals with all complaints independently and impartially. The service is free to use.

Making a Complaint to the Ombudsman

When should I complain to the Ombudsman?

Before you complain to the Ombudsman you must first put your complaint to the public body concerned and allow it time to investigate the matter.

Access

If you want to complain about **access**, you must complain directly to the public body concerned. An inquiry officer appointed by the public body will investigate your complaint and decide if the body is complying with the relevant part of the Act.

Sectoral Plans

If you want to complain about the requirements in a sectoral plan, you must use the complaints procedures set out in the relevant plan. A complaints officer appointed under the plan will consider this type of complaint and decide if the public body or other person is complying with the requirements in the sectoral plan.

If you fail to resolve your complaint with the public body directly, you can ask the Ombudsman to investigate the matter.

Who can make a complaint to the Ombudsman?

Anyone, including public representatives, companies or organisations, can complain to the Ombudsman. However, only people specified in the Disability Act 2005 may complain to the public body concerned (for example the person with a disability or their spouse, parent, legal representative or personal advocate).

What can the Ombudsman do?

Once we establish that we can examine your complaint, we will ask the public body or other person to send us a report. If necessary, the Ombudsman may also examine the files and records and may question people involved with the complaint. It can take time to gather the information that we need.

Following the investigation of a complaint, the Ombudsman may conclude that a public body or other person has failed to comply with a provision of Part 3 of the Disability Act 2005 or a sectoral plan. The Ombudsman may decide this failure has adversely affected the person making the complaint (or on whose behalf the complaint was made) or any other person. If this is the case, the Ombudsman 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 the Ombudsman why it took the action.

If appropriate, the Ombudsman may ask the head of the public body or other person (in the case of a sectoral plan) to let the Ombudsman know its response to his recommendation.

How long will it take for the Ombudsman to investigate a complaint?

The time taken to reach a decision will vary from case to case. For example, it can take time if the Ombudsman needs to get more information or meet officials from the organisation. We will always keep you informed of what is happening.

What will it cost?

Nothing - there is no charge for the services of the Ombudsman.

How do I complain to the Ombudsman?

You can write or call to:

The Office of the Ombudsman
6 Earlsfort Terrace,
Dublin 2, D02 W773

Phone: 01 – 639 5600

Online: www.ombudsman.ie

E Mail: complaints@ombudsman.ie

Can someone else complain on my behalf to the Ombudsman?

Yes, but only if you give them permission to do so. If you want to complain on behalf of someone else, you must get their permission first.

Accessible services

If you have a disability and need help to use the services of the Ombudsman, contact us to arrange to speak to our Access Officer.

A copy of this Factsheet is available in large font on request. Just e mail accessofficer@ombudsman.ie or call 01 – 639 5600.