

Disability Act 2005 – Complaints Procedure

The Disability Act 2005 includes a number of positive action measures designed to advance and underpin participation of people with disabilities in society.

Section 38 of the Disability Act 2005 enables any person by his/herself or through any person defined under Section 9 (2) of the Act to make a complaint in writing to the Director of the National College of Art & Design in relation to the failure of the College to comply with Sections 25, 26, 27, 28 or 29 of the Act.

For the purposes of handing such complaints the Director of the College has delegated her authority to receive and refer complaints to an Inquiry Officer. The following procedures have been developed by the College to receive and investigate complaints made under the Act.

Making a Complaint

Please contact the Inquiry Officer, in writing if you feel that the College has failed to comply with Sections 25-29 of the Disability Act 2005 and wish to make a formal complaint.

PROCEDURES FOR MAKING AND INVESTIGATING COMPLAINTS

A person may make a complaint against NCAD 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 letter or by e-mail and should set out as clearly as possible the grounds for the complaint.

Please mark clearly: Inquiry Officer, Disability Act Complaint, NCAD, 100 Thomas Street, Dublin 8. access@staff.ncad.ie

The following procedures will be applied, once your complaint has been received by the College:

The Inquiry Officer will examine the complaint to establish if it relates to an alleged failure by NCAD 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 NCAD 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 NCAD 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 College 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 Director of the College with a written response to the complaint.
- However, if a person with a disability who has taken a complaint with NCAD 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.

Role of the Ombudsman:

We hope that we have been able to resolve your complaint satisfactorily. However, if you remain unhappy with our response then you can refer your complaint to the Office of the Ombudsman. The Ombudsman is impartial and free to use.

The Ombudsman will ask you for details of your complaint and to provide a copy of this letter (our final response to your complaint). The best way to do this is through :

- ‘Make A Complaint’ at www.ombudsman.ie

You can also write to: Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W772 or call 01 636 5600 if you have any queries