



UNIVERSITY of LIMERICK

OLLSCOIL LUIMNIGH

**PROCEDURES
FOR
MAKING AND INVESTIGATING COMPLAINTS
UNDER
THE DISABILITY ACT, 2005**

PROCEDURES FOR MAKING AND INVESTIGATING COMPLAINTS UNDER THE DISABILITY ACT, 2005

1. Introduction

- 1.1 The University of Limerick welcomes the provisions of the Disability Act, 2005 (the Act) which includes a number of positive action measures designed to advance and underpin participation by people with disabilities in everyday life. In particular, Part 3 of the Act contains a number of obligations specifically related to public bodies, including the University of Limerick that are in effect since 31st December 2005.
- 1.2 The objective of Part 3 of the Act is to ensure that access to buildings and services is available in the same manner to people with and without disabilities. This means access to public parts of public buildings, information and services provided by public bodies. This also includes services provided directly by the University, services purchased and provided on its behalf, services supplied/provided to it and information provided by the University. Sections 25, 26, 27, 28 and 29 of the Act in particular relate to these matters.
- 1.3 In accordance with the Act, an Access Officer and an Inquiry Officer have been appointed by the University.
 - 1.3.1 Access Officer: The University's Access Officer is Dr Bernadette Walsh. The role of the Access Officer is to help individuals with queries relating to accessibility to buildings, information and services provided by the University of Limerick. The Access Officer can be contacted on 061 202971 or e-mail accessofficer@ul.ie.
 - 1.3.2 Inquiry Officer: The University's Inquiry Officer is Ms Callista Bennis. The role of the Inquiry Officer is to undertake an investigation into any complaints about the University's non-compliance with Sections 25-29 of the Act. The Inquiry Officer can be contacted on 061-234393 or by email inquiryofficer@ul.ie. Investigations by the Inquiry Officer will be conducted in private, in accordance with Section 39 of the Act. All reports issued will set out the findings of the Inquiry Officer and will include a declaration regarding whether the complaint has merit, whether there has been a fault by the University in relation to the complaint and where a failure is identified, it will outline the steps to be taken to ensure future compliance.

2. Procedures for Making a Complaint

- 2.1 Section 38 of the Act enables any person by him/herself or through any person defined under Section 9(2) of the Act to make a complaint in writing to the President of the University of Limerick regarding the alleged failure by the University to comply with Sections 25, 26, 27, 28 or 29 of the Act. Please note that for the purposes of handling such complaints, the President has delegated his authority to the University Inquiry Officer to receive and consider all such complaints.
- 2.2 If an individual considers that the University has failed to comply with Sections 25-29 of the Act and the individual wishes to make a formal complaint, then the complaint should be submitted in writing to the Inquiry Officer using the Complaint Form.
- 2.3 The completed form should be submitted by post or email to the Inquiry Officer. If using email, in order to ensure the complaint is dealt with in a timely manner please include **Disability Act Complaint** in the subject header. If the form is being returned by post, then please clearly mark the envelope "**Disability Act Complaint**".
- 2.4 If an individual needs any assistance in the completion of the form or any other matter related to the complaint, he/she is welcome to contact the Access Officer who will assist him/her.

3. Processing of Complaint

- 3.1 Once a complaint is received by the University's Inquiry Officer the following process and timeframes will apply:
 - The Inquiry Officer will ensure that an electronic and paper file for the complaint is set up and will acknowledge receipt of the complaint as soon as possible but no later than five working days after its receipt.
 - The Inquiry Officer will screen the complaint to establish if it relates to an alleged failure by the University to comply with sections 25-29 of the Act. If this is not the case, the Inquiry Officer will so inform the complainant and give supporting reasons. In addition, the Inquiry Officer will refer the matter to the Access Officer who will advise the complainant on alternative avenues of redress.
 - The Inquiry Officer will complete a preliminary investigation into the complaint and will inform the complainant within 20 working days from receipt of the complaint whether or not there is a *prima facie* case for a full investigation. In the event a *prima facie* case is deemed to exist then the investigation will commence immediately. In the event a *prima facie* case is deemed not to exist and/or if the Inquiry Officer considers the complaint to be frivolous or vexatious there will be no further action taken on the part of the University. The Inquiry Officer will advise the complainant that he/she may refer the Officer's determination to the Ombudsman.

- The Inquiry Officer may request further details/information from the complainant and, if he/she deems it necessary, the Inquiry Officer will consult with all relevant parties/sections regarding the matter.
- Information requested should be supplied to the Inquiry Officer within a maximum period of two weeks from the date of the request. In the absence of receipt of a requested submission from the complainant the Inquiry Officer will proceed with the investigation.
- The Inquiry Officer may decide it is necessary to interview the complainant and/or staff members within the University to discuss matters of interpretation and/or to elicit further information. All staff members are obliged to cooperate fully with the Inquiry Officer's investigation in this regard.
- The Inquiry Officer will prepare a report in writing of the result of his/her investigations. Any such report will include the Officer's determination on whether or not there has been a failure by the University of Limerick to comply with the relevant provision(s) of the Act, and if the determination is that such a failure exists, the steps required to be taken by the University of Limerick to comply with the relevant provision(s) of the Act.
- The report will be completed within 30 working days from the date of the Inquiry Officer's decision that a *prima facie* case exists, or as soon as possible thereafter in instances where information/data are not readily available. A copy of the report will be provided to the President, the complainant and the relevant area within the University.
- The Inquiry Officer will advise the complainant of his/ her right of appeal to the Ombudsman at the Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2.
- Once the complainant has been provided with a copy of the Inquiry Officer's report, the complaint file will be closed. Both the electronic and paper files will record the result, date file closed and any other relevant details.