# **National Transport Authority**

## **Complaints Procedure under Section 38 of the Disability Act 2005**

### **Background**

A complaint may be made against the National Transport Authority by any person who is of the view that the Authority is not in compliance 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 Authority’s public buildings;
* The Authority’s services;
* Services supplied to the Authority; and
* Information provided by the Authority

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**

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.

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

The complaint must 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 NTA to meet its requirements under Sections 25, 26, 27 and 28 of the Disability Act, 2005.

The complaint must be made to the NTA Transport Accessibility Manager in writing. The contact details are as follows:

Transport Accessibility Manager,

National Transport Authority,

Dun Sceine,

Harcourt Lane,

Dublin 2.

Email: info@nationaltransport.ie

### **Investigating a Complaint**

On receipt of the complaint, the Transport Accessibility Manager will acknowledge receipt to the person who made the complaint.

The Transport Accessibility Manager may deal directly with the complaint or may choose to appoint an Inquiry Officer to examine the complaint to establish if it relates to an alleged failure by the Authority to comply with Sections 25, 26, 27 and 28 of the Disability Act, 2005. 2. Where the Accessibility/Inquiry Officer considers that the complaint is frivolous or vexatious, the person making the complaint will be notified to that effect. Otherwise they will investigate the complaint.

They 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.

The Accessibility/Inquiry Officer may consult with all parties which they consider appropriate regarding the matter.

 In the course of the investigation the Inquiry Officer may undertake interviews with such persons which they consider appropriate, including the person who made the complaint, to elicit information.

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

The Inquiry Officer will prepare a written report of the results of the investigation setting out their findings together with a determination in relation to:

* Whether there has been a failure by the Authority 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 Authority to comply with the relevant provision(s) of the Act. 8. The Inquiry Officer will furnish a copy of their report to the person who made the complaint and to the CEO.

The Inquiry Officer will complete the report within 20 working days from the receipt of all information requested. Where a full report is not available within 20 days, the Inquiry Officer will send an interim reply and indicate when the report will be available.

The furnishing of the report to the person who made the complaint and to the CEO concludes the investigation of the complaint.

### **Appealing a Decision to the Ombudsman**

If the person who made the complaint is not satisfied with the Authority’s final decision, they 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**