



Complaints procedure: Section 39(2) of the Disability Act 2005

The *Disability Act 2005* as amended (“the Act of 2005”) places a number of obligations on public bodies, including obligations in respect of access to public buildings; access to services; accessibility to services; and access to information. The Residential Tenancies Board (“RTB”) is committed to complying with these particular obligations (and all of its other obligations) under the Act of 2005.

The Act of 2005 provides for complaints to be made by people who do not believe that a public body has complied with these particular obligations. If you wish to make a complaint, you (or a person who is qualified under the Act of 2005 to act on your behalf) can make a complaint by following the below procedure.

1. HOW DO I MAKE A COMPLAINT?

1.1 A complaint must be made in writing, or by email, and should provide all your contact details, or the contact details for the person making the complaint on your behalf. The complaint should be addressed to the Director of the RTB. Once made, it will be assigned to an appropriate Inquiry Officer for consideration. A complaint can be made:

- (a) by post addressed to S39 Complaints, RTB Access Officer, PO Box 12323, Dublin 2
- (b) by email addressed to S39complaints@rtb.ie

2. WHAT INFORMATION SHOULD BE INCLUDED IN MY COMPLAINT?

2.1 The complaint should state that it is a complaint under section 38 of the Act of 2005. It should, in so far as it is possible, set out clearly the grounds for the complaint which should relate to the failure of the RTB, under section 25, 26, 27 or 28, to provide:

- (a) access to a public buildings;
- (b) access to services;
- (c) accessibility of services supplied to the RTB; and/or
- (d) access to information.

3. CAN SOMEONE MAKE THE COMPLAINT ON MY BEHALF?

3.1 A complaint can be made on your behalf by your:

- (a) spouse or civil partner

- (b) parent or relative¹;
- (c) guardian or a person acting in *loco parentis*² to you;
- (d) legal representative (who can be a practising solicitor or a practising barrister);
- (e) a personal advocate, assigned by the Citizens Information Board's National Advocacy Service to represent you.

4. HOW WILL MY COMPLAINT BE INVESTIGATED?

4.1 Once your complaint is received by the Director, it will be assigned to an Inquiry Officer for investigation.

5. WHAT WILL THE INQUIRY OFFICER DO?

5.1 On receipt of the complaint, the Inquiry Officer will acknowledge receipt of the complaint to you, or the person who made the complaint on your behalf, within five working days.

5.2 The Inquiry Officer will examine the complaint to establish if it relates to an alleged failure by the RTB to comply with its obligations under sections 25, 26, 27 or 28 of the Act of 2005.

5.3 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.

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

5.5 In the course of the investigation the Inquiry Officer may conduct interviews with such person or persons which he or she considers appropriate, including the person who made the complaint, to collect all information needed.

5.6 Where the Inquiry Officer considers that the complaint is frivolous or vexatious, he or she will notify the Director and the person who made the complaint to that effect and will not conclude the investigation of the complaint. Otherwise, he or she will conclude the investigation of the complaint.

5.7 The Inquiry Officer will reply within 21 working days of acknowledgment of receipt of the complaint with a written report of the results of the investigation. If this timeline is not possible the Inquiry Officer will contact you, or the person who made the complaint on your behalf, to inform you of a revised date.

5.8 The Inquiry Officer's report will set out his or her findings together with a decision in relation to:

- (a) whether or not there has been a failure by the RTB to comply with the relevant provisions of the Act of 2005; and
- (b) if there has been such a failure, the steps required to be taken by the RTB to comply with the provision(s) concerned.

¹ This means a grandparent, brother, sister, uncle or aunt.

² This means a person who is not the parent of a particular child but takes on himself/herself parental offices and duties in relation to the child.

5.9 The Inquiry Officer will send a copy of his or her report to the Director and the person who made the complaint. This concludes the Inquiry Officer's investigation.

6. CAN I APPEAL THE DECISION OF THE INQUIRY OFFICER?

6.1 If you are unhappy with the outcome of Inquiry Officer's report, you may appeal the decision to the Ombudsman. You may contact the Ombudsman:

(a) by post addressed to Office of the Ombudsman, 6 Earlsfort Terrace, Saint Kevin's, Dublin 2, DO2 W773; or

(b) by email addressed to complaints@ombudsman.ie.