

**Investigation Of Complaints Under The Disability Act 2005,
For The Mayo Local Authorities
(Mayo County Council,
Ballina, Castlebar and Westport Town Councils).**

Investigation of Complaints under the Disability Act, 2005.

A person may make a complaint in writing to the Inquiry Officer of the Mayo Local Authorities in relation to the failure of the Local Authority to comply with Section 25, 26, 27, 28 or 29 of the Disability Act, 2005.

The Inquiry Officer for the Mayo Local Authorities is Mr Jude Walsh, Corporate Affairs Section, Mayo County Council, Aras an Chontae, Castlebar, Co. Mayo.

Procedure:

Investigations by the Inquiry Officer will be conducted in accordance with Section 39 of the Disability Act, 2005. The report issued will set out the findings of the Inquiry Officer and will include a declaration regarding whether the complaint has merit and whether there has been a fault by the Local Authority in relation to the matter complained of. Where a failure is identified, the report will outline the steps to be taken to ensure future compliance.

Complaint Receipt:

Receiving Complaints:

A complaint must be submitted in writing and must state which Section of the Act the complaint refers to:

- A complaint must clearly outline the reason for the complaint and set out any relevant information to enable the complaint to be investigated.
- A complaint must be addressed to the Inquiry Officer.

A complaint may be made by the person, or on the person's behalf by a spouse, parent, relative, guardian, person acting in loco parentis to that person, legal representative or a personal advocate assigned by Citizens Information Board to represent that person.

Registering and Acknowledging Complaints:

Receipt of a complaint will be acknowledged as soon as possible but not later than five working days after receipt.

Screening of Complaints:

The complaint will be examined to establish if it relates to an alleged failure by the Local Authority to comply with Section 25, 26, 27, 28 or 29 of the Act.

If the complaint is invalid, i.e. it does not relate to matters covered by Sections 25 to 29 of the Act, the Inquiry Officer will inform the complainant and give supporting reasons and, if possible, will advise on alternative avenues of redress.

If the complaint is deemed valid, subject to what follows, the Inquiry Officer will commence the investigation.

If, in the opinion of the Inquiry Officer, the complaint is frivolous or vexatious, the complainant will be notified of this and given an opportunity to make representations on the matter. If the Inquiry Officer, following consideration of any representations so made, determines that the complaint is frivolous or vexatious, the complaint will not be accepted for investigation. The Inquiry Officer will notify the complainant of this determination in writing.

Formal Request for Information/Reports

If further details/submissions, etc., are necessary, the Inquiry Officer will seek the information as soon as possible after receipt of a valid complaint.

Request for Information/Reports/Files:

The relevant senior official of the Local Authority, i.e., Director of Services / Senior Executive Officer / Senior Engineer / Town Clerk, or other relevant official, will be notified of the complaint and a full report will be sought from him/her, which must set out the position on the matter which is the subject of the complaint in order to enable the Inquiry Officer to carry out an investigation of the complaint. The report must cover all the points raised in the complaint. In cases where Guidelines or Codes of Practice are referred to, the relevant official involved should furnish details of the Guidelines/Code of Practice involved, with the report.

Where there has been a failure by the Local Authority to comply with the relevant Section of the Act, the report should set out the steps required to be taken to ensure future compliance with that Section.

If it is necessary to do so, the Inquiry Officer will request further information, comments, etc., from the complainant and give him/her the opportunity to make further submissions.

Reports or information requested should be supplied to the Inquiry Officer within three weeks of being requested. If the report submitted does not contain all the information needed for the purposes of the investigation, a further report will be requested.

If the complainant does not make a submission, the investigation will be proceeded with.

Interviews:

In the course of the investigation, it may be necessary to interview the complainant or relevant Local Authority officials to elicit information or obtain interpretations or clarification. All staff will be required to co-operate fully with the Inquiry Officer's investigation.

Investigation of Complaint:

Having considered all of the relevant information received, the Inquiry Officer shall prepare a **Preliminary Report** setting out his/her findings. The report shall set out all the relevant details and will contain the preliminary opinion of the Inquiry Officer as to whether or not there has been a failure by the Local Authority to comply with the relevant Section of the Act. The report shall also set out the steps which might have to be taken to ensure future compliance with the relevant Section, where a failure has been identified.

A copy of the Preliminary Report will be given to the relevant senior official of the Local Authority who has responsibility for the matter complained of and his/her response will be sought to the Preliminary Report.

The Inquiry Officer, having considered the response of the senior official, will then prepare a **Final Report** on the findings of the investigation, together with a determination as to whether or not there has been a failure by the Local Authority to comply with the relevant Section of the Act. The report will also set out the steps to be taken to ensure future compliance with the relevant Section, where a failure has been identified.

Concluding the Investigation:

Notification of Decision:

A copy of the Final Report will be furnished to Mr Joe Loftus, Director of Services, Corporate Affairs Section, Mayo County Council, Aras an Chontae, Castlebar, Co. Mayo, and the complainant.

The complainant will be advised of his/her right of appeal to the Ombudsman, Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2.

Alternative Formats:

The Disability Complaints Procedure is available on the Mayo County Council's website (www.mayococo.ie) and can be provided in alternative formats, upon request.