



Banc Ceannais na hÉireann  
Central Bank of Ireland

Eurosystem

# Disability Act – Complaints Handling Procedure with respect to Section 38 of the Disability Act 2005

December 2020

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# 1. Introduction

Section 38 of the Disability Act 2005 (the 'Act') states that a person may themselves, or through a person referred to in Section 2 below, make a complaint in writing to the head of a public body in relation to a failure by that body to comply with the law in respect of access to buildings and services as outlined in sections 25, 26, 27, 28 or 29 of the Act.

This procedure sets out how the Central Bank of Ireland (the 'Central Bank') will deal with such complaints, with the aim of ensuring that issues are dealt with appropriately and as expeditiously as possible. In this respect, the Central Bank is committed to having an effective complaints procedure, which reflects the needs, expectations and rights of the complainants.

## 2. Who can make a complaint?

A complaint may be made by a person, or through any of the following persons:

- a spouse, a civil partner (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010), a parent or relative of a person referred to in section 9(1)(a) of the Act (a person of the opinion that they may have a disability);
- a guardian or a person acting in loco parentis;
- a legal representative of a person with a disability;
- a personal advocate assigned by Comhairle (the Citizens Information Board) to represent that person.

### 3. How can a complaint be made?

A complaint must be made in writing, which can include e-mail. The complainant should provide a description of the facts and circumstances, the details of the complaint itself and their name and contact details.

The complaint should state that it is a complaint under Section 38 of the Act. It should, set out as clearly as possible the grounds for the complaint regarding the failure of Central Bank to provide access under sections 25 to 28 of the Act.

Under the Act, the head of a public body may authorise inquiry officers and refer complaints received under section 38 of the Act to such an officer for investigation. The Governor of the Central Bank has authorised such an inquiry officer (the 'Inquiry Officer').

#### **The complaint must be made to:**

The Inquiry Officer (Disability Act 2005)

Central Bank of Ireland

North Wall Quay

Dublin 1

Email: [complaints@centralbank.ie](mailto:complaints@centralbank.ie)

## 4. How will a complaint be handled?

Your complaint will be investigated by the Central Bank's Inquiry Officer. Complaints will be dealt with in accordance with the following procedure:

- The Inquiry Officer will acknowledge receipt of the complaint as soon as possible, but no later than three working days after receipt.
- The Inquiry Officer will investigate the complaint unless either one of the two scenarios below arise:
  - (a) if the Inquiry Officer establishes that the complaint does not come within the scope of section 38 of the Act (i.e., in the case of the Central Bank, the complaint does not relate to matters covered by sections 25 to 28 of the Act); or
  - (b) if the Inquiry Officer considers that the complaint is frivolous or vexatious.

In both cases (a) and (b) above, the Inquiry Officer will inform the complainant of their determination in writing, give supporting reasons and provide the complainant with an opportunity to make representations on the matter.

- In investigating the complaint, the Inquiry Officer may request further information or details from the person who made the complaint.
  - The Inquiry Officer may consult with all parties that they consider appropriate regarding the matter and request information, reports or files and any other details from relevant persons.
  - In the course of the investigation, the Inquiry Officer may undertake interviews with such persons whom they consider appropriate, including the person who made the complaint, to elicit information.
  - 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 Central Bank to comply with the relevant provision of the Act
- and
- where there has been such a failure, the steps to be taken by the Central Bank to ensure compliance with the relevant provision(s) of the Act.

## 5. How will the outcome of a complaint be communicated?

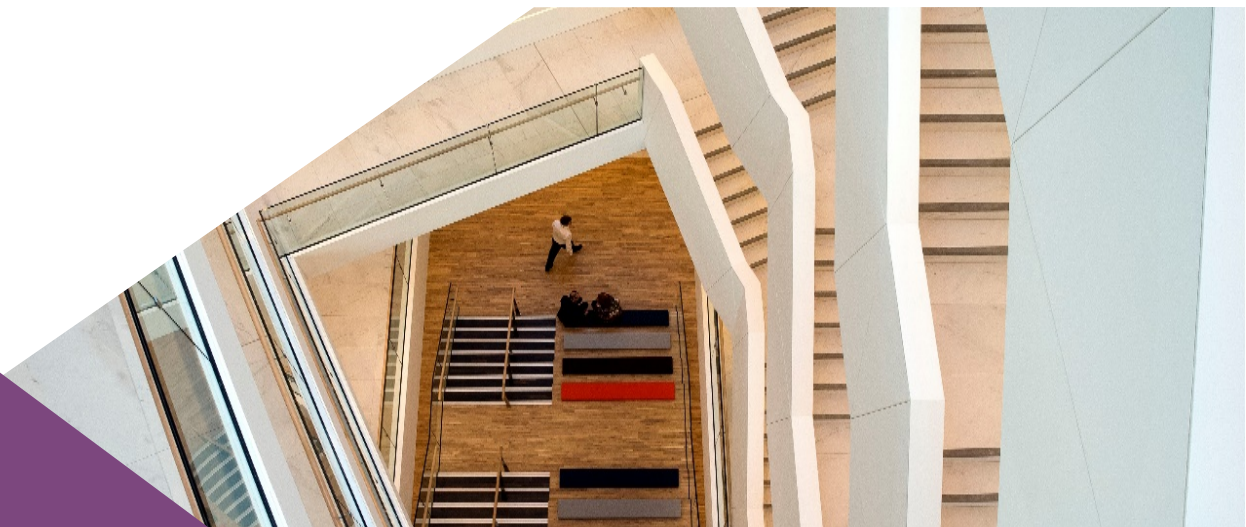
- The Inquiry Officer will give a copy of their report to the person who made the complaint and to the Governor of the Central Bank.
- The Inquiry Officer will endeavour to complete their report within 20 working days from the receipt of the complaint. This timeline may be extended where the Inquiry Officer seeks further information from other parties, including additional information requested from the complainant. Where a full report is not available within this 20 day period, the Inquiry Officer will communicate in writing with the complainant to inform them as to the progress of the investigation.
- The furnishing of the report to the person who made the complaint and to the Governor concludes the investigation of the complaint by the Inquiry Officer.

## 6. Can the outcome of a complaint be appealed?

- The complainant will be advised of the right of appeal to the Office of the Ombudsman.

## 7. Review of this Procedure

A review of this procedure and its effectiveness will be prepared and presented to the Central Bank's Operations Committee and to the Governor every three years. Such a review may take place at an earlier time if deemed appropriate, for example due to any changes in legislation or based on learnings and experience.



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