



## **Procedures for dealing with complaints under Section 38 of the Disability Act 2005**

A complaint may be made against the Pensions Authority (“the Authority”) if the Authority does not comply 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 schemes and services
- services supplied to the Authority; or
- information.

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**

1. 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.

2. A complaint should be made in writing, which can include fax or email and should provide all contact details for the person making the complaint.
3. The complaint should 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 Pensions Authority to provide access to its buildings, services, and information.
4. The complaint must be made to:

Inquiry Officer  
The Pensions Authority  
Verschoyle House  
28/30 Lower Mount Street  
Dublin  
D02 KX27  
Tel: (01) 613 1900



**An tÚdarás Pinsean**  
**The Pensions Authority**

Email: [operations@pensionsauthority.ie](mailto:operations@pensionsauthority.ie)

5. On receipt of the complaint, the Inquiry Officer will acknowledge receipt to the person who made the complaint.
6. The Inquiry Officer will examine the complaint to establish if it relates to an alleged failure by the Pensions Authority to comply with Sections 25, 26, 27 and 28 of the Disability Act, 2005.
7. Where the Inquiry Officer considers that the complaint is frivolous or vexatious, the person making the complaint will be notified to that effect. Otherwise he or she will investigate the complaint.
8. 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.
9. The Inquiry Officer may consult with all parties which he or she considers appropriate regarding the matter.
10. In the course of the investigation the Inquiry Officer may undertake interviews with such persons whom he or she considers appropriate, including the person who made the complaint, to elicit information.
11. The Inquiry Officer will maintain a written record of his or her investigation.
12. The Inquiry Officer will prepare a written report of the results of the investigation setting out his or her findings together with a determination in relation to:
  - Whether there has been a failure by the Pensions 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 Pensions Authority to comply with the relevant provision(s) of the Act.
13. The Inquiry Officer will furnish a copy of his or her report to the person who made the complaint and to the Pensions Regulator.
14. The furnishing of the report to the person who made the complaint and to the Pensions Regulator concludes the investigation of the complaint.
15. If the person who made the complaint wishes to appeal the decision they may forward a request for an internal review to:



An tÚdarás Pinsean  
The Pensions Authority

Operations  
The Pensions Authority  
Verschoyle House  
28/30 Lower Mount Street  
Dublin  
D02 KX27  
Tel: (01) 613 1900  
Email: [operations@pensionsauthority.ie](mailto:operations@pensionsauthority.ie)

16. If the complainant is not satisfied with the Pensions Authority's final response, they have the option of raising the matter with the Ombudsman who may be contacted at:

Office of the Ombudsman  
6 Earlsfort Terrace  
Dublin 2  
D02 W773  
Tel: (01) 639 5600  
Email: [info@ombudsman.ie](mailto:info@ombudsman.ie)