

# Údaráis Áitiúla Chiarraí Kerry Local Authorities



## Conas gearán a dhéanamh fén Acht um Míchumas 2005 Disability Act 2005 Complaints Procedure

### An tAcht um Míchumas 2005

Gníomh dearfach is ea an tAcht um Míchumas 2005 a leagann síos bunús reachtúil chun teacht ar sheirbhísí poiblí. Cuireann Alt 26, 27, 28 agus 29 dualgais ar chomhlachtaí poiblí a gcuid seirbhísí agus eolais a chur ar fáil do dhaoine fé mhíchumas. Ní mór do na hÚdaráis Áitiúla tionchar a gcuid seirbhísí ar dhaoine fé mhíchumas a mheas fén Acht. Is féidir sin a dhéanamh

1. Teacht ar Sheirbhísí Custaiméara Ardchaighdeán
2. Slí isteach go Foirgnimh
3. Teacht ar sheirbhísí via Teicneolaíocht Faisnéise agus Cumarsáide

### The Disability Act 2005

The Disability Act 2005 is a positive action measure, which provides a statutory basis for accessible public services. Sections 26, 27, 28 and 29 of the Act place obligations on public bodies to make their services and information accessible to people with disabilities. Under the National Disability Act 2005 Local Authorities must consider how the services they provide impact on people with disabilities.

The impact of these services can be evaluated as follows:

1. Access to Quality Customer Services.
2. Access to services delivered via Information and Communication Technology.
3. Access to the Built Environment.

### Acht um Míchumas 2005 - Conas gearán a dhéanamh

Tugann Alt 38 den Acht um Míchumas 2005 seans do dhaoine gearán scríofa a dhéanamh le Ceannasaí na nÚdarás Áitiúil i gCiarraí sa chás gur theip ar na hÚdaráis sin cloí le na hAilt san Acht sin a bhaineann leo, sé sin 25,26,27,28 agus 29.

Tá oifigeach fiosrúchán ainmnithe ag Údaráis Áitiúla Chiarraí chun déileáil le gearáin ón bpobal maidir le hAcht um Míchumas 2005 a chur chun cinn. Tá an cur chuige seo leanas curtha le chéile ag Údaráis Áitiúla Chiarraí chun glacadh le gearáin fén Acht agus chun iad a fhiosrú.

## **Disability Act 2005 - Complaints Procedure**

Section 38 of the Disability Act 2005 enables any person to make a complaint in writing to the Head of Kerry Local Authorities in relation to the failure of Kerry Local Authorities to comply with Sections of the Act that refer to Local Authorities (25, 26, 27, 28 or 29).

For the purposes of handling such complaints, Kerry Local Authorities have delegated an Inquiry Officer to receive, and to refer complaints from the public with regard to the implementation of the Disability Act 2005. The following procedures have been developed by Kerry Local Authorities to receive and investigate complaints made under the Act.

## **Cur chuige gearáin fé Acht um Mhíchumas d'Údarás Áitiúil Chiarraí**

Ní mór gach gearán fé Alt 38 a chur i scríbhinn go dtí Oifigeach Fiosrúchán Chomhairle Contae Chiarraí. Sa chás nach cloíonn Údarás Áitiúla Chiarraí le hAilt 25, 26, 27, 28 & 29 den Acht, is é an tOifigeach Fiosrúchán a freagróidh aon ghearán a dheintear i scríbhinn.

Tá foirm ghearáin ar fáil don bpobal mar aon le seicliosta den eolas a bheidh á lorg ag an Oifigeach Fiosrúchán chun gearán a fhiosrú agus freagra a eisiúint ina thaobh. Má tá a thuilleadh cúnaimh uait teir i dteagmháil leis an Oifigeach Fiosrúchán:

Sheila Broderick

Oifigeach Fiosrúchán Acht um Míchumas

Seirbhísí Corparáideacha

Comhairle Contae Chiarraí

Áras an Chontae

Trá Lí

Co Chiarraí

066 7183925

[customerservices@kerrycoco.ie](mailto:customerservices@kerrycoco.ie)

## **Kerry Local Authorities Disability Act Complaints procedure**

All complaints under Section 38 are to be made in writing and forwarded to the inquiry officer of Kerry County Council. The Inquiry Officer has responsibility to respond to all complaints made in writing in relation to the failure of Kerry Local Authorities to comply with Sections 25, 26, 27, 28 & 29 of the Act.

To assist the public in making a complaint a standard complaint form has been prepared together with a useful checklist of the information that is needed to assist the inquiry officer with investigating and responding to complaints.

Further assistance is available by contacting the Inquiry Officer :

Sheila Broderick

Disability Act Inquiry Officer

Corporate Affairs Department

Kerry County Council

County Buildings

Rathass

Tralee

Co. Kerry

066 7183925

[customerservices@kerrycoco.ie](mailto:customerservices@kerrycoco.ie)

## Conas gearán a dhéanamh fé Alt 38 d'Acht um Míchumas 2005

1. Ní mór gach gearán a chur i scríbhinn go dtí:  
Oifigeach Fiosrúchán Acht um Míchumas, Comhairle Contae Chiarraí,  
Áras an Chontae, Ráth Teas, Trá Lí, Co. Chiarraí
2. Ní mór an t-eolas seo leanas a chur san áireamh
  - a. Ainm, seoladh, uimhir fóin agus seoladh ríomhphoist.
  - b. Cad á bhí á lorg agat?
    - i. Teacht ar sheirbhísí
    - ii. Teacht ar eolas
    - iii. Slí isteach go foirgnimh nó áit phoiblí
  - c. An duit féinigh nó duine éigin eile a bhí seo á lorg agat?
  - d. Cén roinn/láthair d'Údaráis Áitiúla Chiarraí a raibh tú ag plé le?
  - e. Cén duine go raibh tú ag plé le, agus cathain? (Ainm & Dáta)
  - f. Cad go díreach a bhí á lorg agat? Sonraigh.
  - g. Cén fáth nach raibh teacht agatsa, nó ag an duine arna bhfuil tú ag gearán, ar an seirbhís, eolas, foirgneamh nó áit phoiblí?
  - h. Cén freagra a thug an duine (daoine) go raibh tú ag plé leo?
  - i. Ar tugadh aon ghealltanais duit go mbeadh teacht agat ar an seirbhís, eolas, foirgneamh nó áit phoiblí amach anseo? Sonraigh.
  - j. Cén fáth nach bhfuil tú sásta leis an bhfreagra nó gealltanais?
3. Tabharfar admháil ar gach gearán fé Alt 38 d'Acht um Míchumas 2005 laistigh de 5 lá oibre.
4. Tabharfar freagra ar an ngearán laistigh de 21 lá oibre – má thógann sé níos faide deirféar sin leis an ngearánaí, nó an duine atá ag feidhmiú ar a shon.
5. Deimhneoidh an freagra an bhfuil an gearán bailí nó nach bhfuil, cad a dhéanfaidh na hÚdaráis Áitiúla Chiarraí chun an gearán a chur ina cheart agus cathain a dhéanfaí sin.
6. Mura bhfuil tú sásta leis an bhfreagra sin is féidir do ghearán a chur ar aghaidh go dtí an tOifigeach Rochtana an t-Uasal Gearóid Ó Briain.
7. Tabharfar admháil ar iarratas chun Athbhreithniú Inmheánach a dhéanamh laistigh de 3 lá oibre. Tabharfar freagra laistigh de 14 lá oibre, tráth a dhéanfaidh an tOifigeach Rochtana an ghearán a scrúdú ó nua. Deimhneoidh an freagra an bhfuil an gearán bailí nó nach bhfuil, cad a dhéanfaidh na hÚdaráis Áitiúla Chiarraí chun an gearán a chur ina cheart agus cathain a dhéanfaí sin.
8. Níl aon chostas le gearán a dhéanamh fén Acht um Míchumas 2005.
9. Mura bhfuil tú sásta leis an bhfreagra deireanach is féidir teagmháil a dhéanamh leis Oifig Fhear an Phobail, 18 Sráid Líosain Íochtarach, Baile Átha Cliath 2. Fón (01) 678 5222. Facs (01) 661 0570.

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

1. All complaints to be submitted in writing to :  
Disability Act Inquiry Officer, Kerry County Council, Áras an Chontae,  
Rathass, Tralee, Co. Kerry.
2. Complaint should include the following information:
  - a. Name, address, contact telephone number and e-mail address
  - b. Whether you were looking for
    1. Access to a service
    2. Access to a public building or public place
    3. Access to information
  - c. Whether you were seeking access for yourself or on behalf of someone else?
  - d. What location/ department of Kerry Local Authorities did you deal with?
  - e. When and with whom did you meet? Date / staff name.
  - f. What were you looking for? Details
  - g. How and why was the service/ information / public place or building inaccessible to you or the person you are complaining on behalf for?
  - h. What was the response of the person(s) you were dealing with?
  - i. Were any commitments made to you that the service, information, public building or public place would be made accessible in a future date? Details
  - j. Why are you dissatisfied with the response / commitments?
3. All written complaints under Section. 38 of the Disability Act will be acknowledged within 5 working days
4. Response to issue within 21 working days – advise complainant or person acting on behalf of that person if it will take longer.
5. The response will confirm that there is or isn't a valid complaint, what Kerry Local Authorities propose to do to rectify the situation and within what timeframe.
6. If not satisfied with the response your complaint can be forwarded for an Internal review to Mr. Gerard O'Brien, Access Officer
7. Receipt of request for Internal Review to be acknowledged within 3 working days Response to issue within 14 working days during which the Access officer will examine the complaint afresh. The response will confirm that there is or isn't a valid complaint, what Kerry Local Authorities propose to do to rectify the situation and within what timeframe.
8. There are no fees involved in making a complaint with regard to the Disability Act 2005.
9. If you are not satisfied with our final response, you can contact the:  
Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2.  
Tel (01) 678 5222 Fax (01) 661 0570