

Disability Act 2005 Complaints Procedure

(Section 38 and Section 39 Complaints)

1. Purpose

This procedure sets out how complaints made under Sections 38 and 39 of the Disability Act 2005 will be received, investigated and determined by Vhi.

The organisation is committed to ensuring that its services are accessible to people with disabilities and that complaints are addressed promptly, fairly and independently.

2. Scope

This procedure applies to complaints alleging that the organisation has failed to comply with one or more of the following provisions of the Disability Act 2005:

- Section 25: Access to public buildings
- Section 26: Access to services and assistance from an Access Officer
- Section 27: Accessibility of services supplied to a public body
- Section 28: Access to information and communications

3. Who May Make a Complaint?

A complaint may be made by:

- A person with a disability.
- A spouse, parent, guardian, relative or other person acting on behalf of a person with a disability.
- A legal representative.
- A Personal Advocate appointed through the Citizens Information Board.

4. How to Make a Complaint

Complaints should:

- Be made in writing.
- Clearly state the nature of the complaint.
- Identify the provision of the Disability Act involved (if known).
- Include relevant dates and details.
- Be submitted within a reasonable period of the incident giving rise to the complaint.

Complaints may be submitted by email or post:

Alternative formats and assistance in making a complaint will be made available upon request.

5. Acknowledgement of Complaints

The Inquiry Officer will acknowledge receipt of a complaint within **5 working days** and advise the complainant of:

- The expected process.
- The likely timeframe for completion of the investigation.

6. Appointment of an Inquiry Officer

In accordance with Section 39 of the Disability Act 2005, the Head of the organisation has appointed an Inquiry Officer to investigate complaints.

The Inquiry Officer shall act independently in carrying out their functions.

7. Investigation Process

Upon receipt of the complaint, the Inquiry Officer will:

1. Review the complaint.
2. Determine whether the complaint falls within the scope of Section 38.
3. Decide whether the complaint is frivolous or vexatious.
4. Gather relevant information and documentation.
5. Interview relevant persons where necessary.
6. Consider all evidence presented.
7. Conduct the investigation in private.

If the complaint is considered frivolous or vexatious, the complainant will be informed in writing and the reasons explained.

8. Investigation Report

Following completion of the investigation, the Inquiry Officer will prepare a written report which shall include:

- The facts established during the investigation.
- Findings of the Inquiry Officer.
- A determination as to whether the organisation failed to comply with the relevant provisions of the Disability Act.
- Recommendations and corrective actions required, where applicable.

A copy of the report will be provided to:

- The Head of the organisation.
- The complainant.

This reflects the requirements of Section 39(5) and 39(6) of the Disability Act 2005.

9. Timeframes

The organisation aims to:

- Acknowledge complaints within 5 working days.
- Complete investigations within 30 working days where reasonably practicable.
- Notify complainants if additional time is required.

10. Implementation of Findings

Where a complaint is upheld, the organisation will:

- Implement any corrective actions identified.
- Take steps to remedy non-compliance.
- Monitor implementation of any recommendations.

11. Review by the Ombudsman

If a complainant is dissatisfied with the outcome of the investigation, they may refer the matter to the Office of the Ombudsman in accordance with Section 40 of the Disability Act 2005 and the Ombudsman Act 1980.

12. Accessibility

This procedure will be made available in accessible formats upon request, including:

- Large print
- Electronic format
- Plain English version
- Other formats as reasonably required

13. Publication

This procedure shall be published on the organisation's website and made available upon request, in accordance with Section 39(2) of the Disability Act 2005.