



An tOmbudsman Seirbhísí
Airgeadais agus Pinsean

Financial Services and
Pensions Ombudsman

Financial Services and Pensions Ombudsman

Complaints Handling Procedure

Disability Act 2005



Introduction

Section 38 of the Disability Act 2005 (the “Disability Act”) sets out that a complaint may be made in writing to the head of a public body in relation to a failure by the body to comply with Section 25, 26, 27, 28 or 29 of the Disability Act.

The FSPO’s Complaints Handling Procedure (the “Procedure”), sets out how the FSPO manages such complaints, in accordance with Section 39(2) of the Disability Act.

1. Who can make a complaint:

A complaint may be made by a person who is of the opinion that he or she may have a disability **or** through another person such as:

- 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 guardian or a person acting in loco parentis;
- a legal representative;
- a personal advocate assigned by Comhairle to represent that person.

2. How to make a complaint:

A person may make a complaint to the FSPO for its alleged failure to comply with Sections 25 to 28 of the Disability Act 2005. A complaint should be made in writing.

Complaints can be made to the FSPO by e-mail or by post to:

The Inquiry Officer

Complaint under the Disability Act 2005
Financial Services and Pensions Ombudsman
Lincoln House
Lincoln Place
Dublin 2
D02 VH29
Email: info@fspoi.ie
Website: www.fspoi.ie

If you require assistance in making a complaint, the FSPO’s Access Officer may be contacted by telephone at 01 567 7000 or by email at access@fspoi.ie.

3. What information is required?

The following information should be included as part of the complaint submission:

- Full name and contact details of the person making the complaint.
- The complaint should state that it is a complaint made under Section 38 of the Disability Act.
- In so far as is possible, full and comprehensive details relating to the complaint, and the circumstances giving rise to the complaint.

Should you have any queries with regards to the complaint submission process, please contact the FSPO's Access Officer at 01 567 7000 or by email at access@fspo.ie.

4. Who will deal with the complaint?

Pursuant to Section 39(1) of the Disability Act, the FSPO has authorised an Inquiry Officer to manage complaints received under Section 38 of the Disability Act. In conducting this role, the FSPO's Inquiry Officer shall be independent in the performance of the function.

5. What is the role of the Inquiry Officer?

On receipt of a complaint, the Inquiry Officer will be assigned to the complaint.

- The Inquiry Officer will issue an acknowledgment to the person who has made the complaint.
- The Inquiry Officer will then commence a review to establish if the complaint relates to an alleged failure by the FSPO to comply with Section 25, 26, 27, 28 or 29 of the Disability Act.
 - If the complaint is considered invalid¹, or if it is the opinion of the Inquiry Officer that the complaint is frivolous or vexatious, the Inquiry Officer will notify the person who made the complaint that the complaint has not been accepted for investigation and will give supporting reasons as to this outcome. In addition, and where relevant, advice in relation to an alternative avenue of redress will also be given.
 - If the complaint is valid, the Inquiry Officer will proceed to investigate the complaint.

As part of the investigation, the Inquiry Officer will maintain written records and may:

¹ A complaint will be considered invalid if it does not relate to matters covered by Section 25 to 29 of the Disability Act.

- Request additional information and/or details from the person who made the complaint and may seek such information and/or details to be furnished within a specified time.
- Consult with all relevant parties, including liaising with relevant units within the FSPO, seeking documentation and information, as necessary.
- Seek to interview all relevant parties, including the person who made the complaint.

On completion of the investigation, the Inquiry Officer will:

- Prepare a written report detailing the outcome of the investigation and the findings as to whether there has been a failure by the FSPO to comply with the relevant provision(s) of the Disability Act.
 - If the Inquiry Officer determines that there has been a failure by the FSPO to comply with the Disability Act, the report will set out the steps required to be taken by the FSPO to comply with the relevant provision(s) of the Disability Act.
- Furnish a copy of the written report to the person who has made the complaint, as well as to the Financial Services and Pensions Ombudsman, as head of the FSPO.
- The provision of the written report to the person who made the complaint, and to the Financial Services and Pensions Ombudsman, concludes the investigation of the complaint by the Inquiry Officer.

6. Can the outcome of the investigation be appealed?

Yes. The outcome of the investigation may be appealed to the Office of the Ombudsman. At the conclusion of the investigation process, the person who has made the complaint will be advised of the right of appeal to the Office of the Ombudsman.

Office of the Ombudsman

6 Earlsfort Terrace

Dublin 2

D02 W773

Phone: 01 639 5600

Email: info@ombudsman.ie

Website: www.ombudsman.ie



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