

Access Officer Guidance for Public Bodies

**Table of Contents**

[Why are Access Officers important? 3](#_Toc194911350)

[Access Officer Roles and Responsibilities 3](#_Toc194911351)

[NDA Monitoring of Access Officers 7](#_Toc194911352)

[Complaints under Section 39 8](#_Toc194911353)

# Why are Access Officers important?

Access Officers promote equality and social inclusion by making sure that persons with disabilities can access public services. This is an important part of creating a society where everyone is treated with dignity, has access to human rights and does not suffer from discrimination.

The role of Access Officers is vital to protecting rights, and for this reason is set out in a law. Part 3 of the Disability Act requires all public bodies to have an Access Officer. The Disability Act (2005) says that:

26 (2) Each head of a public body referred to in subsection (1) shall authorise at least one of his or her officers (referred to in this Act as “access officers”) to provide or arrange for and co-ordinate the provision of assistance and guidance to persons with disabilities in accessing its services.[[1]](#footnote-1)

# Access Officer Roles and Responsibilities

The core role of an Access Officer is to provide or coordinate assistance and guidance for persons with disabilities so they can access the services and information provided by a public body.

The Disability Act 2005 defines disability as, “in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment.”[[2]](#footnote-2)

The definition of a public body is also defined in the Disability Act 2005 and it can include, a Department of State, the Office of the President, the Office of the Attorney General, the Office of the Comptroller and Auditor General, the Office of the Houses of the Oireachtas, a local authority, the Executive or a person or organisation set up by moneys provided by a Minister of the Government or shares held by or on behalf of a Minister of the Government.[[3]](#footnote-3)

Guided by the aim of providing access to services, there are a number of considerations to make sure that the Access Officer in your organisation is as effective as possible. The following list provides some guidance for public bodies regarding the role and allocation of Access Officers.

## Allocation: Has at least one person been nominated as the designated Access Officer?

At least one person must be designated as an Access Officer per public body. The role of an Access Officer is different to the role of the Disability Liaison Officer (DLO). [[4]](#footnote-4)

Depending on the size of the public body or whether it encompasses a number of sites, the public body should have a number of Access Officers in place. Members of the public must be able to contact a set person who can help them if needed. Information must therefore also be provided detailing how this person should be contacted through both written and spoken means.

Different members of staff may assist with access to services as required, it might therefore be useful for an organisation to appoint an Access Team to coordinate different functions to improve accessibility of the building, services and information (for example some public bodies appoint different Access Officers to help persons with disabilities to access their services, building, and information).

The NDA has [information](https://nda.ie/publications/access-officer-guidance-for-public-bodies) on its website that will assist public bodies with requirements under the Act with respect to Access Officers and the considerations which they need to be aware of when determining the appointment of an Access Officer or Access Team.

## Promotion: Is it easy for the public to find out about your Access Officer?

The public should be able to easily identify that your public body has an Access Officer, and they should be able to easily access and use the contact details.

If a person needs assistance to access a service, they may also struggle to navigate large volumes of information online. Public bodies should make sure the information about the Access Officer, including their contact details, is easy to access and use. This can be achieved by providing links on a website homepage or hanging posters in public-facing offices. Providing information about Access Officers in areas that are not easily found or accessed is a barrier to those seeking assistance and may decrease the number of people that are helped by Access Officers.

Under the new [Web Accessibility Directive](https://universaldesign.ie/technology-ict/web-and-mobile-app-accessibility/accessibility-statement1/#mustcontain), public body websites must include an Accessibility Statement which contains a description of, and a link to, a feedback mechanism. This enables any person to notify the public sector body concerned of any failure of its website or mobile application to comply with the accessibility requirements set out in S.I. No. 358/2020.[[5]](#footnote-5)

## Contactability: Is it easy for the public to contact the Access Officer?

Contact details for alternative channels for contacting the Access Officer should be made available. It’s important to consider the communication needs of persons with different types of disabilities when considering how they might contact the Access Officer. Spoken contact could include via phone. Written contact could include via letter, email or online contact forms. Details of the alternative contact channels should be clear and easy for the public to access and use.

If there is more than one Access Officer for the public body, it is important to make clear who is the main contact for access needs. If a member of the public lack’s digital skills, has literacy difficulties or has information literacy difficulties, then navigating multi-layered links could be difficult for them. They might find it difficult to navigate through different contact areas in an organisation or figure out which area their question falls into. By identifying a main Access Officer who can review and direct queries appropriately, the initial contact is made easier for the member of the public.

## Workload Capacity and Availability: Does the Access Officer have enough time to do the Access Officer role when needed?

Access Officers should be able to help people with access needs within a reasonable amount of time. Consider whether the person undertaking the role has enough flexibility in their daily work to manage ad hoc requests for assistance. If the public body is large, consider whether more than one Access Officer is needed to manage the expected number of requests for assistance.

The public body also needs to consider what happens when an Access Officer is on annual or sick leave. Is another staff appointed to the role to cover during this period of leave.

## Skills: Does the Access Officer have the training, knowledge and skills to do the role?

Access Officers should have sufficient knowledge and skills to assist persons with a range of disabilities or to quickly find solutions based on an understanding of people’s needs. It is advisable that the Access Officer undertakes disability equality training to help with understanding needs and communicating appropriately in relation to various disabilities. The organisation may develop procedures for the Access Officer to follow so as to provide quick access to knowledge about how to provide and source different types of assistance.

Access Officers should be clear about what types of access can be provided, and what is required by law. Knowledge about common access needs will mean that those requesting help receive it promptly. Knowledge of other legal requirements will also promote smooth service delivery, such as understanding the requirements of public bodies under the Irish Sign Language Act.

Access Officers should refer members of the public to the correct officer if they wish to make a complaint about the Access Officer or their failure to help access the service. The right to make a complaint is set out in the Disability Act and is undertaken by a person called the Inquiry Officer.[[6]](#footnote-6) See further information below on Making a Complaint under Section 39.

## Resources: Are there enough resources or funding available to the Access Officer to provide the assistance that might be needed?

Some kinds of assistance to access services may require funds (such as hiring interpreters), while other types of needs may mean that service processes take longer or require support. Public bodies can provide the most effective service when adequate funding and resources are made available to their Access Officers.

## Strategy: Is there a system in place that enables the Access Officer to raise issues and provide updates at higher levels of the organisation?

After performing the role for some time, Access Officers will hold important information about how many access queries there are, of what type, and how these were resolved. A process whereby Access Officers can report access needs and systemic issues to senior management should be put in place. This would support business efficiency and planning and promote efficient use of the Access Officer’s time. It may also be useful for Access Officers from different organisations to meet and discuss shared learnings, common issues, best practices etc.

Access Officers may come across accessibility barriers in the organisation that require addressing. In some cases, small adjustments to business-as-usual may reduce the demand for Access Officer assistance.

# NDA Monitoring of Access Officers

The requirements of the Access Officer role are listed in the “Code of Practice on Accessibility of Public Services and Information provided by Public Bodies,”[[7]](#footnote-7) which explains what is needed to be considered compliant with the law on Access Officers (the Disability Act 2005).

The NDA monitors the implementation of Codes of Practice as part of its statutory duties under the National Disability Authority (NDA) Act 1999.

When the NDA considers whether public bodies are compliant with the Code of Practice for Access Officers, this focuses on whether public bodies have carried out the list of functions covered in the Code of Practice. These functions include:

* Considering the skills necessary for the role of Access Officer.
* Considering how many Officers are required in relation to the services provided by the body (the Act requires at least one officer).
* Authorising at least one Officer to fulfil the role of Access Officer as defined in the Act.
* Ensuring that this Officer is adequately trained and appraised of duties and responsibilities. It is important that training adequately equips the Access Officer to both:

(a) understand the barriers or potential barriers to the provision of inclusive services and information in the setting for which he or she is appointed, and

(b) devise and drive or support the implementation of strategies to address these matters where practicable and appropriate.

* Ensuring that this Officer can be made readily available to persons with disabilities wishing to access services provided by the public body and to staff requiring their advice and support.
* Ensuring that this Officer has regular contact with senior management and that he or she is adequately resourced and supported in his or her role.

Promoting the appointment and availability of Access Officer(s) and how they may be contacted, so that the general public is made aware of them and knows how to avail of their assistance.

# Complaints under Section 39

**Making a complaint to the Inquiry Officer**

The role of the Inquiry Officer is to undertake an investigation into any complaints about non-compliance with Sections 25-29 of the Disability Act.[[8]](#footnote-8) Investigations by the Inquiry Officer will be conducted in private, in accordance with Section 39 of the Act.

When a complaint is referred to an inquiry officer, they shall investigate the complaint and prepare a report in writing of his or her investigation and furnish a copy of it to the head of the public body concerned and to the person who made the complaint.

Details on how to contact the Inquiry Officer should be made available by the public body.

**Making a complaint to the Ombudsman**

In accordance with [Section 40 Application of Ombudsman Act 1980](https://www.irishstatutebook.ie/eli/2005/act/14/section/40/enacted/en/html#sec40), if a complainant is not satisfied with how the Inquiry Officer (IO) handled their complaint, they can request that the Office of the Ombudsman look into the IO’s decision. More information about role of the Office of the Ombudsman is available at the following link: <https://www.ombudsman.ie/en/publication/ec72f-the-disability-act/>

To make a complaint to the Ombudsman:

1. use their [dedicated online complaint form](https://ombudsman.ie/en/form/561f0-make-a-complaint-under-the-disability-act/)
2. write to The Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773
3. phone (01) 639 5600
4. email complaints@ombudsman.ie
5. [in person at their office in Dublin](https://ombudsman.ie/en/collection/87fd5-contact/)
6. attend their [Complaints Clinics](https://ombudsman.ie/en/organisation-information/32af6-outreach-services/).

To ensure that complaints are handled appropriately, clearly state that “I wish to make a complaint under the Disability Act about ...”

1. [Disability Act 2005. Part 3, Section 26(2)](https://www.irishstatutebook.ie/eli/2005/act/14/section/26/enacted/en/html#sec26) [↑](#footnote-ref-1)
2. [Disability Act 2005. Part 1, Section 2(1)](https://www.irishstatutebook.ie/eli/2005/act/14/section/2/enacted/en/html#sec2)  [↑](#footnote-ref-2)
3. [Disability Act 2005. Part 1, Section 2(1)](https://www.irishstatutebook.ie/eli/2005/act/14/section/2/enacted/en/html#sec2)  [↑](#footnote-ref-3)
4. The DLO is responsible for making contact and welcoming new employees with disabilities and providing reasonable accommodation within four weeks of receiving a request ([Code of Practice for the Employment of People with a Disability in the Irish Civil Service](https://prod-g2g-assets.s3.amazonaws.com/documents/Code-of-Practice-for-the-Employment-of-People-with-a-Disability-in-the-Irish-Civil-Ser.pdf)) [↑](#footnote-ref-4)
5. [European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020](https://www.irishstatutebook.ie/eli/2020/si/358/made/en/print). [↑](#footnote-ref-5)
6. [Section 38](https://www.irishstatutebook.ie/eli/2005/act/14/section/38/enacted/en/html#sec38) and [Section 39](https://www.irishstatutebook.ie/eli/2005/act/14/section/39/enacted/en/html) of the Disability Act 2005 [↑](#footnote-ref-6)
7. NDA, [Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies](https://nda.ie/uploads/publications/Code-of-Practice-on-Accessibility-of-Public-Services-and-Information-Provided-by-Public-Bodies.pdf) [↑](#footnote-ref-7)
8. [Section 38](https://www.irishstatutebook.ie/eli/2005/act/14/section/38/enacted/en/html#sec38) of the Disability Act 2005 [↑](#footnote-ref-8)