



**An Rialálaí  
Carthanas**

**Charities  
Regulator**

## **Public Statement Policy**

<b>Division</b>	<b>Stakeholder Engagement</b>
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## 1.0 Background – Who we are

The Charities Regulator was established as an **independent** Authority on a statutory basis in October 2014 in accordance with the 2009 Charities Act. The Charities Regulator is responsible for the registration and regulation of all charities that carry out activities in the Republic of Ireland.

### Our mission:

'To regulate the charity sector in the public interest so as to ensure compliance with the law and support best practice in the governance, management and administration of charities'.

### Our Values:



### Our Functions:

- Increase public trust and confidence in the management and administration of charitable trusts and charitable organisations.
- Promote compliance by charity trustees with their duties in the control and management of charitable trusts and charitable organisations.
- Promote the effective use of the property of charitable trusts or charitable organisations.
- Ensure the accountability of charitable organisations to donors and beneficiaries of charitable gifts, and the public.



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- Promote understanding of the requirement that charitable purposes confer a public benefit.
- Establish and maintain a register of charitable organisations.
- Ensure and monitor compliance by charitable organisations with the Charities Act 2009
- Carry out investigations in accordance with this Charities Act 2009.
- Encourage and facilitate the better administration and management of charitable organisations by the provision of information or advice, including in particular by way of issuing (or, as it considers appropriate, approving) guidelines, codes of conduct, and model constitutional documents.
- Carry on such activities or publish such information (including statistical information) concerning charitable organisations and charitable trusts as it considers appropriate.
- Provide information (including statistical information) or advice, or make proposals, to the Minister on matters relating to the functions of the Regulator.

## **2.0 Introduction**

A key function of the Charities Regulator is to increase public trust and confidence in the management and administration of charities and ensure the accountability of charitable organisations to donors, beneficiaries and the public. The core values of the Charities Regulator are independence, fairness, openness, learning, engagement and proportionality. The purpose of this policy is to set out the Authority approach to making public statements in relation to our regulatory activity.

## **3.0 Scope**

This policy sets out our external communications approach in respect of our regulatory work programme.

## **4.0 Types of Regulatory Activity**

The Charities regulator carries out different levels of regulatory activity (figure 1) to ensure and monitor compliance with the Charities Act (the Act). All regulatory activity is based on and proportionate to any assessed risk of non-compliance.



**Figure 1 – Types of Regulatory Activity**

<b>Activity</b>	<b>Purpose</b>
<b>Pre-investigation work</b>	
<b>Inquiry/case work</b>	<ul style="list-style-type: none"> <li>• Receiving concerns from the public/interested parties</li> <li>• Notifications from Charities</li> <li>• Gathering evidence to test the veracity of allegations received through the concerns process.</li> <li>• Gathering evidence to determine if the charity is compliant with the Act.</li> </ul>
<b>Section 68 examination</b>	<ul style="list-style-type: none"> <li>• Gathering evidence to determine whether an inspector should be appointed to conduct an investigation into the affairs of the charitable organisation.</li> </ul>
<b>Activity</b>	
<b>Statutory investigation work</b>	
<b>Section 64 Investigation</b>	<ul style="list-style-type: none"> <li>• To investigate the affairs of a charitable organisation and prepare a report thereon.</li> </ul>

## **5.0 Statements on pre-investigation activity**

The Charities Regulator does not routinely publish statements about its pre-investigation activity in relation to any specific charity. However, it may decide that releasing a statement would:

- be in the public interest
- increase public trust and confidence in charities



For example, where:

- there is significant public interest, and/or media coverage of a charity or the Charities Regulator's regulatory engagement with the charity is on a particular issue of public importance
- the Charities Regulator wants to clarify certain matters or to respond publicly to certain issues raised
- it is made public that an individual connected with a charity has been convicted of an offence relating to a Charities Regulator case
- where the Charities Regulator considers that a case raises issues that may pose a risk to other charities or the donating public (in some such instances, it may also publish a general alert)

## **6.0 Statements on its Statutory investigation work**

In the public interest, the Charities Regulator generally will release a public statement whenever it opens a statutory investigation into a charity.

The Charities Regulator won't release a statement if it considers that this would not be in the public interest, or if the charity's trustees are not aware that an investigation is being opened.

It may also decide not to release a statement if this would:

- interfere with or prejudice legal proceedings, due process or the effective outcome of the Charities Regulator's investigation or the operations or investigations of other state Authorities/Agencies
- be acutely detrimental to a particular individual or group of individuals, for example a risk to someone's personal safety
- unduly impact commercial sensitivities or give rise to national security issues
- cause severe prejudice to the charity and/or its beneficiaries
- prejudice or contravene the Charities Regulator's legal duties



The Charities Regulator will usually publish the Investigation report on completion of any investigation unless the publication of same could interfere with or prejudice legal proceedings, due process or the effective outcome of any potential court action.

### 7.0 Response to enquiries about ongoing regulatory activity

The Charities Regulator often receives enquiries from the media about its engagement with charities on regulatory issues.

The Charities Regulator’s engagement team deals with these enquiries.

The Charities Regulator will generally not comment on its regulatory work (outside of approved public statements) or provide updates or details about investigations as to do so may prejudice due process and the outcome of its regulatory work.

### 8.0 Policy Review

This Policy will be reviewed regularly by the Head of Stakeholder Engagement in light of any legislative or other relevant indicators and in any case by its stated review date.

### 9.0 Staff Training

The Charities Regulator will empower staff and train them to know, understand and act on behalf of the Charities Regulator in accordance with this policy.

### 10.0 Revision History

Revision Number	Review Date	Reason for update
000	23 February 2017	Policy approved at Meeting 2 of the Board of the Authority 2017