



An Rialálaí
Carthanas
Charities
Regulator

Complaints Policy

Updated
October
2021

Complaints Policy

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 Charities Act 2009. 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;
- 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 the 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; and
- Provide information (including statistical information) or advice, or make proposals, to the Minister on matters relating to the functions of the Charities Regulator.

2.0 Statement of Policy

In keeping with the Charities Regulator Public Service Charter, we welcome comments, suggestions and complaints about our performance and conduct in the discharge of our statutory duties and responsibilities. This feedback may come from the general public, charities, service providers and statutory agencies. The Charities Regulator welcomes all feedback and regards complaints as opportunities to review practices, procedures and identify areas for improvement.

The Charities Regulator acknowledges that both the complainant and the Charities Regulator as a service provider have an equal voice and are of equal importance in our complaints process. The emphasis will be on a positive resolution of complaints at a local level where possible.

The Complaints policy deals with complaints from members of the public and other stakeholders about the performance of the Charities Regulator. This is distinct from the Regulator's Concerns Policy which deals with concerns raised about individual charitable organisations.

The Charities Regulator is committed to a complaints process that operates in the spirit of natural justice and is fair, transparent, not prejudiced and impartial.

The Charities Regulator is committed to safeguarding the rights of complainants and the Charities Regulator staff in an impartial investigation of the complaint and no parties to the complaint will be prejudiced in any future dealings with the Charities Regulator.

To ensure the effective management of any complaint received, the Charities Regulator has appointed a dedicated member of staff to handle complaints raised related to the Charities Regulator.

The Charities Regulator is committed to resolving complaints in an effective and timely manner, and uses an early resolution approach to complaints wherever possible. When addressing your complaint, we will keep you informed of how we are doing with your complaint within the timeframes stated below.

We will acknowledge any mistakes, provide an explanation, and put matters right whenever possible. We also aim to learn from our mistakes and use the information we gain to improve our services.

All the Charities Regulator staff are required to conduct the business of the Charities Regulator in accordance with set policies and procedures. Staff must act at all times in accordance with the Charities Regulator's Code of Conduct for its staff.

3.0 Scope

3.1 What is a complaint?

A complaint is an expression of dissatisfaction by one or more members of the public about an organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation.

3.2 Who can complain?

Anyone directly affected by the way in which the Charities Regulator has carried out its functions, or anyone acting directly on such a person's behalf, may make a complaint under this policy and procedure for the management and handling of complaints about the Charities Regulator. Anonymous complaints will not normally be investigated, as there is always the possibility that they are vexatious or malicious and the anonymity of the complainant would not enable the principle of natural justice and procedural fairness to be upheld. In certain circumstances the Charities Regulator may initiate an investigation where there is a serious risk identified or where there is sufficient information provided to enable a thorough investigation to be conducted.

3.3 What can you complain about?

You can complain about the way we do our business, something we have done or should have done or how we have treated you.

We are unable to accept complaints relating to matters listed below. These are all dealt with under separate policies and procedures:

- Third party concerns about the contents of reports;
- Representations/submissions made by a charity in respect of any judgements related to regulatory activity;
- General issues or concerns from a group of service providers or their representative body;
- Matters relating to employee relations in charity services;
- Data subject requests made under the EU General Data Protection Regulation, 2016/679 (GDPR), the Data Protection Act 2018 or the Freedom of Information Act 2014;
- Any matter actively under investigation by the Office of the Ombudsman;
- Any matter which is the subject of proposed or ongoing independent inquiry or legal proceedings; or
- A complaint or feedback which is considered to be vexatious or frivolous.

4.0 How to make a complaint

We always like to resolve issues as quickly as possible to everyone's satisfaction. We would recommend that, where possible, you talk to your contact at the Charities Regulator in the first instance to see if your complaint can be resolved locally.

If this is not possible, then you can complain to us by:

- Telephone (01-211 8600) and ask to speak to the Complaints Officer
- Sending an email to: complaints@charitiesregulator.ie
- Sending a letter to:

Complaints Officer

Charities Regulator

3 George's Dock

IFSC

Dublin 1

D01 X5X0

Please mark all correspondence 'Strictly private and confidential'

When making a complaint please remember to provide your name, address and contact phone number (and email if possible) and advise if you are acting on behalf of someone else. Briefly describe your complaint, providing dates and times where possible, tell us what your concern is and what you hope to achieve (for example receive an apology). Please let us know your preferred method of communication.

A complaint should be made as soon as possible after the action giving rise to it, this is normally within six months of the event. However, in exceptional circumstances, if a complainant can demonstrate that they only became aware of the circumstances relating to the complaint up to nine months after the event, the CEO, if he/she deems it to be in the public interest to do so, can extend this time limit to a period not exceeding 14 months.

All complaints will be handled in the strictest of confidence.

A complainant has a right to appoint an advocate to assist them in making their complaint and to support them during the complaint process. If you need such assistance, we will try to put you in contact with, for example, advocacy or support services who may be able to assist you.

5.0 The complaints process

We aim to resolve the majority of complaints received through an early resolution process. We will acknowledge your complaint within five working days and tell you who will be dealing with it.

We may need to follow up with you to get further information to help with our enquiries or we may offer to meet with you to discuss your complaint.

Once we fully understand your complaint and how you would like to see it resolved, we will respond to you within 30 working days of your complaint being acknowledged (using your preferred method of communication).

We will tell you what we have done and how we reached our conclusions and, where appropriate, how we intend to resolve the issue for you. If there is a reason that we cannot resolve your complaint within this timeframe we will notify you of this and the reason for it.

If you are not satisfied that your complaint has been dealt with in line with this policy, you can appeal the decision of the Complaints Officer to one of our two Appeals Officers by emailing complaintsappeals@charitiesregulator.ie.

If we don't succeed in resolving your complaint, you can refer your complaint to the Office of the Ombudsman. The Ombudsman is fair, independent and free to use and can look into your complaint if you believe that you personally, or persons that you are acting on behalf of, have been treated unfairly or have been disadvantaged personally by our service failure. The best way to contact the Ombudsman is by:

- ***Clicking on the 'Make A Complaint' link at www.ombudsman.ie***
- ***Or writing to: Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773***
- ***Or calling the Ombudsman on +353 1 639 5600 if you have any queries or if you need help making your complaint.***

6.0 Recording and reporting of complaints

It is important to identify areas of learning from complaints so that we can improve performance and reduce the likelihood of any recurrence of the issues giving rise to the complaint. As a result, we keep a confidential record of all complaints received and we share the learning anonymously within the organisation.

The Complaints Officer reports to the Executive Management Team (EMT) and the Board of the Charities Regulator on a regular basis in relation to the management of complaints received.

7.0 Data Protection and Freedom of Information

All personal information received by the Charities Regulator in relation to a complaint shall be stored in accordance with the GDPR, the Data Protection Act 2018 and the Freedom of Information Act 2014.

8.0 Assistance for persons with disabilities

If, because of a difficulty, a person needs assistance raising a complaint with the Charities Regulator, he/she can contact our Complaints Officer who will try to assist them.

9.0 Policy Review

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

10.0 Staff Training

The Charities Regulator will empower staff and train them to deal with complaints as they arise with the aim of resolving issues as early as possible.

11.0 References

This policy has been informed by the Model Complaints System and Policy, issued by the Office of the Ombudsman.



Complaints Policy Rev 005
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www.charitiesregulator.ie
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