



MP Factsheet

Complaining about the Charity Commission

My constituent is unhappy with the way the Charity Commission has handled an issue. What can they do?

The Charity Commission values feedback on all aspects of our work and service delivery. If your constituent is unhappy about the way in which we've dealt with them, then they should contact us, setting out what they think has gone wrong and what they'd like us to do to rectify the problem.

We'll ensure that your constituent's complaint is handled without bias and that it's treated seriously. MPs can and do make complaints about our services on behalf of their constituents. If you wish to do this, please provide written confirmation that your constituent agrees to you acting for them. We ask for complaints to be raised within three months of the incident in question.

Information about how to complain is available on our website:
www.charitycommission.gov.uk/how-to-complain

How will the Charity Commission handle a complaint about the service my constituent has received?

If your constituent has a complaint about the service we have provided, we will always try to successfully resolve the complaint within the area of the Commission that dealt with the original case. The complaint will be looked into by someone in the relevant area of the Commission who hasn't been involved with the original case. They'll assess the complaint impartially and respond to your constituent within 20 working days, laying out their conclusions and the reasons behind their decision. We call this process 'Local Resolution'.

What if my constituent is still dissatisfied?

You or your constituent should reply to the Charity Commission, marking the correspondence for the attention of the Customer Service Team. This should be done within three months of the final response from the Local Resolution stage of the process.

Depending on the details of your complaint, our Customer Service Team – which is independent of all other areas of the Charity Commission – will treat it in one of two ways:

- A 'standard of service complaint' – this will apply if your constituent's complaint is about the level of service they've received from the Commission. Our handling of the original case will be subjected to a formal review by the Customer Service Team to assess whether our service has fallen below an acceptable level. We aim to respond to such complaints within 30 working days.

- An 'Outcome Review Panel' - if your constituent is complaining about the outcome of a case, we'll convene a panel of experienced staff, who have had no previous involvement in the matter. Outcome Review Panel meetings take place at the end of each month and the complaint will be considered at the first or second panel after a summary of complaint has been agreed. The complainant will be informed of the Panel's conclusions within 12 working days of the meeting.

What remedy can my constituent expect?

We assess all cases and complaints individually, so there are no standard or set remedies. If we find that we've made a mistake, or your constituent has been dealt with unfairly or improperly, then we'll do everything we can to put the situation right. This may involve:

- apologising
- correcting any errors to restore the situation
- taking further action in response to the complaint
- taking action to ensure that similar mistakes don't occur in the future
- financial recompense if your constituent has experienced a great deal of hardship or injustice are found to have occurred

My constituent is still not satisfied with the Charity Commission's response. What are the next steps?

We aim to get our decisions right first time on every occasion, but we know that sometimes we make decisions which the people involved disagree with. If your constituent disagrees with a formal decision we have made they can ask us to review our decision.

Our decision review service offers a genuine opportunity for our decisions to be looked at afresh, by someone who was not involved in making the original decision, and will usually be completed within 3 months. Formal decisions which can be reviewed in this way include:

- decisions which can be challenged in the First-tier Tribunal (Charity); and
- decisions which can be challenged in the Courts (for example through Judicial Review).

We might also agree to review a decision if it has a significant impact on the charity or its beneficiaries, or if the decision is of significant public interest.

Charity legislation contains a list of decisions which can be challenged in the First-tier Tribunal (Charity)¹. The Tribunal is an independent legal body which has the power to look again at some of our decisions and to quash, change or add to them. In some cases the Tribunal may direct us to take further action or correct our decision. It is not necessary to use our decision review service before making an application to the Tribunal. The Tribunal's contact details are:

1 Schedule 1C of the Charities Act 1993 (as amended)

The First-tier Tribunal (Charity) Manager

Tribunals Operational Support Centre

PO Box 9300

Leicester LE1 8DJ

Telephone: 0845 6000 877

Fax: 0116 249 4253

Email: grc.charity@hmcts.gsi.gov.uk

For further information about our decision review service and the Tribunal, please visit our website at www.charitycommission.gov.uk/how-to-complain/complaining-about-a-decision-we-have-made

Our senior staff are always happy to meet with parliamentarians to brief them on an issue, to address specific concerns, or to discuss the work of the Charity Commission generally. If such a meeting would be useful to you, contact our Public Affairs Manager, Jack Rowley, by telephone on 020 7674 2322 or by email at jack.rowley@charitycommission.gsi.gov.uk