

Guidance on handling of complaints arising in 2014-2020 ESIF Programmes

(A) GENERAL

The duty to manage complaints which arise from the administration of EU Funding Programmes is no different to the general duty of public bodies in this area and should not require the establishment of new processes.

(B) THE 2014-2020 ESIF REGULATIONS

Article 74(3) of the Common Provisions Regulation states:

Member States shall ensure that effective arrangements for the examination of complaints concerning the ESI Funds are in place. The scope, rules and procedures concerning such arrangements shall be the responsibility of Member States in accordance with their institutional and legal framework. Member States shall, upon request by the Commission, examine complaints submitted to the Commission falling within the scope of their arrangements. Member States shall inform the Commission, upon request, of the results of those examinations.

(C) RESPONSIBILITIES AND PROCESSES

Responsibility for examining and resolving complaints falls on the Programme Managing Authority, who should proceed in accordance with the complaints procedure published for the department/public body to which they belong.

All Northern Ireland public bodies have formal complaints procedures in place and are required to comply with the Standards for complaint handling in the public service, covering:

1. Accountability.
2. Accessibility.
3. Supporting the complaints process.
4. Investigation of complaints.
5. Responding to complaints.
6. Learning and improvement culture.
7. Monitoring.

Northern Ireland departments are required to include complaint handling details/statistics in their annual report. Complaint handling is required to be a part of department risk-based audit plans, to provide assurance of compliance with the above standards.

In Northern Ireland, citizens have the opportunity to take unresolved complaints to the office of the Ombudsman. This title combines the roles of the Northern Ireland Commissioner for Complaints and the Northern Ireland Assembly Ombudsman. Draft legislation is awaiting consideration to combine these two offices and update the role.

(D) EXCEPTIONS

As guidance for Territorial Cooperation programmes has to be mutually agreed by participating member states, it may not always match national guidance.

However, participants in the coordination structures should seek the maximum consistency possible in the interest of simplification and synergy.

(E) REFERENCES

Details of complaints procedures are currently to be found on the following web pages:

Department of Finance and Personnel (DFP)

<http://www.dfpni.gov.uk/publication-scheme-our-policies-and-procedures-customer-service>

Department for Enterprise Trade and Investment (DETI)

<http://www.detini.gov.uk/index/deti-about-home/about-complaints-procedure.htm>

Department for Employment and Learning (DEL)

<http://www.delni.gov.uk/index/publications/pubs-misc/comments-complaints-leaflet.htm>

<http://www.delni.gov.uk/es/complaints-procedure.htm>

Department of Agriculture and Rural Development (DARD)

<http://www.dardni.gov.uk/print/index/contact-us/complaints-procedure.htm>

Special EU Programmes Body (SEUPB)

<http://www.seupb.eu/AboutUs/corporate-documents.aspx>