



European Social Fund (ESF) Programme for Employability, Inclusion and Learning (PEIL) 2014-2020

Complaints Procedure

Article 74(3) of Regulation (EU) No 1303/2013 requires Member States with responsibility for ESF programmes to ensure that effective arrangements for the examination of complaints are in place.

The ESF Policy and Operations Unit in the Department of Education and Skills, as Managing Authority for the ESF Programme for Employability, Inclusion and Learning (PEIL) 2014-2020, is the relevant body for the examination of complaints in respect of the ESF.

Nature of complaints handled

The ESF Managing Authority (ESFMA) provides a broad range of services and works with many external organisation and stakeholders.

There are three areas about which you may wish to submit a complaint, i.e. complaints relating to:

- ◆ the ESF Policy and Operations Unit's performance of its functions;
- ◆ the Programme Monitoring Committee; or
- ◆ a project or activity co-funded by the ESF under the PEIL (for example, complaints regarding calls for proposals, functioning of internal controls etc). In the first instance, complaints relating to ESF co-funded projects/activities should be brought to the attention of the body delivering the project/activity. If the complaint is not resolved locally or you do not wish to deal directly with the body concerned, you can refer the complaint directly to the ESFMA.

This Complaints Procedure does **not** cover matters which are the subject of litigation or requests under freedom of information or data protection legislation.

Where the complaint relates to a decision on an ESF co-funded activity where there is a right of appeal or other procedure for review, the complainant will be referred to that process.



What happens next?

We will acknowledge receipt of your complaint within 5 working days.

We will advise if the complaint relates to the ESFMA functions of the ESF Policy and Operations Unit or an ESF co-funded activity. If the complaint is considered to be outside the remit of the Managing Authority functions or the ESF, this will be explained in the acknowledgement letter.

We will take the complaint seriously and examine the issues raised in a thorough and impartial manner. Your complaint will be investigated by a senior member of staff within the appropriate area of the Unit.

We will aim to examine and review your complaint and send a final reply to you within 20 working days of the receipt of your complaint, together with our full contact details should you wish to discuss further. Where it is not possible to meet this target, we will provide you with an interim response updating you on progress made to resolve your complaint and, where possible, a timescale for resolution and our contact details. Thereafter, we will continue to update you until the matter is resolved.

We will acknowledge any mistake made, provide an explanation for what happened and rectify it wherever possible.

What if I am dissatisfied with the response to my complaint?

If you are not satisfied that your complaint has been resolved, you can refer it for internal review by the Head of the ESF Policy and Operations Unit. Requests for review should be sent in writing (by email or letter), within 28 calendar days of receiving the final reply. Your request for review should set out the reasons why you are not satisfied with the response received.

Your review request, together with all earlier correspondence and any related supporting documentation, will be reviewed by the Head of the ESF Policy and Operations Unit. We will aim to complete the review of your complaint and respond to you within 10 working days. Where this is not possible, an interim response will issue to you giving an update on the review process will be provided followed by a final response when the review process is completed.



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What happens if I still feel my complaint remains unresolved?

If, following the review, you still do not feel that your complaint has been processed in a satisfactory way, you may wish to refer it to the Office of the Ombudsman. This Office investigates complaints made by members of the public about how they have been treated by public bodies in Ireland. It examines decisions made by public bodies including any refusal to take actions that may have been requested by a complainant as well as the administrative procedures of public bodies that are in place and how they may have been followed by the public body concerned. Please note that the Office of the Ombudsman cannot look into a complaint if it is made more than 12 months after you initially complained of the action or you became aware of that action, unless the Ombudsman considers that special circumstances make it proper to do so. Further information is available at www.ombudsman.ie. Complaints can be referred to:

Office of the Ombudsman
18 Lower Leeson Street
Dublin 2
Tel: 01 639 5600
Email: ombudsman@ombudsman.gov.ie

If your complaint relates to an ESF co-funded programme delivered to a young person of 18 years of age or less and you are not satisfied with the final response provided following review, you have the right to refer your complaint to the Ombudsman for Children. The Office was established under the Ombudsman for Children Act 2002. Its main functions are to promote the rights and welfare of children and young people up to 18 years of age and to investigate complaints made by children or on behalf of children against public bodies.

Please note that the Ombudsman for Children cannot look into a complaint if it is made more than 2 years from the time of the action or the time the child making the complaint, or on whose behalf the complaint is being made, became aware of the action, which ever is the later, unless the Ombudsman for Children considers that special circumstances make it proper to do so. Further information is available at www.oco.ie. Complaints can be referred to:

Ombudsman for Children
Millennium House
52-56 Great Strand Street
Dublin 1
Tel: 01 865 6800
Email: oco@oco.ie

Please note that this Complaints Procedure is without prejudice to any mechanism or process for legal redress at national level, in particular with regard to unsuccessful applicants.