



# Charities Services Triage Committee: Terms of Reference

## Context

Charities Services Ngā Ratonga Kaupapa Atawhai has an [Operating Model](#) that sets out our modern, responsive, risk-based approach to carrying out our regulatory functions.

These functions include responding to complaints and referrals made about potential breaches of the Charities Act 2005, persons engaging in serious wrongdoing (as that term is defined in the Charities Act) who are connected with a registered charity, and entities that may no longer be qualified for registration as a charity.

Our Operating Model also sets out the principles that guide and inform our decisions and approach:

Principle	Description
Principled	We operate within our legislative mandate, guided by the directions of the independent Charities Registration Board, case law, best regulatory practice and engagement with the charitable sector.
Targeted	We target our resources at the highest risks to public trust and confidence in the charitable sector, and the effective use of charitable resources.
Proportionate	Our actions are proportionate to the risk and potential harm being managed.
Fair	We exercise our powers in a way that is consistent, reasonable and impartial.
Transparent	We are clear about our actions, intentions, expectations and the reasons for our decisions.

Our [Compliance Approach](#) sets out our general approach to our compliance activities, the tools we use in our work (including inquiries and investigations), and possible outcomes of our compliance activities. Consistent with this approach, we only undertake:

1. **charitable purpose reviews** where there is a good likelihood of a productive outcome (for example, where the law provides a degree of consistency or clarity about whether a particular purpose is charitable);
2. **case inquiries** where we require additional information to confirm whether or not there is prima facie evidence of serious wrongdoing or a breach of the Act;
3. **investigations** where there is prima facie evidence of possible serious or deliberate non-compliance with the provisions of the Act and/or possible serious wrongdoing on the part of the charity or anyone connected with the charity;

and we consider that this particular course of action is appropriate based on our assessment of the nature and level of the risk relating to the issue.

## Purpose

The Triage Committee supports the implementation of our Operating Model by ensuring that we take a risk-based, proportionate, consistent, fair and transparent approach when considering our response to complaints and referrals made about registered charities.

## Scope/functions

The Triage Committee will:

- consider all complaints and referrals that have been assessed by the Assistant Investigator as being medium or high risk (according to the criteria set out in the [Operational Guidance: Complaints about registered charities](#)). The committee will review the assessment against the risk criteria, and confirm or adjust the risk score and rating.
- determine the next steps for the responding to the complaint or referral, consistent with our [Operating Model](#) and [Compliance Approach](#). Possible outcomes include:
  - taking no further action
  - seeking further information from the complainant or another party, or make some initial inquiries to ensure that the information provided to us is correct and credible
  - undertaking a compliance check on the charity's financial statements to determine whether they meet the reporting requirements
  - referring the matter to another relevant regulator, public body or law enforcement agency
  - referring the matter to the Charities Advisory Group for consideration, because of the particular sensitivities or complexities involved
  - opening a case inquiry
  - opening an investigation

## Membership

The Triage Committee is made up of:

- Investigations Manager, who is the Chair of the committee
- Assistant Investigator
- Two or more members of the Investigations Team (which includes the Senior Accountant Regulatory)
- Other invited members from Charities Services (which could include the Manager Regulatory, Senior Analysts, Team Leader Registration, and Senior Intelligence Analyst)
- A representative from Business Assurance, SDO who works in the grants audit and investigations area

## Meetings

The following will guide meetings of the Triage Committee:

- The committee will meet monthly, or more frequently if required to consider more urgent or high-risk issues, or where a large number of different complaints have been received.
- The quorum for the meetings is the Chair, Assistant Investigator plus two other members. The Chair will determine invitees for each meeting depending on the nature of the issues being considered. If the Assistant Investigator is unable to attend the meeting, the Chair can assign the Assistant Investigator's responsibilities to another member present.
- The Assistant Investigator is responsible for sending meeting invites, agendas and a completed [Triage Committee Coversheet](#) for each complaint/referral. Where possible, meeting papers should be circulated at least two working days before meeting.
- The Assistant Investigator will ensure that the relevant sections of the [Triage Committee Coversheet](#) are updated following committee's consideration of the matters, including noting the outcome and person responsible for undertaking any further action. The Assistant Investigator will also update any relevant records, spreadsheets and CRM entries to reflect the outcome of the meeting and next steps.

## Document Approval

Name	Role	Date
Stephen Reilly	Manager Regulatory, Charities Services	XX September 2020