

ISLE OF MAN
GAMBLING
SUPERVISION
COMMISSION

Guidance
Making a complaint
Against the GSC

**These procedures are effective from the
11 June 2021**

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1. Introduction

The Gambling Supervision Commission (GSC) is obliged by the Gambling Supervision Act 2010 to publish a document containing the arrangements for making a complaint against the Commission as well as the procedures for handling and adjudicating such complaints.

This document contains all of the information a person needs in order to:

- Decide whether a complaint can be lodged;
- Lodge the complaint;
- Receive the outcome of the complaint; and
- Appeal its outcome if desired.

The GSC is committed to transparency and accountability in all of its activities ensuring that we act in a fair and professional manner. Complaints constitute one of a number of ways that ultimately assist the organisation to consolidate or improve its procedures, or ensure that our role is better understood.

The GSC is committed to equality and will not treat anyone less favourably due to any of the protected characteristics outlined in the Equality Act 2017—

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

2. Is this the appropriate process for making a complaint?

If your complaint relates to the conduct of one of the gambling operators we licence or a member of its staff, then you should use the operator complaint process which is a separate, dedicated procedure designed to fast-track player grievances. If you submit such a complaint under this procedure, that complaint will simply be referred to the operator complaints procedure.

The operator complaints procedure can be found on our website using the following address: <http://www.gov.im/gambling/players.xml>.

If your complaint relates to the conduct of a member of the Commission, (an individual on the Board of the Commission as opposed to a GSC staff member), then the complaint should be addressed to the appointing body and not the GSC.

The appointing body under the Gambling Supervision Act 2010 is the Isle of Man Treasury Department.

If your complaint relates to a decision made by the GSC, under Schedule 4 of the Gambling (Amendment) Act 2006 and Section 34 of the Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018, an appeal can be made to the Gambling Appeals Tribunal. Procedures for making an appeal are set out in the [Gambling Appeals Tribunal Rules 2018](#). Appeals should be made within 21 days of notification of the original decision or where exceptional circumstances justify the delay.

If your complaint refers to the conduct of any member of the Commission or the inspectorate who have acted in an official capacity, then this procedure is the appropriate procedure to use.

3. How to make the complaint

A formal complaint may be made by someone who has been directly affected by the GSC's actions or has a direct involvement or interest in the subject of the complaint. Anonymous complaints will not be accepted.

To make a complaint, it must be made in writing and addressed to the Chief Executive. The complaint may be made in an e-mail if preferred. In either case, the correspondence should be clearly marked with the words "formal complaint"; using this as a prefix to the subject line of an e-mail will allow it to be quickly isolated and given priority.

You should write to:

The Chief Executive
The Isle of Man Gambling Supervision Commission
Ground Floor, St George's Court
Myrtle Street
Douglas
Isle of Man
IM1 1ED

Our e-mail address is gaming@gov.im

Please include the following information in order for your complaint to be fully understood—

- Full name & address
- Contact details
- Confirmation that you have a direct involvement or interest in the complaint
- Date of the complaint
- Description of the complaint

4. The complaints procedure

A complaint must be made within 12 months of the date on which the complainant became aware of the event that is the subject of the complaint, unless good reason for the delay can be evidenced.

When the GSC receive a formal complaint, we will acknowledge its receipt by corresponding with you via post or e-mail, as indicated by your preference, or in the absence of a preference, using the method that you used to contact us.

The complaint will be investigated by a senior member of staff or by a commission member, who is independent of the matter being complained about. Complaints will be acknowledged within 5 working days and the GSC will endeavour to complete the investigation of the complaint within 28 working days. If the investigation cannot be completed within that period, the GSC will provide an update within 28 working days and will advise of the revised period for completing the investigation.

On completion of our investigation, we will send you a report. Our report will advise if your complaint has been upheld and if so what steps will be taken to remedy the situation. If your complaint has been rejected, we will advise why.

All complaints are treated in confidence as far as possible and personal data will be processed in accordance with the GSC's privacy policy, (see 7 Data Protection Notice).

In all cases where there is no legal basis to retain data, your complaint will be held securely within our records for six years after closure and then purged. If you ask to retract a complaint or remove personal data, we will remove it from our records within six weeks of your written request.

An anonymised count of the number of complaints we have received in a year is published in our annual report. cursory details on the nature and outcome of the complaint may be included but such details, if included, will be written specifically so that no personal details about the complaint or the complainant can be inferred.

5. If you feel the complaint has been incorrectly handled

We currently allow 6 weeks to elapse between the outcome of the complaint and its formal closure. If you wish to appeal the outcome or complain about its handling, you should write to the GSC within this period requesting a review.

The review process will take place within 2 calendar months of the application for a review except in exceptional circumstances of which you will be notified. A review will not be undertaken where the request is frivolous, malicious, trivial or vexatious or where there is no prima facie case to answer.

As before, your correspondence should be clearly marked as a 'formal complaint'. The review report will either—

- a) Conclude the complaint is upheld – you will be notified by the Chief Executive of the steps that follow this decision which may result in the original complaint being recognised or in the original complaint case being re-opened and re-examined further; or
- b) Conclude the complaint is not upheld – you will be notified and the complaint will be closed.

Following a review, if you feel that your complaint has not been handled satisfactorily and you have sustained hardship or injustice as a consequence you may write to the Tynwald Commissioner for Administration within 6 months of the final response to request a review under the [Tynwald Commissioner for Administration Act 2011\(2011 Act\)](#). Please note you must meet the eligibility requirements set out in section 12(3) or (4) of the 2011 Act. If you do not live on the Isle of Man then it is recommended that you write to the Tynwald Commissioner for Administration and provide details as to how you fall within either section 12(4)(a) or (b). More information on the role of the Tynwald Commissioner for Administration can be found at <https://www.tynwald.org.im/about/TCA/Pages/default.aspx>

6. Reasonable adjustments and alternative formats

The GSC is committed to equal opportunities and our aim is to make our complaints policy easy to use and accessible to all of our customers.

We will take reasonable steps to accommodate any reasonable adjustments required under the Equality Act 2017 to enable you to access this policy or receive responses to complaints in other formats. Please contact gambling@gov.im or telephone 01624 694331 to request a reasonable adjustment or alternative format.

7. Data Protection Notice & Declaration

By submitting a complaint, you are declaring that the information given is complete and accurate to the best of your knowledge, and you understand the Isle of Man Gambling Supervision Commission (GSC) will process your data in accordance with the data protection principles.

The GSC is registered with the Information Commissioner as a data controller under Isle of Man data protection legislation. The GSC collects and processes personal data to carry out its functions under relevant legislation and may share personal data with other parties where there is a legal basis for doing so. Information on how the GSC collects and processes personal data can be found in the [Privacy Policy](#) on the GSC's website.