



Our Complaints Process

Contents

Our role

Complaints we can investigate

Complaints we cannot investigate

Who can complain

Whistleblowing

How and when to complain

How we deal with complaints

Acknowledgment

Assessment

Investigation

Cases that are escalated to our Complaints and Investigations Committee

External review

Our role

1. Our remit covers England, Wales and Northern Ireland, and fundraising in Scotland where it is carried out by charities registered primarily with the Charity Commission for England and Wales or the Charity Commission for Northern Ireland.
2. Part of our role is to investigate complaints from members of the public about fundraising practice where these cannot be resolved by the fundraising organisations themselves. This policy sets out how we will deal with complaints made to us about fundraising. It also provides some examples of what we can and cannot do.

Complaints we can investigate

3. We can investigate complaints about poor fundraising practice where these cannot be resolved by the fundraising organisation themselves. In doing so, we consider whether or not the organisation has complied with the Code.
4. Examples of complaints we can investigate include:
 - If a member of the public believes the fundraising organisation has made misleading or excessive requests for donations.
 - If a member of the public believes a fundraising organisation has been disrespectful or treated them unfairly when seeking donations.
 - If a fundraising organisation is not transparent or open about the relationship it has with a third party, for example, a fundraising agency working on its behalf.
 - If a fundraising organisation has failed to respect a donor's wishes, for example, if a donor has asked to be contacted only in a certain way.
 - If a fundraising organisation has not dealt appropriately with a complaint made by a member of the public about fundraising.

Complaints we cannot investigate

5. Examples of complaints we are not able to investigate include:
 - Complaints that a fundraising organisation does not meet the legal requirement to be a charity or where there are allegations of serious or sustained misconduct by those in management and control of a fundraising organisation. These are usually matters for the Charity Commission in England and Wales, the Charity Commission for Northern Ireland or the Office of Scottish Charity Regulation in Scotland <https://www.oscr.org.uk>.

- Complaints that a fundraising organisation is claiming to be a charity when it is not, including allegations of fraud or criminal activity. Such concerns should be put to the police or ActionFraud <https://www.actionfraud.police.uk/>.
- Complaints about employment or contractual matters, either from a member of the public, an employee or third party agency.
- Complaints that have already been brought to the attention of, and are being investigated by, the police.
- Complaints where legal action is being taken.

Who can complain?

6. Our service is free and can be used by anyone who believes they have been affected by poor fundraising practice. If a member of the public is not able to make a complaint themselves they can ask someone to make the complaint to us on their behalf. We will ask that the person making the complaint provide us with adequate consent from the person affected before proceeding.
7. If we receive multiple complaints about the same issue we may identify a lead complaint(s) to investigate.
8. If an individual faces difficulties in pursuing their complaint or otherwise making use of our services because of a disability we shall do our best to make reasonable adjustments as necessary to our procedures in order to accommodate their needs.
9. We understand that in some cases complainants will contact us who are distressed and may need support and assistance. However, if complaints or complainants are abusive or characterised by unreasonable behaviour we may restrict our contact with the complainant. In some cases, unreasonable behaviour may mean we are unable to proceed with our consideration of the complaint.

Raising concerns as a fundraiser

10. Any fundraiser who feels they are being pressured to act in a way that is not in line with the Code and would like confidentially to register their concerns or seek advice can call us on 0300 999 3407 between 9am and 4.30pm or contact us through the complaints form at www.fundraisingregulator.org.uk/
11. Individuals raising concerns have some protection in law under the Public Interest (Disclosure) Act (the Act) from detrimental treatment or victimisation if, in the public interest, they report concerns about serious wrongdoing at

their fundraising organisation to us, provided that the concerns they report meet the conditions in the Act for a 'protected disclosure'¹.

How and when to complain

12. If someone has a concern about fundraising they should usually first take up their concern with the fundraising organisation. This is because we think it is better to give the organisation an opportunity to respond to complaints before we look at a case. It is also often the quickest way to resolve a complaint and for the organisation involved to implement learning if there are any lessons identified.

13. Complaints should usually be made to the fundraising organisation within three months of the incident complained about. Organisations' should usually be given four weeks to consider and respond to the complaint.

14. If the complainant does not feel that their concerns have been resolved satisfactorily by the fundraising organisation, or they have not received a response, they can approach us.

15. Complaints should be made to us within two months of the organisation's final response to a complaint. We will consider complaints made outside of this timeframe, however, it may not be possible for us investigate effectively due to the passage of time.

16. When making a complaint we need the complainant to provide us with:

- the name of the organisation that they are complaining about;
- when the incident giving rise to the complaint took place;
- a brief summary of what happened;
- their name and how they would like to be contacted;
- copies of any fundraising material that may have given rise to the complaint (for complaints about on-line material, the complainant should obtain a screen shot of the page or pages that relate to the complaint);
- any other evidence the complainant considers supports the complaint;

¹ A concern from a fundraiser must relate to at least one of the following matters to qualify for legal protection from detrimental treatment or victimisation from their employer:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment;
- deliberate concealment of information tending to show any of the above five matters.

The employee must:

- reasonably believe that the relevant failure relates to the proper administration of charities and funds given, or held, for charitable purposes; and/or
- reasonably believe that the information disclosed and any allegation contained in it are substantially true.

- details of the response to the complaint and why the complainant remains unhappy.

17. We will not disclose a complainant's identity to the organisation(s) complained about without their consent. In most cases, we will need to seek the complainant's consent to allow the organisation to respond fully to any enquiries we may make. If the complainant does not consent to disclosure of their identity, this may affect whether we can deal with the complaint.

How we deal with complaints

Acknowledgment

18. We aim to acknowledge all new complaints within two working days of receipt.

Assessment

19. A case officer will be allocated the case and act as the point of contact with the complainant and the relevant fundraising organisation. We will assess the complaint to establish whether:

- it is within our jurisdiction;
- it was made to us within the time limit and if not the reasons why;
- there are implications more widely for the fundraising sector;
- there is a risk to the public or to the charity sector, and to public confidence in the integrity of charities and charitable fundraising more generally.

20. We will let complainants know as soon as possible if the complaint is not in our jurisdiction. If appropriate, we will refer those complainants to another regulator, for example, the Charity Commission, or the police.

21. If the complaint is in our jurisdiction we will look at whether the complaint has been put to the organisation complained about. As explained above, we would usually expect complaints to be put to the organisation concerned before they are brought to us. In cases where a complaint has not been put to the organisation concerned we will usually refer it back to them.

22. In some cases we may identify possible systemic issues that indicate wider learning for the sector. In such cases, we will consider investigating the complaint without first referring the complaint back to the organisation complained about. If we decide to do this we will explain the reasons for our decision to all parties involved.

23. If a complainant has already received a response from the organisation complained about and remains unhappy we will usually investigate the complaint.

24. In cases where we can quickly identify that the organisation has responded appropriately to the complaint and where there is no evidence that the Code has been breached we may decide not to investigate. In doing so, we will contact the parties to explain why we are not taking any further action.

25. We aim to let complainants and organisations know whether we are going to investigate a complaint within four weeks of receipt.

Investigation

26. If we decide to investigate a complaint we will share the scope of our investigation – what we are investigating – with the complainant and the organisation(s) complained about.

27. We will seek further information or evidence to assist us with our investigation. We usually ask for any evidence to be provided within two weeks of the request.

28. The case officer may also send a summary of the complaint to other relevant parties, including, where relevant, third party providers working on behalf of a fundraising organisation, and regulatory stakeholders, who may be invited to provide input, where appropriate.

29. Once we have gathered all of the necessary evidence and reached a provisional conclusion we will share a draft decision with the parties to the complaint to ensure factual accuracy. Draft decisions will set out the facts of the complaint and whether we have identified any breaches of the Code. Where a breach of the Code is found to have taken place we may make recommendations to prevent recurrence and/or provide the complainant with an appropriate remedy. Recommendations may include:

- an apology for the complainant;
- further training and/or action taken to learn from the breach;
- recommending that the organisation suspends fundraising or submit to its Board clear future fundraising campaigns for a stated period and report back to us;
- recommending that the organisation conducts an independent external audit of their fundraising;

30. Draft decisions will usually be shared with all parties at the same time and in confidence allowing two weeks for comment.

31. We will consider any comments provided by the parties to the complaint before finalising our decision. If we are making recommendations we will set out in our final decision the timescales within which we expect the organisation(s) to comply with those recommendations.

32. Following the completion of our investigation we will usually publish an anonymised summary of the case on our website.
33. We aim to complete investigations within 13 weeks of receipt.
34. In the event that an organisation fails to comply with our recommendations action we may take could include:
- referral to the Charity Commission or other statutory regulator as appropriate (for example, the Information Commissioner);
 - removal from our register and suspension of the use of our registration badge.

Cases that are escalated to our Complaints and Investigations Committee

35. In some cases we may decide to put our draft decision to the Complaints and Investigations Committee (the Committee) for consideration. The membership of the Committee is listed on our website.
36. Such cases will usually contain wider learning for the sector and may include situations where:
- we have received multiple complaints about the same issue and/or charity;
 - cases that are novel or of wider interest;
 - we have identified wider or systemic issues within the complaint; or
 - where we consider there is a risk to public safety or public confidence in fundraising.
37. If a decision is taken to refer a case to the Committee we will write to the organisation(s) and the complainant to let them know the reasons for that decision.
38. The process of investigating the complaint is the same as outlined above, however, the draft decision will be referred to the Committee for consideration before it is shared with the parties to the complaint. The Committee will consider any comments made on the draft decision and approve the final decision on the complaint.
39. Decisions referred to the Committee will usually be published in full on our website.

External Review

40. Decisions made by the Regulator are final and there is no process of appeal. However, parties to the complaint may request an external review if they can demonstrate that one or more of the following criteria are met:

- where we have rejected a request to re-open an investigation in response to the submission of material new evidence (an explanation of why it was not made available previously will be required);
- where there was a material defect in the process by which our decision was made; and /or
- where it is alleged that our decision is manifestly unreasonable in the sense that it was not one we could sensibly have made having regard to all the relevant facts.

41. Requests for a review should be put to the Vice Chair of the Fundraising Regulator's Board and addressed to the Fundraising Regulator, CAN Mezzanine, 2nd Floor, 49-51 East Rd, London N1 6AH.
42. Requests for a review can be made by the complainant or the fundraising organisation. Those from a fundraising organisation should be signed by the Chair or the Chief Executive.
43. Requests for a review should be made in writing and explain the reasons for the review request referring to which of the criteria outlined in paragraph 41 are relevant. The request should also provide any additional evidence being relied upon.
44. The request for a review must be made within four weeks of our decision. However, we will consider requests outside of this time limit in exceptional circumstances.
45. The Vice Chair will consider the request for review and may:
- seek further information from the Head of Casework and/or the Committee;
 - refer the case back to the head of Casework and/or the Committee with recommendations for them to consider;
 - determine that there are no grounds for review; or
 - refer the case to the external reviewer.

Further information is required to determine whether a review is warranted

46. In some cases further information may be required from the Head of Casework and/or the Committee in order to enable the Vice Chair to make a decision. In such cases they may request additional information from the Head of Casework and/or the Committee before making a decision.
47. In the event that the Vice Chair identifies material new evidence has been submitted and/or a flaw in the decision making process without the need for an external review, they may refer the case back to the Head of Casework and/or the Committee with recommendations for them to consider and put matters right.

No grounds for review

48. In cases where the Vice Chair determines that there are no grounds for review they will set out in writing the reasons for that decision.
49. If the complainant is not satisfied with the response received they may write directly to the External Reviewer who will consider, independently, whether there are grounds for review in line with the review criteria.

External review

50. In those cases where the Vice Chair considers an external review is necessary, or where there is a direct request from the complainant, the External Reviewer will be provided with access to all of the information obtained as part of our consideration of the complaint as well as the request for a review in full. The External Reviewer may request further information from the parties involved, including the complainant, the fundraising organisation and us, at their discretion.
51. The External Reviewer will provide an analysis outlining their views as to the robustness of the decision. This will be sent by the Vice Chair to the parties involved in the complaint together with details of what action if any is being taken in response.
52. If the External Reviewer identifies minor factual errors they may recommend those changes are made and we will implement them.
53. If the External Reviewer identifies that our decision (either in whole or in part) merits reconsideration by us, they can recommend that we take further action to put matters right including directing us to reconsider the complaint.
54. If the External Reviewer determines that our decision was manifestly unreasonable, they can recommend that we take further action to put matters right including directing us to reconsider the complaint.
55. Any decisions that are amended following an External Review will be published on our website <https://www.fundraisingregulator.org.uk/make-a-complaint/concerns-about-the-fundraising-regulator/>.
56. The External Reviewer will provide a report of their activities to be included in our Annual Report.