

How to handle complaints

The Fundraising Regulator continues to emphasise the importance of proper complaints handling.

Emma Dowden-Teale and Charlotte Blackburn remind charities how to deal with complaints in line with the Code of Fundraising Practice.



Emma Dowden-Teale Partner

T: 020 7551 7890
e.dowden-teale@bateswells.co.uk

Emma is recognised as a Key Lawyer in the *Legal 500* directory. She advises on all aspects of regulatory and public law, both contentious and advisory.



Charlotte Blackburn
Solicitor

T: 020 7551 7667
c.blackbourn@bateswells.co.uk

Charlotte is a solicitor in the Public & Regulatory team. She advises a range of clients including public bodies, regulators and charities on their legal and regulatory obligations.

A clear and effective complaints policy is a must for charities in all fields and of all sizes. But charities also need to have robust internal procedures to ensure the policy is complied with.

Appropriate complaints handling means not only that the individual complainant obtains a resolution, but also that the charity can identify any issues and prevent them occurring again in the future.

Spotlight on fundraising

While complaints may relate to any aspect of a charity's work, charities' fundraising practices are often the subject of criticism. The Code of Fundraising Practice, revised in October last year, requires charities to:

- make sure that 'complaints are investigated thoroughly and fairly to find out the facts of the case, avoiding unnecessary delay'; and
- 'respond to complaints fairly and in a way that is in proportion to the complaint'.

The Fundraising Regulator now publishes decisions in all of its investigations into fundraising complaints (regardless of whether it found a breach of the code) and names the charities concerned. Recently published decisions show that the regulator is as concerned with ensuring that the complaint itself is handled well as it is with investigating the actual subject matter of the complaint. For example, in a decision published in December 2019, the Salvation Army was found to have breached the code by failing to investigate and appropriately respond to complaints about its marketing requests for donations. In response to the regulator's intervention, the charity reviewed its complaints procedure and retrained staff on complaints handling processes.

In other reported cases, there was no substance to the original complaint but the charity was criticised for its poor complaints handling. The regulator has even found breaches of the code where the charity has not learned lessons from the complaint.

So how do we comply with the code?

In essence, to deal with complaints well, you need a clear and effective policy, backed up by internal procedures and well-trained staff.

A good complaints policy should, at a minimum, include the following:

- A clear definition of 'complaint'. This will usually be wide enough to encompass any expression of dissatisfaction about something the charity has done or failed to do.
- An explanation of who can make a complaint, and how. Make sure you provide more than one method for making complaints and ensure that the methods offered are accessible (e.g. if you have an online complaints form, also offer to take calls relating to complaints).
- The steps that will be followed on receipt of the complaint, including clear timescales and possible resolutions. This may also include signposting to other relevant organisations, such as the Charity Commission, Fundraising Regulator, and/or Care Quality Commission.

FIND OUT MORE

Our Public & Regulatory department has a breadth of expertise in advising on all manner of complaints handling issues, including drafting complaints policies and procedures. Please get in touch via <https://bateswells.co.uk/services/public-and-regulatory>

See also our article on dos and do nots for effective complaints handling at: <https://bateswells.co.uk/2019/03/how-to-handle-complaints>