The Elizabeth Foundation

Fundraising Complaints Policy

- **1. Introduction**

The objects of The Elizabeth Foundation (TEF) are to facilitate early diagnosis for babies and pre-school children with all degrees of deafness and to provide comprehensive education, communication and welfare services for them and their families. Through these services, we enable deaf children to develop their listening and spoken language skills, early-learning and social-emotional skills, while giving parents and carers the confidence and knowledge to make informed decisions on behalf of their child.

TEF aims to maximise the support we offer to beneficiaries through the delivery of high-quality frontline education, communication and welfare services. As an independent charity, we are committed to ensuring that funds entrusted to us are properly safeguarded and used for charitable purposes, in accordance with donors' wishes, charity law and applicable fundraising regulations.

TEF is committed to responsible, ethical and sustainable fundraising. We are registered with the Fundraising Regulator and follow the **Code of Fundraising Practice**, which sets the standards that apply to charitable fundraising in the UK.

- **2. Purpose of this policy**

At The Elizabeth Foundation, we believe that giving to charity should be a positive and enjoyable experience. We work hard to ensure that all our interactions with current and potential donors, supporters and members of the public are professional, respectful, transparent and appropriate.

However, we recognise that things can sometimes go wrong and that a person may wish to complain about the way TEF has carried out fundraising activity or about the behaviour of someone fundraising on our behalf.

We welcome complaints because they provide an opportunity to put things right, improve our practice and maintain public confidence in TEF and charitable fundraising more generally.

This policy explains:

- what constitutes a fundraising complaint;

- how a complaint can be made;
- how TEF will investigate and respond to complaints;
- how complaints can be reviewed if the complainant remains dissatisfied;
- how complaints involving third-party fundraisers will be handled;
- how TEF will protect confidentiality and personal information;
- how complaints and concerns will be recorded and monitored; and
- how learning from complaints will be used to improve our fundraising.

This policy should be read alongside TEF's **Ethical Fundraising Policy**, **Safeguarding Policy**, **Data Protection and Privacy Policy**, and **Whistleblowing Policy**, where relevant.

- **3. Scope**

This policy applies to fundraising carried out by or on behalf of TEF, including fundraising undertaken by:

- TEF employees;
- trustees;
- volunteers;
- supporters and community fundraisers;
- event participants;
- professional or paid fundraisers;
- agencies and other fundraising partners; and
- any other third-party fundraising on TEF's behalf.

Where a third-party fundraiser is involved, TEF remains responsible for ensuring that appropriate arrangements are in place for complaints about fundraising activity carried out on our behalf.

- **4. What is a fundraising complaint?**

A fundraising complaint is an expression of dissatisfaction about fundraising carried out by, or on behalf of, TEF where the person making the complaint expects a response or resolution.

Examples could include concerns about:

- the way a person was approached for a donation;
- the behaviour of a fundraiser;
- fundraising communications, including unwanted or inappropriate approaches;
- pressure to donate or unreasonable persistence;
- whether information about how donations will be used was clear and accurate;
- whether a fundraising appeal was misleading or unclear;
- a failure to respect a person's request to stop contacting them or to change how they are contacted;
- the handling of a donation or fundraising transaction;
- fundraising materials or representations made by TEF;
- the conduct of a third-party fundraiser acting on TEF's behalf; or
- TEF's failure to deal appropriately with an earlier fundraising complaint.

A person does not need to use the word "complaint" or refer to the Code of Fundraising Practice for their concern to be treated as a complaint.

Where it is unclear whether someone is making a complaint, TEF will seek to clarify what the person is unhappy about and what they would like us to consider.

- **5. Feedback, complaints and other concerns**

Not every concern received by TEF will be a fundraising complaint.

Where appropriate, TEF will direct the matter to the most appropriate procedure. For example:

- **Safeguarding concerns** will be dealt with under TEF's Safeguarding Policy and, where necessary, referred to the appropriate external authority.

- **Data protection concerns** will be dealt with under TEF's Data Protection and Privacy Policy and applicable data protection law.
- **Employment or contractual disputes** will be dealt with through the appropriate internal procedure.
- **Concerns raised by staff or volunteers about wrongdoing in fundraising** may fall under TEF's Whistleblowing Policy.
- **Serious concerns about the governance, management, assets or legal compliance of the charity** may need to be referred to the Charity Commission or another appropriate authority.
- **Suspected criminal activity** will be considered for referral to the police or other appropriate authority.

Where a complaint contains several different elements, TEF will ensure that each element is considered under the appropriate process.

- **6. How to make a fundraising complaint**

TEF aims to make it straightforward for anyone to raise a fundraising complaint.

A complaint can be made:

By email:
john.atherton@elizabeth-foundation.org

By post:
Complaints
Finance Director
The Elizabeth Foundation
Southwick Hill Road
Cosham
Hampshire
PO6 3LL

A complaint may also be made verbally, including by telephone or in person. Where a verbal complaint is received, TEF will make an appropriate written record of the complaint and confirm the details with the complainant where necessary.

People may complain on behalf of someone else, provided that appropriate consent or authority is obtained where this is necessary.

A complainant does not need to provide detailed evidence or use technical or legal terminology. However, where possible, it is helpful to provide:

- name and contact details;
- the date or approximate date of the fundraising activity;
- details of what happened;
- the name of the fundraiser or fundraising activity, if known;
- any relevant correspondence or other information; and
- what outcome they would like TEF to consider.

Complaints should ideally be raised as soon as reasonably possible so that TEF can investigate while relevant information is available. However, TEF will not automatically reject a complaint simply because it has not been made within a particular period. Each complaint will be considered on its individual circumstances.

- **7. Accessibility and support**

TEF will make reasonable efforts to ensure that its complaints process is accessible.

A complaint may be made in a way that is appropriate to the complainant's circumstances, including verbally or with the assistance of another person.

Where a complainant has additional communication needs, TEF will consider reasonable adjustments to enable them to participate effectively in the complaints process.

Where someone is acting on behalf of another person, TEF may need to establish that they have the person's authority to do so, particularly where confidential or personal information is involved.

- **8. How TEF will handle a complaint**

All fundraising complaints will be treated seriously, respectfully and confidentially.

TEF will:

- acknowledge the complaint promptly;
- establish what the complaint is about and what the complainant would like us to consider;
- investigate the facts fairly and thoroughly;
- speak to relevant staff, volunteers or third parties where necessary;
- consider relevant fundraising records, correspondence and other evidence;
- avoid unnecessary delay;
- keep the complainant informed where an investigation is taking longer than expected;
- provide a clear and proportionate response;
- explain what action, if any, TEF intends to take; and
- consider whether there are lessons that should be applied to future fundraising activity.

These principles reflect the current Code of Fundraising Practice, which requires fundraising complaints to be investigated thoroughly and fairly, responded to fairly and appropriately, dealt with without unnecessary delay, and reviewed for learning and improvement.

- **9. Acknowledgement and timescales**

TEF will aim to acknowledge a written complaint within **5 working days** of receipt.

We will normally aim to provide a full response within **20 working days**.

Some complaints may be more complex and require additional investigation, particularly where third parties are involved or where several issues need to be considered.

If TEF cannot provide a full response within 20 working days, we will contact the complainant, explain the reason for the delay and provide an indication of when a full response is expected.

We will keep the complainant appropriately informed during a prolonged investigation.

Our aim is to resolve complaints as promptly and proportionately as possible while ensuring that investigations are fair and sufficiently thorough.

- **10. Investigation**

The Finance Director will normally oversee the investigation of fundraising complaints.

Where appropriate, another suitably senior person may be appointed to investigate, particularly where:

- the complaint concerns the Finance Director;
- there is a potential conflict of interest;
- the Finance Director has been directly involved in the matter being complained about; or
- an independent investigation would be more appropriate.

A person involved in the fundraising activity being complained about will not be responsible for making the final decision on the complaint where this would create a conflict of interest or undermine the independence of the investigation.

The investigator will consider the available evidence objectively and will not assume that either the complainant or the person complained about is automatically correct.

- **11. Outcome of a complaint**

TEF will provide the complainant with a written response wherever reasonably possible.

The response will normally:

- summarise the complaint;
- explain the relevant findings;
- state whether the complaint is upheld, partially upheld or not upheld;
- explain the reasons for the decision;
- identify any action taken or proposed, where appropriate; and

- explain how the complainant can request a review if they remain dissatisfied.

TEF will seek to put things right where an error or failure is identified.

Where appropriate, this may include an apology, correction of inaccurate information, changes to fundraising practice, additional staff or volunteer training, or other remedial action.

- **12. If the complainant remains dissatisfied**

If the complainant is not satisfied with TEF's response, they may request a review within **one month** of the date of the response.

The review will normally be undertaken by the Chair of Trustees, or someone who has not previously been involved in the complaint.

The reviewer will consider whether:

- the complaint was investigated fairly and appropriately;
- all relevant issues were considered;
- the evidence was properly considered;
- the response was reasonable and proportionate; and
- any appropriate remedial action has been identified.

TEF will acknowledge a review request within **5 working days** and aim to complete the review within **25 working days**.

If additional time is required, the complainant will be informed of the reason and given an indication of when the review is expected to be completed.

The outcome of the review will be provided in writing and will represent TEF's final internal response to the fundraising complaint.

- **13. Complaints about the Finance Director or Chair of Trustees**

If a complaint concerns the Finance Director, it should be referred directly to the Chair of Trustees.

If a complaint concerns the Chair of Trustees, it should be referred to another trustee nominated by the Board.

If a complaint concerns several trustees or raises a significant governance issue, the Board will determine an appropriate independent route for handling it and will consider whether external advice or notification to a regulator is required.

- **14. Third-party fundraisers**

Where fundraising is undertaken on behalf of TEF by a third party, TEF will ensure that appropriate arrangements exist for complaints relating to that activity.

Where the third party has its own suitable complaints procedure, TEF may work with that organisation to investigate the complaint. TEF will nevertheless monitor the matter and remain responsible for ensuring that appropriate action is taken in relation to fundraising carried out on its behalf.

Where a third-party fundraiser does not have an appropriate complaints procedure, TEF's procedure will apply.

Any serious or repeated complaint concerning a fundraising partner will be considered by the Finance Director and, where appropriate, reported to senior management and the Board of Trustees.

- **15. Staff and volunteer concerns about fundraising**

TEF recognises that staff and volunteers may identify concerns about fundraising practice before a member of the public makes a complaint.

Staff and volunteers are encouraged to raise concerns promptly and will not be victimised or disadvantaged for raising a genuine concern in good faith.

Concerns may include suspected:

- breaches of fundraising law or regulation;
- misleading fundraising;
- undue pressure on donors;
- misuse or misapplication of donations;

- inappropriate fundraising behaviour;
- failure to protect vulnerable people;
- serious conflicts of interest; or
- other serious or unethical fundraising practice.

Staff and volunteers should normally raise concerns through TEF's Whistleblowing Policy or with an appropriate senior member of staff or trustee.

- **16. Confidentiality and data protection**

TEF will handle complaints sensitively and will respect the confidentiality of complainants and those involved in complaints.

Information will only be shared with individuals who need the information to investigate, manage or respond to the complaint, or where disclosure is required or permitted by law.

Personal information relating to complaints will be handled in accordance with applicable data protection law and TEF's Data Protection and Privacy Policy.

TEF will keep appropriate records of complaints, including:

- the date the complaint was received;
- the nature of the complaint;
- relevant correspondence and evidence;
- the investigation undertaken;
- the outcome;
- any action taken; and
- any lessons identified.

Records will not be retained for longer than necessary and will be handled in accordance with TEF's data retention arrangements.

- **17. Monitoring, reporting and learning**

Complaints are an important source of information for improving TEF's fundraising.

The Finance Director will maintain an appropriate record of fundraising complaints and will monitor:

- the number and nature of complaints;
- recurring issues or themes;
- whether complaints involve particular fundraising activities or channels;
- complaints involving third-party fundraisers;
- the time taken to resolve complaints; and
- actions taken as a result.

Significant, serious or repeated complaints will be brought to the attention of the Chief Executive and/or Chair of Trustees as appropriate.

The Board of Trustees will receive appropriate information about fundraising complaints and any significant lessons arising from them.

Where a complaint identifies a weakness in TEF's fundraising practice, appropriate corrective action will be taken and, where necessary, policies, procedures, training or fundraising materials will be reviewed.

This reflects the current Code's requirement that organisations regularly review complaints and use relevant learning to improve future fundraising activity.

- **18. External escalation**

TEF encourages complainants to give the charity an opportunity to investigate and resolve fundraising complaints before approaching the Fundraising Regulator.

If a complaint about fundraising cannot be satisfactorily resolved by TEF, the complainant may refer the matter to the **Fundraising Regulator**.

The Fundraising Regulator is the independent regulator of charitable fundraising in England, Wales and Northern Ireland. It considers complaints about fundraising where these cannot be resolved by the organisation itself, or where the fundraising has caused or has the potential to cause significant public harm.

The Fundraising Regulator can consider matters including how someone was asked for a donation, the behaviour of fundraisers and whether a charity has dealt appropriately with a fundraising complaint.

The Fundraising Regulator's current guidance states that it will normally consider complaints made within one year of the complainant becoming aware of the problem or concern, subject to its published criteria and discretion.

- **19. Other regulatory and external routes**

The Fundraising Regulator is the principal external regulator for complaints specifically about charitable fundraising by TEF.

However, some matters fall within the remit of other organisations.

- **Charity Commission for England and Wales**

The Charity Commission regulates charities in England and Wales and deals with serious concerns about matters such as significant financial loss, serious harm, criminal or illegal activity, improper use of charity assets, significant private benefit or serious failures in charity governance and legal compliance.

The Charity Commission is **not a general complaints service for individual complaints about the quality of a charity's services** and is not the lead regulator for fundraising. Fundraising complaints should normally be directed to TEF and, where appropriate, the Fundraising Regulator.

However, TEF will consider whether a serious concern needs to be reported to the Charity Commission in accordance with its regulatory obligations.

- **Police / Report Fraud**

Suspected criminal activity, fraud or theft will be considered for referral to the police or the appropriate reporting authority.

- **Information Commissioner's Office (ICO)**

Complaints concerning the handling or use of personal information may fall within data protection legislation and the remit of the Information Commissioner's Office.

TEF will deal with data protection complaints in accordance with its own data protection procedures and applicable law. The ICO requires organisations to have a process for handling data protection complaints.

- **Advertising Standards Authority (ASA)**

Where a complaint concerns advertising content rather than fundraising practice itself, the matter may fall within the remit of the Advertising Standards Authority.

TEF will consider the appropriate route according to the nature of the complaint.

- **20. Contact details for external regulators**

The following organisations provide further information and external routes for raising concerns:

Fundraising Regulator
The independent regulator of charitable fundraising in England, Wales and Northern Ireland.

Website: https://www.fundraisingregulator.org.uk/

Fundraising complaints: https://www.fundraisingregulator.org.uk/service/complaints-about-fundraising

Charity Commission for England and Wales
The regulator of charities in England and Wales.

Website: https://www.gov.uk/government/organisations/charity-commission

Raising a concern about a charity: https://www.gov.uk/government/publications/raising-a-concern-with-the-charity-commission-cc47

Information Commissioner's Office (ICO)
The UK's independent regulator for data protection and information rights.

Website: https://ico.org.uk/

Advertising Standards Authority (ASA)
The UK's independent advertising regulator.

Website: https://www.asa.org.uk/

- **21. Review of this policy**

This policy will be reviewed regularly and whenever there are significant changes to fundraising regulation, charity law or TEF's fundraising activities.

The policy will be reviewed at least every two years.

The Board of Trustees will be informed of any significant changes to the policy and will approve revisions where appropriate.

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ROLE	Finance Director
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TRUSTEE BOARD MEMBER APPROVAL	Andrew Given
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