

## VOLUNTARY ACTION SOUTH LANARKSHIRE

### Briefing on Fundraising Complaints

Fundraising is a key contact between charities and the public. Get it right, and your charity secures funding and public goodwill. Get it wrong, and you risk undermining the public's confidence in your charity and the wider sector.

It's up to your charity's trustees to ensure that they – and any fundraisers working on their behalf – observe the legal requirements and, importantly, the kind of fundraising practices that will encourage the public's continued support rather than harming your charity's reputation.

OSCR does not generally regulate fundraising, other than in specific areas which are set out below. But there are self-regulatory bodies that can help you to understand best practice and support you in getting it right. If you are in any doubt please contact **Voluntary Action South Lanarkshire's Core Team (01698 300 390)**

Charity fundraising in the UK is governed on a self-regulatory basis. This means that the charity sector itself sets the standards for charity fundraising, with some laws underpinning the self-regulation.

Under self-regulation individual charities are the first point of call for any complaints about fundraising practices. Where a charity is unable to resolve the complaint, the complainant can escalate it to one of the following:

- In Scotland, it will be an **Independent Standards and Adjudication Panel** with the secretariat provided by OSCR. (Full details are shown overleaf).
- In England and Wales it is the [Fundraising Regulator](#). The Fundraising Regulator is also responsible for setting the [Code of Fundraising Practice](#) and its associated rule books for street and door fundraising outline the standards expected of all charitable fundraising organisations across the UK.

#### **Fundraising by charities and benevolent bodies**

Charity law in Scotland sets out certain specific requirements in relation to fundraising. These include:

- the requirement for your charity to have a formal agreement in place with the professional fundraiser that is acting on your behalf
- the requirement to provide information to your donors, setting out the payment arrangements you have with the fundraiser
- regulations controlling the collection of money from the public
- how your charity can get an interdict to prevent fundraising on its behalf.

#### **Charities and Benevolent Fundraising (Scotland) Regulations 2009**

The Scottish Government brought in further [Regulations in 2009](#) that introduced new requirements, as follows:

- the information that your charity must provide to a donor

- what must be contained in the fundraising agreement between your charity and those fundraising on your behalf

OSCR have produced guidance to help charities and fundraisers meet the requirements set out in the Regulations. The guidance does not cover cash collections or the collection of goods, as these would be covered in future Regulations should Scottish Ministers choose to implement them. [www.oscr.org.uk/media/1352/b60575-fundraising-guidance.pdf](http://www.oscr.org.uk/media/1352/b60575-fundraising-guidance.pdf)

### **What happens next in Scotland?**

An implementation group is being set up. The group will aim to have the Independent Panel recruited and in place by autumn 2016. The group will also look at:

- Terms of reference for the panel
- How the panel will be funded
- What powers the panel will have
- The relationship with OSCR
- How fundraising complaints should be handled.

A **Scottish fundraising complaints hub** ([www.Fundraisingcomplaints.scot](http://www.Fundraisingcomplaints.scot) and 0808-1642520) hosted by SCVO has been set up. The hub will signpost the public to the appropriate place for their complaint and outline the new complaints process. You can also email [scottishfundraisingcomplaints@scvo.org.uk](mailto:scottishfundraisingcomplaints@scvo.org.uk).

Once established the Panel will work with OSCR and other stakeholders to develop model complaints handling procedures that can be adopted by charities. In the longer term, OSCR will produce detailed guidance for charities on the fundraising requirements.

### **Where should the public go to make a complaint about charity fundraising in Scotland?**

Complaints about charity fundraising should, at first, be made to the charity in question. Contact details for all the charities registered in Scotland are on the [Scottish Charity Register](#).

You can contact the Scottish charity fundraising complaints hub run by SCVO:

Helpline: 0808 1642520

Website: [www.fundraisingcomplaints.scot](http://www.fundraisingcomplaints.scot)

Email: [scottishfundraisingcomplaints@scvo.org.uk](mailto:scottishfundraisingcomplaints@scvo.org.uk)

### **What about charities registered in both Scotland and England and Wales?**

Most complaints about UK wide charities (registered with OSCR and the Charity Commission for England and Wales) will be dealt with by the new [Fundraising Regulator](#). This is the same lead regulator model currently used by OSCR and the Charity Commission for general charity regulation.

## MAKING A COMPLAINT ABOUT A CHARITY AND THEIR FUNDRAISING

### Stage 1

Complain to the charity direct\*

It's important for charities to get your feedback, so they can understand any problems, address your specific concerns and improve their fundraising practice.

You can phone, write or email the charity's head office to make your complaint.

You can find contact details on the OSCR website [www.oscr.org.uk/charities/search-scottish-charity-register](http://www.oscr.org.uk/charities/search-scottish-charity-register)

\*Many small and medium sized charities may only have a 1-stage process and your complaint may go directly to the trustees. Please check with the individual charity on their specific complaints process.

### Stage 2

Appeal to the charity trustees

The trustees of a charity have a legal responsibility to make sure their charity is run well. This includes overseeing their fundraising practices.

If you are unhappy with how your complaint is handled, and feel the issues raised have not been fully addressed, you may appeal to the trustees of that charity.

You can phone, write or email the charity's head office '*For the Attention of the Chair*'.

### Stage 3

Refer to the Independent Panel

If you're not satisfied with the way the charity has dealt with your concerns, you refer your complaint to the Independent Panel.

A new Independent Panel is currently being set up to manage complaints that cannot be resolved by the charity. The panel will be in place by the autumn of 2016 and will be made up of the public, donors, charities, fundraisers, with OSCR and the Scottish Government as observers.

Until the Panel has been established OSCR will collect stage three complaints and decide if there are any regulatory concerns to your complaint in line with their inquiry policy. View OSCR's page on [raising a concern about a charity](#).

Once the Panel is set up OSCR will refer your complaint to them.

Before you can take your fundraising complaint to the Panel you should make sure you have given the charity a chance to respond.

If you need any further help finding the right place to raise your complaint about charity fundraising in Scotland you can either contact Voluntary Action South Lanarkshire about a Charity in South Lanarkshire who will guide you through the process or contact SCVO [0808-1642520](tel:0808-1642520) or email [scottishfundraisingcomplaints@scvo.org.uk](mailto:scottishfundraisingcomplaints@scvo.org.uk).