

Complaining in Spain – *is anybody listening?*

by James Baker, Partner of Advoco Law and Accountancy

We are part of a fairly relaxed society with a slow pace of life but who can deny that Spain can also be a frustrating, even infuriating, place at times particularly when things go wrong. Partly this is because when a problem or injustice occurs there is invariably little you can do about it because complaints seem to fall on deaf ears or are just not worth the hassle. This article looks at some complaining tactics and their effectiveness.

Complaints forms

Every establishment open to the public should have a “libro de reclamaciones” or complaints book; you will have seen the notices about them in bars, banks and shops. Filing a complaint does not guarantee success but businesses take them very seriously. Simply asking for the book may do the trick but do not rush to complain as all chance of an amicable settlement will be lost and it is quite bureaucratic: there is a 3 part form to complete and it is your job to file it with the relevant consumer body together with supporting evidence.

Legal complaints

Consulting a lawyer might seem like the “nuclear option” but actually can be a cheap and simple way of obtaining redress so long as a court action is not required. A single letter from a lawyer setting out a complaint and demanding satisfaction within a certain timeframe can work wonders. The “Sistema Arbitral Consumo” is a kind of arbitration short of a full court hearing which is another cheap option for settling commercial complaints. For bad debts there is a small claims court which is simple to use. Documentation to support your claim is pretty much essential for success.

The “Denuncia”

The idea of “denouncing” someone has a satisfying, if somewhat medieval, ring to it and many foreigners living in Spain are often tempted by the thought of it. However the denuncia has a very specific place in the Spanish legal system and should not be treated lightly. A denuncia is essentially a report of a crime (usually to the police) and, once made, is a request that the authorities investigate and prosecute the subject of the report, so it cannot be used for frivolous reasons. As an example, I was involved in a case where squatters would not leave a house and were denounced. The situation quickly escalated to the point of arrests and court hearings where the denouncer had to justify his report under oath. In this case it was a proportionate and correct way to proceed but also shows that denuncias carry serious consequences and need to be supported by evidence.

Bank complaints

Given that banks are currently so out of favour, I thought I would end with a note about bank complaints. The Spanish central bank (“Banco de España”) accepts complaints from private individuals about any Spanish-based bank or credit institution. See their website www.bde.es for details but note that you must have tried and failed to complain using the bank’s own internal complaints department first.