



Advice For the  
Voluntary Sector CIC  
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# Fundraising Regulator Code of Practice



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## Briefing Papers

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## FUNDRAISING REGULATOR

### CODE OF FUNDRAISING PRACTICE

Following recent adverse publicity there's been much shutting of stable doors to try to restore public confidence in charities that raise money from the public.

The code issued by the regulator is extensive and runs to 76 pages, with new material coming out regularly.

When you read through the complex set of regulations in the new code it all boils pretty much down to acting with integrity, transparency and honesty, and doing what any decent fundraising organisation will have been doing all along.

There are 20 sections. I've summarised them for you.

My list numbers do not coincide with the numbers in the code; I have kept the essentials; it would be useful to have a copy of the code handy if more information is needed on any specific sections. There's a lot of repetition in the code. I've mostly kept it so that each section is complete in itself. Each section begins with a list of statutes referred to in that section. Although the Fundraising Regulator's writ does not run in Scotland and NI, there are extensive references to different practices in these countries. Most of the differences are technical and in the detail, but it's worth looking at them if you operate across borders.

Worth noting that 'must' and 'must not' denote legal requirements which *must* be observed.

Any personal comments made by me are shown in italics.

Follow the points laid down in this summary and you'll be safe enough. If you do run into specific difficulties or uncertainties get professional advice. Our monthly bulletin will keep you updated as the code is added to.

#### 1. Key Principles and Behaviours

- 1.1. All funds raised for a particular cause must be used for that particular cause. *(Take professional advice if this is a problem for any reason.*
- 1.2. Don't denigrate, don't exaggerate the facts.
- 1.3. Don't take advantage of mistakes made by the donor.
- 1.4. Treat donors fairly, if they are vulnerable, don't exploit them in any way. If you believe they lack the capacity to make a decision to donate, don't take one. If they do you must return it.
- 1.5. Don't intrude on people's privacy, or be unreasonably persistent, or pressurise unduly.
- 1.6. Remember your duty of confidentiality and data protection requirements.
- 1.7. Take legal advice if any unauthorised fundraising is taking place which you are not comfortable with. Trustees must act in the best interests of the charity when deciding to accept or refuse a donation.
- 1.8. Gifts and benefits provided to donors must be appropriate and proportionate. Remember limits on benefits if the donation is gift aided.

- 1.9. Gift aided donations must comply with conditions laid down by HMRC, including the small donations scheme.
- 1.10. Donations must only be used for the purpose for which they are given. Take advice if this becomes an issue due to changed circumstances etc. If the terms of a gift are to be changed advice must be taken. If an appeal is made for a specific purpose, you must include a statement of what will happen to funds received if the total raised is too much or too little.
- 1.11. Donations must not be returned unless certain criteria are fulfilled. *Advice must be taken.*
- 1.12. You must have a complaints policy, which must apply to any third parties acting on your behalf. You must respond to any complaints in a timely, respectful, open and honest way, and ensure that lessons are learned and acted upon.

## 2. Working with Volunteers

- 2.1. Be aware of the 2 categories of volunteers; 'on behalf of' and 'in aid of'. In the first category, the charity is responsible for and has control over the volunteer, (*don't forget any insurance requirements*). In the second category, the volunteer is acting independently, and the charity has less control. (The charity can take action to stop this kind of volunteer.)
- 2.2. Volunteers' personal contact information must be stored and this must comply with Data Protection law. DBS/CRB checks must be complied with.
- 2.3. There must be no discrimination of any sort unless there are sound ethical or necessary reasons.
- 2.4. Only out of pocket expenses may be paid; otherwise they become employees.
- 2.5. It must be made clear to volunteers that the charity received all the money raised.
- 2.6. Health and Safety must be observed in respect of volunteers and risk assessments must be carried out. (Must be in writing if over 5 employees, (best practise would include volunteers in this number)). Records should be kept of all assessments and training undertaken.
- 2.7. The suitability and credentials of all volunteer fundraisers must be carried out and recorded.
- 2.8. Appropriate training must be provided to ensure that their role is carried out in a legal, honest, open and respectful manner.
- 2.9. Where 'in aid of' fundraisers are operation the organisation must make it clear that they will not accept any responsibility or liability for them, including events.

## 3. Working with Children

- 3.1. Age restrictions apply to volunteers involved in street and house to house collections, raffles, and events involving alcohol.
- 3.2. Explicit parent or guardian consent is needed before data can be collected from children. (There is no set age of capacity, much depends on context.) Information should not be collected from anyone under 14 without consent of parent or guardian.
- 3.3. Adults working with children must be vetted (DBS in England and Wales, Disclosure Scotland in Scotland and Access NI in NI).
- 3.4. Contact with children in or near schools must have the prior approval of the head teacher or someone designated by the head. Any procedures laid down by the school must be followed.

- 3.5. Best efforts must be employed to avoid soliciting regular donations from under 18s. (*Churches must take care here.*)
- 3.6. Permission must be gained from parents or guardians before publishing photos of children.
- 3.7. Children and their parents/ guardians must be given guidance on undertaking fundraising safely and legally.

#### 4. Working with Third Parties

- 4.1. Charities must make all reasonable efforts to ensure that all third parties comply with the code, the Data Protection Act and other legal requirements, including the Telephone Preference Service, (regardless of where in the world they operate).
- 4.2. Before soliciting donations, a professional fundraiser must have a written agreement in place with the client, and whenever they solicit donations they must make a disclosure statement. A professional fundraiser is any individual, partnership or company or other business providing fundraising services to the charity for reward. The written agreement must include details of the standards they are operating under, and how the public's rights will be protected in respect of privacy, undue pressure and persistence. Also, how the charity can monitor compliance to these standards.
- 4.3. The agreement must include clear and realistic expectations of the activities to be undertaken, budgets involved, and timings and possible outcomes.
- 4.4. The agreement must include review procedures where performance may be considered and what further action may be appropriate (i.e. penalty clauses or cancellation).
- 4.5. Consultants and freelance fundraisers must only claim experience, qualifications and achievements that can be substantiated.
- 4.6. Basis of remuneration including fees, expenses and other costs must be completely clear, including the payment timescale. Commission or commission only methods of remuneration are only acceptable where certain criteria are fulfilled.
- 4.7. Potential or actual conflicts of interest on either side must be disclosed and managed accordingly, with the full agreement of all parties, and with full disclosure.
- 4.8. Confidentiality must be strictly observed, and stipulated in the agreement.

#### 5. Fundraising Communications and Techniques

- 5.1. All legal requirements relating to Data Protection must be followed and all parties must keep up to date.
- 5.2. Communications of an indecent or offensive nature must not be sent out. All advertising must be decent honest and truthful. There must be nothing misleading, inaccurate, ambiguous, exaggerated or left out when it shouldn't be. All claims must be capable of being evidenced. Warnings must be given of any potentially shocking images which must be justifiable.
- 5.3. All materials must adhere to copyright laws.
- 5.4. All literature must include the legally required information, charity number, company name and registered office.
- 5.5. Where funds are being raised for specific purposes they must not be used for general or other funds.

- 5.6. Any partnerships with other charities must be disclosed including allocation of funds.
- 5.7. Care must be taken to avoid causing offence on grounds of race, age, religion, sexual orientation or disability.
- 5.8. Care must be taken to be able to justify frequency of contact. Donor's wishes around frequency of contact must be respected. *Reasonable* persuasion may be used.
- 5.9. All permission statements (opt in, opt out wording) must be in the same font size as the larger of text asking for personal details or specifying the donation amount, with a minimum font size of 10.
- 5.10. Case studies must comply with Data Protection law, confidential information must not be disclosed, and permission obtained where possible. If elements of case studies are changed for confidentiality charities must be able to prove that it's representative.
- 5.11. Fundraising organisations will usually need to be registered under the Data Protection Act, and they must comply with this act.
  - 5.11.1. Data must be collected fairly and lawfully.
  - 5.11.2. Retention and use must comply with Data Protection law.
  - 5.11.3. Good hygiene practices must be maintained to ensure information is accurate and held only as long as necessary, including if possible, a deceased suppression service.
  - 5.11.4. Unsolicited communications must not be sent if explicit consent is required, or the consumer has requested that communications should cease.
  - 5.11.5. Charities must comply with any duties of confidentiality they have.
  - 5.11.6. If surveys are used, the purposes must be made clear, and also whether any disclosures will be made to a third party.

## 6. Direct Marketing

- 6.1. Cold mailing lists must be run through the Mailing Preference Service.
- 6.2. The safety of any inserts, incentives to give, or thank you gifts, must be considered.
- 6.3. Enclosures must serve to enhance the message, not invoke guilt or embarrassment, and must not cause inconvenience in delivery unless the donor is aware.
- 6.4. Promotion of chain letters must be discouraged.
- 6.5. Charities must not sell or rent their lists to any other organisation unless there is common control, or at least a federated structure. Even without payment, there must be no sharing without explicit consent of the individual.
- 6.6. Charities must display in their communications details of how the recipient can opt out easily, and not in a smaller font size, which must be at least 10.

## 7. Reciprocal Mailing

- 7.1. All list owners engaging in reciprocal mailing must subscribe to the Mailing Preference Service, observe the Data Protection Act and be registered with the ICO.
- 7.2. Organisations holding a manual index must satisfy their reciprocal partner about the standard and quality of their list.
- 7.3. There must be written agreements in place including list content, dates for use, list cleanliness and content of mailing.

- 7.4. Any variation of the agreement must contain full details including type and number of supporters, i.e., those paying by DD, cash, bankers order, gift aid etc.
- 7.5. All returned 'non-deliverables' must be passed back promptly to the list owner.

## 8. Telephone

- 8.1. Whether the people making the calls are professional fundraisers or not, there must be a written agreement in place with the organisation, including all details previously set out in sections 4 and 5.
- 8.2. Anyone registered with the Telephone Preference Service must be excluded unless they've given consent to receiving calls.
- 8.3. People must not be called who have asked not to be called. Automatic dialling systems must not be used unless the recipient has agreed to this.
- 8.4. No one under 16 may be called.
- 8.5. Random dialling either manually or by computer is not allowed.
- 8.6. A check must be made against the Telephone Preference Service (TPS) before calls are made. Admin calls are outside these regulations; they must not be used as a disguise for marketing calls.
- 8.7. Charities must ensure that any agencies they use to make calls have an up to date TPS certification, (or in process of applying).
- 8.8. Calls must be made from an identifiable number which can be used to return the call.
- 8.9. During the call the following must be included:
  - 8.9.1. Recipients must be asked for consent to be contacted. Any request not to be called again must be complied with.
  - 8.9.2. Organisations must clearly identify themselves and, if asked, provide a valid business address or freephone number that recipients can use.
  - 8.9.3. If the charity is subcontracting to a professional fundraiser details of the subcontractor's remuneration must be supplied. This must be made in each call and a written statement must be sent within 7 days of any payment being made by the donor to the fundraiser. (In Scotland, a written statement must be offered to the donor during the call).
  - 8.9.4. A written agreement must be in place requiring subcontractors to comply with relevant data protection law.
- 8.10. Silent calls must be avoided. If the caller is not immediately available a brief information message should be played. Unanswered calls must be rung for a minimum of 15 seconds.
- 8.11. Calls must not be made after 9.00pm without agreement.
- 8.12. It must be made clear that financial or other support is being sought. Undue pressure must not be applied and the caller must not ask for a donation more than 3 times during the call. The call must not be continued once it's clear that the recipient does not want to continue.
- 8.13. Where a voicemail is left the purpose of the call must be made clear.
- 8.14. Where a donation is made, the donor must be advised of their right to a refund which must be given where the request is correctly made.
- 8.15. Donations made to an external fundraiser must be paid onto the charity as soon as possible but no later than 28 days, (unless in England and Wales, a different time frame has been agreed).
- 8.16. Any written information sent by a charity must include the statement that the organisation is a charity (In Scotland the charity details must be included).

## 9. Digital Media

- 9.1. All websites must comply with the Equality Act 2010 and reasonable adjustments made to accommodate all users.
- 9.2. All websites must ensure there is a contact number and/or an e-mail address easily found.
- 9.3. Privacy rules about cookies must be abided by and users notified about the use of cookies in a suitably prominent and understandable manner.
- 9.4. Requests to unsubscribe must be addressed in a timely fashion. Data capture must be clearly explained.
- 9.5. Electronic payments must meet the required security standards.
- 9.6. Charities must comply with gambling legislation where online raffles and lotteries are carried on.
- 9.7. Trading is only allowed if permitted by the charity's governing documents. Relevant consumer law, distance selling law and digital commerce law must be respected.
- 9.8. If sales or events are taking place through a trading subsidiary this must be made clear on relevant communications and web pages. Descriptions and images of goods must be accurate, and not misleading.
- 9.9. Charities must have the necessary permissions to use or share all digital content.
- 9.10. Charities must comply with legal requirements on delivery, cancellation, refunds and returns and have appropriate policies in place.
- 9.11. There must be written agreements in place with all third parties involved.
- 9.12. Charities must undertake due diligence before entering into any agreements with third parties, (especially important where working with non-UK based organisations).
- 9.13. Charities placing content on third party platforms must apply the same due diligence as if it was their own site. (This will include online giving platforms).
- 9.14. Usernames and passwords must only be given to trusted individuals.
- 9.15. Marketing messages may only be sent to mobiles where the recipient has agreed to this. Procedures for unsubscribing must be clear. There must be simple procedures for opting out.
- 9.16. The cost of premium rate messages must be made clear and parental/bill payers consent obtained where required.
- 9.17. Competitions and prize draws must provide simple and clear means of accessing terms and conditions and must include the identity of the promoter.
- 9.18. Charity's e-mails must comply with data protection law with appropriate confidentiality being observed. A valid address for opt out requests must be provided.

## 10. Trusts

- 10.1. Mass mailings and cold callings to grant making trusts must be avoided, except under exceptional circumstances (*fire, flood, pestilence etc.*).
- 10.2. Referees must see the application and give their consent before the submission.
- 10.3. Admin requirements of the donating trust must be strictly followed, including any conditions stipulated including public acknowledgement. If changes are to be made after the grant has been agreed or paid, approval from the trust must be given. Any serious problems with the funded work, delays or risk of project failure, must be advised to the trust as soon as possible.

- 10.4. Where applications are rejected attempts to persuade trusts to reconsider should not be made unless there are clear mistakes of fact or there are specified appeals procedures.

## 11. Major Donors

- 11.1. Charities must undertake due diligence on both the financial and reputational dealings of potential partners and major donors before partnerships and donations are accepted.
- 11.2. Charities and fundraisers must be aware of the Proceeds of Crime Act 2002 which applies to money or other property obtained through conduct that is criminal under UK law even if legal in another country.
- 11.3. If giving gifts or benefits to a major donor charities must ensure that it's proportionate and does not infringe any gift aid received, or subject to tainted donation rules.
- 11.4. Where talking about finances donors must be informed that the fundraiser is not licensed to offer formal financial advice.

## 12. Corporate Partnerships

- 12.1. Charities must carry out due diligence before engaging in a partnership, and ensure that any conflicts of interest can be properly and legally managed.
- 12.2. There must be a written agreement in place, including what regulatory standards will apply to any fundraising, and how the public will be protected from unreasonable intrusion and undue pressure to give, and how the charity will be able to monitor the relationship. The agreement must specify how it can be varied.
- 12.3. Commercial organisations must disclose the names of the charities benefitting and the amounts they will receive. If goods and services are being sold there must be a written agreement between the parties.
- 12.4. Review procedures must be built in and meaningful.
- 12.5. Charities with an income over £10,000 must state on documents that contain requests for money, its name and charity number, and any company status. It must name either all its directors or none.
- 12.6. Any tax or VAT liabilities must be paid.

## 13. Raffles and Lotteries

- 13.1. This area is heavily regulated under the Gambling Act 2005, and the Gambling Commission's Licence Conditions and Codes of Practice.

## 14. Fundraising through Payroll Giving

- 14.1. Employers using this scheme must have a written agreement in place with the PGA (Payroll giving agency).
- 14.2. Benefits must not be offered for donations received, and the employee's decision as to where their money goes must be complied with.
- 14.3. Before employees are approached to solicit donations conditions of access must be agreed with the fundraising organisation. Photo ID must be worn at all times.
- 14.4. Data Protection laws must be complied with in respect of any data held.

- 14.5. Sufficient safeguards must be in place and potential donors must not be pressured unduly. Donors must be made aware of their right to terminate an agreement at any point.
- 14.6. There must be a written agreement with any external fundraisers. Clear statements of how and what they are paid must be made. Charities using external fundraisers must ensure that they understand the charity's objectives, have clear guidelines about conduct and understand the tax reliefs available.
- 14.7. Information must be processed and passed to the charity as quickly as possible.
- 14.8. If external fundraisers represent multiple charities, they must be entirely neutral.

## 15. Events

- 15.1. When identifying a suitable venue, consideration must be given by the organisers to equal access for all, and Health and Safety requirements. They must ensure the venue is fit for purpose, and be aware of any restrictions. They must be able to justify any impact on the environment. If specialist equipment is required or recommended a list must be given in good time to all participants making clear who is responsible for safety and suitability. A risk assessment must be carried out.
- 15.2. Where vehicles are used, organisers must advise on rest stops, and plan timetables that recognise road safety.
- 15.3. Any compulsory insurances must be in place including third party liability. It must be clearly understood whose responsibility it is to provide insurance.
- 15.4. Permissions and licences must be obtained from the local authority and any other bodies. Any maximum numbers stipulated must be adhered to. Where private property is involved any necessary consents must be obtained.
- 15.5. Any local guidance or site specific information or codes must be observed.
- 15.6. Events on 'Open access land' are subject to certain restrictions and conditions. If in doubt seek permission from landowners.
- 15.7. Charities must have written agreements with all other external parties highlighting rights responsibilities and obligations.
- 15.8. All promotional material must indicate clearly if any part of the funds being raised by the participant will be used to cover the participant's expenses or costs. All the material must be accurate and show clearly how funds raised are to be used.
- 15.9. Tax and VAT rules must be followed. There must be financial procedures in place to take care of monies received either before or during the event.
- 15.10. Sponsorship forms must be clear about any conditions and what will happen in the event of cancellation or failure to complete. Only sponsorship money given without conditions will belong to the charity if the conditions are not met.
- 15.11. Where events are organised by third parties there must be an agreement allocating responsibilities and risk. If an "in aid of" event is taking place, the charity must make it clear that it will not accept any responsibility or liability.
- 15.12. Charities must have sufficient experienced marshals and stewards at the event.
- 15.13. There must be no unlawful discrimination. Charities may wish to reserve the right to refuse permission for a potential participant but such refusal must comply with consumer and discrimination laws.
- 15.14. Where overseas travel is involved, organisers must make it clear who is responsible for complying with the various regulations, and check reliability of any tour operators and sub-contractors.
- 15.15. There must be written agreements in place with any commercial participators.

- 15.16. Organisers must make sure that everything is in place including fire exits, first aid and equipment provisions. Are procedures in place to avoid congestion?
- 15.17. Charities selling must ensure they are eligible to trade. Any product sold must comply with relevant safety standards. Food being supplied must comply with the appropriate regulations. Any sales or provision of alcohol must have relevant licences/ permissions in place.
- 15.18. Procedures for following up non-payment and failure to reach minimum sponsor requirements must be in place. Gift aid regulations must be followed, i.e., the donor must not be the participant or a connected person.

## 16. Public Collections

- 16.1. Charities must comply with the relevant licensing and permission procedures. In England and Wales a licence to collect must be obtained from the relevant authority, unless a National Exemption Order is in place. (Other arrangements for Scotland and NI; *lot of detail provided for Scotland.*)
- 16.2. Exempt Promoters must establish a clear annual programme of collections, fixing dates a year in advance, and properly negotiating any changes. They must make every attempt to avoid conflicts in dates and keep authorities informed. Advise police authorities, and abide by the dates agreed.
- 16.3. Where working with third parties appropriate contracts must be in place.
- 16.4. Adequate training and briefing for all collectors must be in place and age limits on collectors must be complied with.
- 16.5. Collectors must be fit and proper persons and be given a certificate of authority and a badge.
- 16.6. Materials must contain charity details and contact details.
- 16.7. The issue and return of all materials must be recorded and monitored.
- 16.8. Collections can only be carried out in accordance with the licence terms. Standard operating hours are 9.00am to 9.00pm (10.00am weekends)
- 16.9. There must be no annoying behaviour and requests to leave must be respected.
- 16.10. Collectors must avoid being a nuisance in any way and must wear appropriate clothing. They must not smoke or be under the influence of alcohol or illegal drugs. They must not put undue pressure on. They must avoid soliciting regular donations from under 18s. *They must be courteous.*
- 16.11. Collectors must be able to provide information on how to make a complaint. They must respect any 'no cold calling' stickers.
- 16.12. Relevant standards for handling cash must be followed, with accounts being drawn up as appropriate in a timely manner.
- 16.13. Where collections are on private property, appropriate permissions must be obtained, and agreements kept.

## 17. Static Collections

- 17.1. The charity must issue a certificate of authority and a badge to the collector, which must include the collector's name, address and signature. These materials must be recovered from a collector no longer authorised.
- 17.2. Charities must have clear procedures in place which must be followed. If a box is lost or stolen the collector must be notified.
- 17.3. Written permission of the site holder must be obtained to use the site for a collection box.

- 17.4. If a third party is involved in the management process, full details of the charity must be shown on the box. All monies must be paid to the charity without deductions in a timely manner and there must be robust procedures in place to open, count, record and bank proceeds, and notify the charity.
- 17.5. If requested siteholders must be provided with a receipt containing full details.

## 18. Legacies

- 18.1. Undue influence must not be exerted on a potential legator. Activity must be carried out sensitively having regard to the legator's freedom to provide for his/her family and others. Fundraisers must not provide legal advice.
- 18.2. When legacy fundraising is carried out by a third party it must be carried out in compliance with legal obligations.
- 18.3. If a potential legator asks the charity or any of its officers or employees to act as executor the charity must carefully weigh up the attendant risks. (If the charity itself is to be appointed it should take legal advice)
- 18.4. Any written material seeking legacies must not be held to constitute legal advice, and potential legators must be advised to seek their own legal advice.
- 18.5. If the charity provides potential legators with suggested wording for wills they must ensure that their suggestions are accurate and that the charity is clearly identified.
- 18.6. The needs of vulnerable individuals must be considered before embarking on face to face fundraising activity.
- 18.7. If an event is held where legacies will be discussed and solicited charities must be open about this in their invitation material.
- 18.8. Event organisers must be sensitive when they use case studies or testimonials and must respect people's dignity and privacy.
- 18.9. Individual face to face meetings to discuss legacies must not occur without that person having had the chance to decline the meeting.
- 18.10. In all face to face meetings the potential legator has the right to invite a third party of their choice to be present. The meeting must be conducted sensitively without undue pressure or influence being exerted.
- 18.11. Remember that a will witnessed by a beneficiary or connected person could be challenged.
- 18.12. A charity must not draft a will where they are named as a beneficiary, and they must be absent at all times during the preparation, drafting and signing of the will.
- 18.13. If a legacy is offered in a personal capacity to an individual this must be disclosed to the individual's line manager. Fundraisers must not take advantage of their position to solicit a personal legacy. If a charity discovers this to be the case, then disciplinary procedures must be followed.
- 18.14. If a charity is paying for a will to be drawn up it must not make it a condition that it's included in the will.
- 18.15. The charity must respect the wishes of the legator in respect of ongoing contact.
- 18.16. If a legator asks the charity to explain to family members why they are being disinherited this must be declined.
- 18.17. If the legacy is subject to conditions the charity must consider whether to comply with the legator's wishes before accepting it. Once it's accepted any conditions must be fulfilled.
- 18.18. Where case studies are planned, permission must be obtained from the next of kin where possible.

## 19. Payment of Fundraisers

- 19.1. Remuneration of fundraisers must be proportionate to the benefit reasonably expected. Controls must be in place to ensure that payment methods do not leave the charity out of pocket. Payments to fundraisers must not be excessive. (Excessive is considerably more than an ordinary well informed person would consider reasonable.)
- 19.2. Commission only payments are opposed in principle. They must not be agreed unless other sources of fundraising investment have been exhausted, and adequate controls such as maximum caps or reducing sliding scales are in place to prevent excessive remuneration. Such payments must be approved by the trustees or senior executive.
- 19.3. Robust performance management systems must be in place to ensure a balance between incentivising fundraisers and making excessive payments to them.
- 19.4. Staff remuneration must meet minimum wage regulations and other HMRC tests.
- 19.5. Trustees may only be remunerated if specific criteria are met.

## 20. Handling Donations

- 20.1. Records must be kept of donations for specific purposes to ensure terms of donations are complied with. *(These are known as Restricted Funds and must be shown separately in the year end).*
- 20.2. Professional fundraisers and commercial organisations must pay donations across gross; others may only make deductions if agreed with the charity. Local authorities may impose additional rules which must be complied with. Expenses must be met by the charity after receipt of the funds.
- 20.3. Donations must be placed inside a sealed box where house to house collections are concerned. Otherwise the collector must issue and sign a receipt for the sum collected.
- 20.4. For street collections, only sealed collecting receptacles are acceptable.  
(Different regulations in Scotland)
- 20.5. There must be a clear banking procedure which must be timely. Cash not banked immediately must be kept securely.
- 20.6. Cash must be collected, counted and recorded by 2 unrelated individuals. Collection boxes can only be opened by the promoter of the collection and by one other responsible person, or a bank official.
- 20.7. Unsecured cash must never be left unattended. It must be counted in a secure environment.
- 20.8. At the earliest possible date, cash banked and income summaries must be reconciled by, wherever possible, an independent person.
- 20.9. Cheques must be banked promptly. If they are sent to an external processor, appropriate and proportionate safeguards must be in place.
- 20.10. Where charity vouchers are used, they must be redeemed promptly. Remember that gift aid must not be applied as this has already been done.
- 20.11. Where card transactions take place the appropriate industry standards must be applied. Where charges are made the total donation amount must be shown as income with charges shown separately.
- 20.12. Rules surrounding Direct Debits vary from bank to bank. Organisations signed up to the Direct Debit Guarantee must comply with it.



## **1. Definition of a complaint**

The Fundraising Regulator will deal with all complaints that are concerned with a breach of the Institute of Fundraising's Codes of Fundraising Practice or a breach of the Fundraising Promise, provided that the complainant has first directed the complaint to the charity concerned, in this case [ ] but is not satisfied with the answer received.

## **2. Complaints made by telephone**

We will gather the facts using open questions. If we are knowledgeable about the area of the complaint, we will then try to resolve the complaint over the phone. At the end of the call, we will summarise the details to confirm that we have understood the situation. If you are satisfied with our action, that is the end of the matter; we will note your contact details and the nature of your complaint, and we will note the complaint in the report which is submitted annually to the Fundraising Regulator.

If you are not satisfied, we will take your contact details and acknowledge the complaint in writing within 14 days, including a summary of your telephone conversation and confirmation that the complaint will be dealt with within 30 days. After that, we will proceed as detailed in the section 6 below.

## **3. Complaints made in writing by post or email**

We will acknowledge the complaint in writing within 14 days, confirming that we will seek to resolve the complaint within 30 working days. At this stage, further contact with you will only be made when we have insufficient details to take the complaint forward.

## **4. Our procedures**

We will establish the area of our operation that the complaint involves. Having first consulted with relevant staff, we will make contact with the [ ] Complaints Co-ordinator, or other appropriate person, to inform them of the situation and gather any relevant information regarding the materials and/or circumstances of the case.

If a third party is involved (for example a supplier, or partner), we will also speak to them to gather any information about the circumstances of the complaint. We will take care to record all the important points and file these with the case.

Having gathered all the relevant information, we will hold an assessment meeting with the [ ] Complaints Co-ordinator (or another person appointed in the absence of the Complaints Co-ordinator) and the [ ] staff concerned. We will include suppliers, or partners if they have been implicated.

The assessment meeting should set out the nature of the complaint and determine any action that needs to be taken. If the complaint is about fundraising, we will make a note on whether it is about an alleged breach of the Institute of Fundraising's Codes of Fundraising Practice and/or the Fundraising Promise. The Fundraising Regulator will need this information if the complaint is referred to them. The outcome of the meeting will typically produce one of two options:

**The complaint is justified.** We will then write to you to apologise, to let you know that the complaint has been used to improve on our fundraising activities in the future, and how this will be done. We will also instigate action to prevent any recurrence of the problem.

**The complaint is not justified.** We will write to you to explain that we will not be changing our fundraising practices and give clear reason(s) for our position. We will always take complaints very seriously and assure you the investigation will be as thorough as possible. Accurate records will be kept of all the investigations which have been carried out.

## **5. Extension of information gathering period**

In exceptional circumstances, we may need more time than 30 days to gather all the information (for example, if a key member of staff is on annual leave or sick). If this happens, we will contact you in writing, with a copy to the Fundraising Regulator, outlining the situation.

## **6. In the event that the complaint is not resolved to your satisfaction**

In the event that you are not happy with our response, you should contact the Fundraising Regulator within two months. We, in turn, will ensure that all correspondence is on file and can be made available to the Fundraising Regulator if the complaint is pursued further.

If you are still dissatisfied, you can ask the the Fundraising Regulator to look again at your complaint. Their decision will be made within 60 days and will be final. [ ] agrees to abide by decisions made by the Fundraising Regulator Board.

## **7. Contact details**

### **For the charity:**

Telephone:

### **For Fundraising Regulator:**

2nd floor, CAN Mezzanine Building, 49-51 East Road, London, N1 6AH

Fundraising Regulator staff are available to assist and advise members of the public, charities and fundraising organisations.

T: 0300 999 3407

E: [enquiries@fundraisingregulator.org.uk](mailto:enquiries@fundraisingregulator.org.uk)

## **8. Where your concerns relate to:**

Dishonest handling of funds

Misapplication of charitable funds

Actions that contravene [ ]'s Governing Document or charity law

Actions that threaten to bring [ ] into disrepute

**You should contact the Charity Commission at:**

Charity Commission Direct  
PO Box 1227  
Liverpool  
L69 3UG

[www.charity-commission.gov.uk](http://www.charity-commission.gov.uk)

[d.martin@afvs.org.uk](mailto:d.martin@afvs.org.uk): e-mail me to receive my monthly briefings and other updates on charity related issues.

*This summary of the Fundraising Regulator's Code was prepared by Daryl Martin for AFVS CIC. Check out other briefings at [www.afvs.org.uk](http://www.afvs.org.uk)  
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**Advice For the Voluntary Sector CIC**

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