

Fundraising Regulator

hosted by

Northern Ireland Council of Voluntary Action

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Chief Executive
Fundraising Regulator



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Northern Ireland Council of Voluntary Action

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Policy Manager
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Stakeholder and
Policy Manager
Fundraising Regulator



Fundraising Regulator strategy updates

Gerald Oppenheim
Chief Executive
Fundraising Regulator

Strategic objectives

1. To deliver intelligent fundraising regulation that protects the public.

2. To support fundraising organisations to thrive.

3. To inform the public about principled fundraising.

4. To be a highly effective organisation.

Strategic themes

Innovative

We will keep abreast of digital and wider social developments and how these may shape fundraising into the future.

Proactive

We will improve our capacity to identify fundraising concerns before they crystallise and to prevent harm by early intervention.

Intelligent

We will use our data more intelligently to support the development of the Code of Fundraising Practice and our compliance work.

Collaborative

We will remain a thought leader in fundraising and make sure that fundraisers and the public have a greater voice in developing our policies.

Key achievements so far



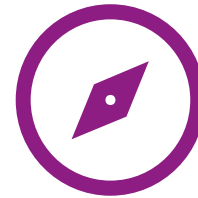
Appointment
of Head of
Proactive
Regulation
and Projects



Launch of
Code
review
2022-25



Joint safer
giving
campaigns



Guidance
on online
fundraising
and
volunteers



Closer
working
with other
regulators

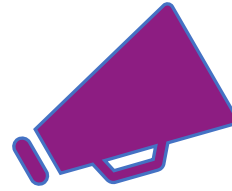
Funding the future

- Meeting increased costs and financing future initiatives will require an increase in registration fees
- Levy structure has remained unchanged since 2016, with two fee bands added in 2019 to support smaller fundraising charities
- Collection rate has remained at 98% over past 3 years, despite challenging circumstances
- Levy review will consider regulator and sector's changing needs
- You will be able to make your views heard in winter 2023-24

Future priorities



Launch code
review
consultation



More public
info
campaigns



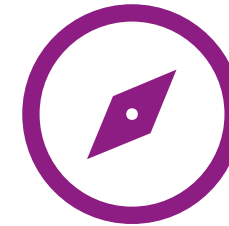
Develop
proactive
workstream



Fundraising
panel set up



System
improvement
projects



More
guidance

Consultation Code of Fundraising Practice

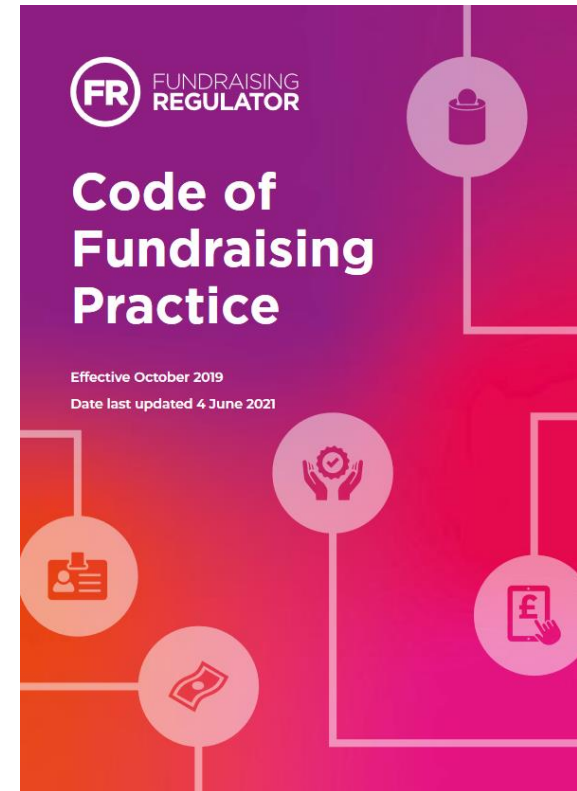
Conor Gibson
Policy Manager
Fundraising Regulator

What we'll cover

1. About the code
2. Why we're reviewing the code
3. Code review process and timeline
4. What we've heard so far
5. What we're consulting on and how to get involved
6. Next steps
7. Questions?

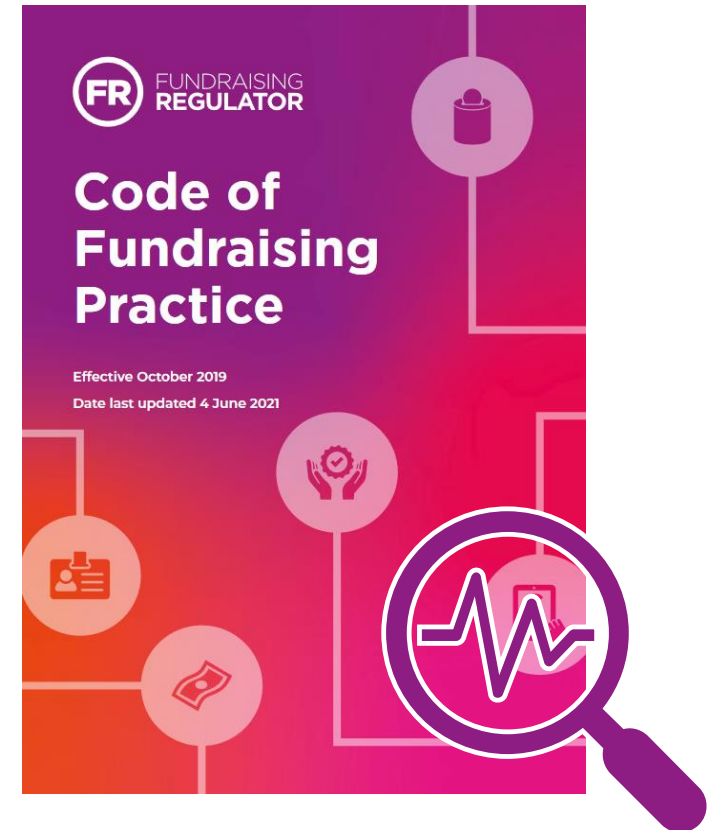
About the code

- Sets standards that apply to charitable fundraising
- Registered charities, exempt charities, third parties, and online fundraising platforms
- Underpins the system of voluntary self-regulation
- Framework for assessing complaints
- Legal, open, honest and respectful



Why we're reviewing the code

- First full review since October 2019.
- Much has changed since then:
 - Technology
 - Legislation
 - Fundraising behaviour
 - Societal change



Timeline of code review



Call for
information:
**Autumn
2022**



Public
consultation:
**Autumn
2023**



Consultation
analysis:
early 2024



Draft new
code:
Spring 2024



Further
engagement:
mid 2024



Launch
new code:
early 2025

What we've heard so far

The code could be updated in the following areas:

- Clarity and accessibility
- Digital fundraising landscape
- Working with volunteers and external partners
- Rules where we are not the lead regulator and
- Vulnerability

Public consultation

- Will run for 12 weeks: 6 September – 1 December
- Proposals based on call for information feedback
- Key themes:
 - Developing principles-based rules
 - Reviewing rules where we're not the lead regulator
 - Expanding and amending existing rules
 - Improving accessibility and clarity

Developing principles-based rules

- Guidelines that can be applied to different scenarios
- Fewer prescriptive rules
- Simplify and streamline regulations fundraisers follow
- Include *examples* of key expectations and prohibited practices
- Existing protections retained



Examples of principles-based rule

Current code rules

Being polite and respectful when fundraising

- **1.1.2** You must be polite to people at all times.
- **1.2.1** While reasonable persuasion is allowed, you must not fundraise in a way which is an unreasonable intrusion on a person's privacy, is unreasonably persistent or places undue pressure on a person to donate.
- **1.2.2** You must not continue to ask a person for support if that person clearly indicates - by word or gesture - that they do not want to continue to speak to you. You must end the conversation in a polite way.
- **8.4.1** You **must not** harass any person or ignore a request to leave or not to return.

Indicative change to code rules

Being polite and respectful when fundraising

- **Rule A.A.A:** You must behave professionally at all times. This includes not placing undue pressure on a person to donate or ignoring a request to end a conversation.

Reviewing lead regulator rules

- Code covers a range of regulatory areas
- Detail helps fundraisers have fullest picture
- Certain sections provide too much information
- Risk becoming out of date
- Propose to remove, or simplify and revise rules
- Clearer distinction for users of code



Example of lead regulator rule

Gift Aid

Current Code rules

- **2.7.8** You must be aware when benefits cancel out possible tax relief such as Gift Aid or top-up payments available under the small-donation rules. If benefits do prevent the donation qualifying under Gift Aid or the Gift Aid Small Donations Scheme rules, you **must not** try to reclaim tax on the donation. The tainted-donations rules may apply to some benefits.

Further guidance

- HM Revenue & Customs: Chapter 3.18 Charities: detailed guidance notes on how the tax system operates – for guidance on the limits on benefits that can be offered without tax consequences
- **4.6.1** You **must not** reclaim tax on the donation (the amount of the charity cheque or voucher) if you are the charity receiving the donation, as the Gift Aid was added before you received it.

4.9. Gift Aid

In this section, 'you' means a charitable institution or third-party fundraiser.

Gift Aid allows registered charities to reclaim tax on donations made by UK taxpayers. This effectively increases the amount of the donation.

- **4.9.1** You **must** only claim Gift Aid for a donation if all of the Gift Aid conditions are met. One of these is that a donor's Gift Aid declaration **must** meet HMRC's guidance on Gift Aid.
- **4.9.2** If you want to make a tax relief claim under the Gift Aid Small Donations Scheme, you **must** only do so if all of the scheme's conditions are met.

Further guidance

- HM Revenue & Customs: Charities: detailed guidance notes on how the tax system operates – Chapter 3: Gift Aid
- HM Revenue & Customs: Charities: detailed guidance notes on how the tax system operates – Chapter 8: The Gift Aid Small Donations Scheme

Indicative change

Gift Aid allows registered charities to reclaim tax on donations made by UK taxpayers. This effectively increases the amount of the donation. HM Revenue & Customs (HMRC) is the lead statutory body for all matters relating to tax, including Gift Aid. If you wish to take advantage of Gift Aid, you must:

- Only claim Gift Aid or make a tax relief claim under the Gift Aid Small Donations Scheme if all the conditions are met and you are eligible to do so.
- Keep up to date with guidance from HMRC on how the tax system operates. This includes HMRC's guidance on [Gift Aid, Benefits received by donors and connected persons](#) and [The Gift Aid Small Donations Scheme](#).

Expanding and amending existing rules

- Seeking views on adding rules, e.g. digital
- Proposals for amending rules
- Reviewing standards on vulnerability
- Open questions on AI and time and age limits



Improving accessibility and clarity of code

- More signposting to Fundraising Regulator guidance
- Make website more accessible
- Better framing of rules
- Reorganise the code



Responding to the consultation

We want to ensure consultation is as accessible as possible.

‘Digital first’ approach:

- Online format
- Navigate easily to specific parts of the consultation
- Comment on as many or as few of the proposals
- Save and return to responses
- Examples of principles-based and lead regulator rules



Responding to the consultation

Introduction page

Part A: Key themes

Part B: Expanding the code

Part C: Amending specific rules

Part D: Detailed changes for each code section



Code consultation 2023

The Code of Fundraising Practice underpins the system of voluntary self-regulation which fundraisers commit to and provides a framework for assessing public complaints. By taking part in this consultation, you can comment on our proposals to change the code and help ensure that the updated version remains effective and relevant for the future.

Instructions

Examples

The consultation is open until 1 December 2023. Find out more about the [code review](#).

Overview: Parts A, B and C

These parts contain an overview of the proposed changes, questions about expanding the code, and a summary of amendments to existing code rules. This is the best place to start reading the consultation as many respondents may only have comments on these parts.

Part A

Key themes

Part B

Expanding the code

Part C

Amending specific rules

Next steps



Country and stakeholder engagement:
Autumn 2023



Analyse consultation responses:
early 2024



Draft new code:
Spring 2024



Seek feedback on new code:
mid 2024



Launch new code with timetable for implementation:
early 2025



Any questions?



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