# **NICVA Consultation Response to Fundraising Regulator Consultation on the Code of Fundraising**

## November 2018

**1) Do you agree with the proposed approach set out in this consultation?**

Yes

If no, please explain why, giving your reasons with any supporting evidence.

**2) What is your view on each of the proposed changes? In your response, please give reasons for your views, ordering your comments under each of the headings (a-f) as follows:**

a) **The new Contents page and reordering of rules**

The new contents page and reordering of the sections is welcomed as it makes sense and is easier to navigate. It is important that the legislation is clear in all sections and that the NI specific information is differentiated.

There needs to be a clear section on website about differences in NI and separate this out so that people do not have to read through irrelevant information that maybe confusing. You could possibly colour code for different countries and have regional links for specific information – eg through clicking a map.

We understand that everyone would be expected to read the general rules but that each other part would be stand alone so it may be necessary to repeat some of legislation to ensure it is not missed.

We would recommend that it is a web-based resource that can be accessed in sections and easily navigated.

Where there is mention of rules applying in England and Wales it should be clear if the same rules apply in NI and if not clearly state what different rules apply. If this was a digital resource, then it could be possible for readers to state what country they were working in and therefore view a version that was relevant to them.

It is important that the same amount of detail on the rules is provided relating to each country. An example of different legislation is that a UK wide lottery cannot be run across GB and NI and in NI we do not have to comply with the Gambling Commission.

**b) “Plain English” review of language**

We agree that there should be a “plain English” review of the Code to make it as accessible as possible for all.

**c) Code introduction**

This is a good introduction to the Code.

However, the use of Must and Must\* and Must not and Must Not\* is highly confusing. In the introduction it outlines the difference in the two:

“We have used “MUST\*” and “MUST NOT\*” where there is a legal requirement and “MUST” and “MUST NOT” (no asterisk) where there is no legal requirement, but the Fundraising Regulator is treating the issue as a professional standard to be met by fundraising organisations.”

People are unlikely to read the introduction each time they use the Code eg if they’re looking for information on carrying out collections, they will probably go straight to that particular section. The chances that they’ll remember what the differences are between Must and Must\* are slim. It is therefore important that this Code is user friendly.

We strongly recommend changing the use of Must and Must\* (with an asterisk) to “Must and **Should**”, as this is what is used in other important charity guidance and would be less confusing for people to read. The Charity Commissions in both England and Wales and NI use ‘must’ to mean a specific legal or regulatory requirement and use ‘should ‘to mean best practice. It is vitally important that charities can easily see the difference between what the law is and what is best practice.

We made this important point in the last consultation as well and think it is vital to change it in order to ensure consistency with the Charity Commission guidance.

**d) Glossary of key terms**

The glossary is a good resource and although it is quite long it is used as a reference so needs to contain all relevant words and phrases. We understand that in some cases legal terms must be used but there are terms that people aren’t familiar with in terms of the law and these need to be explained further in lay terms. In some parts it is quite wordy – needs to be simplified where possible and in plain English.

We would advise that “On behalf” of v “in aid of” needs to be included in the glossary as this is sometimes confused, as well as the term “supporter”

The definition of “volunteer” not consistent with the NI Strategy, connected, independent, definition not clear.

It is important that the weblinks link to the actual page that is relevant not just the Information Commissioner website for example, as the information will be difficult to find otherwise. Links also need to be reviewed regularly to check they are working.

**e) Rules proposed for deletion or amendment** **including:**

It is helpful to reduce duplication of the rules and place them in the relevant sections of the code. It is also good to remove the rules that are specific to particular situations or not directly relevant to fundraising.

It is key to state that The Gambling Commission does not cover NI. Full detail should be provided regarding best practice and legislation NI, with links to specific information and guidance. When references to external guidance are provided the link should be direct to the relevant information eg lotteries and licencing.

**f) Incorporation of fundraising rulebooks in the Code**

We agree with this and think that it will provide a comprehensive resource regarding fundraising legislation and best practice, all in the one place.

**3) Are there any points not covered by this consultation that you think should be considered to improve the style, presentation, clarity and accessibility of the Code?**

One of the key things for NICVA is that the information in the Code is related to NI especially in areas where there is a difference in legislation. We also advise that any links relating to legislation should be to CCNI, not to NICVA as we provide guidance. The relevant legislation in each case need to be directly referenced.

See below

Section 3 fundraising methods –

a. Collections

In this section P45 and P47 it says that more information on the law can be found on NICVA website, this should be changed to CCNI (as in Scotland it is OSCR)

f. lotteries, prize competitions and free draws.

Need to add that UK wide lottery cannot be run across GB and NI and in NI.

We do not have to comply with the Gambling Commission nor do we have to contact them – this section needs to be made much clearer and NI specific.

Do charities in NI have to comply with the code of practice published by the PSA?

Need to give full explanation and links to NI relevant information as Gambling Commission does not cover NI

States that tickets sold in the lottery must not be sent through the post – this needs further explanation as we understand that GB charities may send tickets through the post to individuals in NI for the individual to purchase.

**Making Code easy to use and accessible -**

It is important that the Code is accessible and easy to use so that as many people as possible use it and that it encourages best practice in fundraising.

Some suggestions are:

* An app that all Fundraisers could have on their phone to refer to on the go
* Summary page for independent volunteers about code concentrating on principles of legal, honest etc
* The ability to cut and paste from the website in your own document for your organisation – eg induction pack for volunteers. Needs to be “read only” though.
* Templates to use – these need to be relevant to regions as well as keeping legal to relevant body.
* Case studies demonstrating best practice – giving examples from across the UK including NI.
* Videos or webinars on how to use the Code taking each section individually.