



Consultation on the Code of Fundraising Practice: style, presentation, clarity and accessibility

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4 October 2018

This session

- A brief history of the Code of Fundraising Practice
- How and why we propose to change it
- Consultation timescale and how to get involved



What is the Code of Fundraising Practice?

- Standards expected of fundraisers across the UK
- Developed with fundraisers, for fundraisers
- Key part of maintaining public trust and confidence in the charity sector.
- Demonstrates that charities hold themselves accountable.
- The means by which the Fundraising Regulator considers complaints against charitable organisations which fundraise.

The Code of Fundraising Practice – brief history

- The “Code” several individual Codes brought together since 2005 by IoF.
- 2007 – Fundraising Standards Board begins to investigate complaints against IoF Code.
- July 2016 –
 - Code transferred from the IoF to Fundraising Regulator on day of launch (with PFRA rulebooks).
 - Responsibility for investigating complaints transferred to Fundraising Regulator and Scottish Fundraising Standards Panel from FRSB.
- The Code is the **basis for our regulation and complaints handling** (has it been breached?)





Key Principles

All Code standards are underpinned by 4 principles:

- Legal
- Open
- Honest
- Accountable



The Code under the Fundraising Regulator

- First major consultation to develop the Code in spring 2017 covered:
 - Trustees' oversight of fundraising (CC20 guidance from the Charity Commission for England and Wales; similar guidance in Northern Ireland and Scotland).
 - Donors - ensuring the public can make an informed decision to give and do not experience undue pressure.
 - Raising concerns about fundraising as a whistleblower.
 - Monitoring of third party contracts.
- Changes on data and consent ahead of GDPR and Data Protection Act 2018
- On-line fundraising platforms: new section and good practice guidance added in June 2018.

Review prompted by:

- Feedback from our first consultation (February 2017)
- Roundtable sessions with smaller charities
- Queries and comments from fundraisers and the public through enquiries and complaints functions
- Conversations with other regulators and bodies representing the sector



Navigating the current Code structure

- Main Code - 20 Sections covering general principles and behaviours, specific rules on types of fundraising, processing considerations, data protection and working with others to fundraise
- +
- Rulebooks for face to face fundraising
 - Street
 - Door to Door
 - Private Site
- +
- Legal appendices (Specific law relating to sections of the code in more detail)
- +
- Other guidance (including relevant references to ICO, OFCOM, ASA, IoF & FR)



Why we are proposing changes

- Clarify the purpose of the Code and who it applies to.
- Ensure the language of the rules is clear and consistent.
- Review the order of the Code, identify gaps, and strengthen cross-referencing with relevant guidance.
- Avoid repetition between rules.
- Emphasise more clearly the importance of general rules that apply to all fundraisers as well as those that only apply to specific forms of fundraising.
- Simplify which parts of the Code are applicable across different legal jurisdictions of England & Wales, Scotland and Northern Ireland.
- Provide closer links with case studies and good practice examples.
- Clearer linkage between legal rules and legislation. Bring into Code any relevant rules from the legal appendices, removing where no direct relevance to fundraising.

The scope of this consultation

- This consultation focuses on the **style, presentation, clarity and accessibility** of the Code.
- Not intended to make fundamental changes to the standards within the Code, except where:
 - an unnecessary repetition or contradiction of a rule elsewhere in the Code,
 - the meaning is unclear; or
 - inaccurate in relation to UK law.

New Code introduction

Sets out:

- what the Code is, its purpose and why it is important to the reputation of charitable fundraising;
- its scope, including who it applies to, how it works with related laws, regulations and other Codes, national differences and why it includes non-legal standards;
- how the Code is kept up-to-date and relevant to current fundraising practice;
- how complaints against the Code will be considered and dealt with in cases where a Code rule is breached; and
- how the Code should be read.

Purpose of this change: Make it easier to understand why compliance with fundraising standards is important and how the Code works.

New table of contents and a simpler ordering

- Table of contents:
 - Identifies two key parts to the Code: “rules relevant to all fundraising” and “rules relevant to specific fundraising practices”.
 - Combines the 20 sections of the Code, 14 legal appendices and 3 rulebooks.
 - Simplifies these into 3 sections– “General rules”, “Working with others” and “Fundraising methods”.

Purpose of this change: Make it easier for fundraisers to understand what rules are applicable to their fundraising.

Glossary and “Plain English” review of language

- Glossary of key terms – these are defined in the context Code.
- Using a direct form of address (*‘You’* must rather than *‘the organisation’* or *‘the fundraiser’* must) and emphasising that most rules will apply to charitable organisations that fundraise unless otherwise stated.
- Avoiding jargon where possible and substituting some words for simpler alternatives, except where there is a substantive difference in meaning or a conflict with what the law requires.
- Using active rather than passive verbs where possible (for example, *‘further information can be found’* becomes *‘you can find more information’*).

Purpose of this change: Simplify the language in the Code to make it accessible to a wider audience.

Incorporation of face-to-face rulebooks

- Incorporation of the **face-to-face fundraising rulebooks** in the “Fundraising Methods” section of the Code rather than as a separate set of documents.

Purpose of this change:

Ensure that:

- face-to-face fundraising organisations understand their responsibilities in the context of the whole Code (not just those rules specific to face-to-face fundraising).
- the Code properly reflects the content of the face-to-face fundraising rulebooks.

Rules proposed for deletion, merger or amendment

Incorporates legal appendices within the body of the Code and **removes or replaces with links to other guidance** rules / legal appendices which:

- have limited relevance to fundraising specifically (for example, “payment of trustees”).
- are likely to only be relevant in a very narrow local context (for example, rules relating to the “Three Peaks challenge” event).
- repeat rules found elsewhere in the Code.
- repeat in detail regulations set and primarily enforced by other regulators.

Purpose of this change: Ensure the Code is focused on fundraising and avoids superfluous detail where such information can be found elsewhere.

Following the consultation

- Additional **guidance, tools, and illustrative examples** to help fundraisers translate the Code into practice (Case studies, template policies, checklists and step-by-step guides).
- **FR Website redeveloped to increase accessibility:** New ways to navigate the Code online, “layering” of information for different audiences.

Responding to the Consultation

Over to you...

- 1. Do you agree with our approach?**
- 2. What are your views on the proposed changes?**

Let us know your thoughts!

Consultation timescale

10th September to 16th November 2018: Consultation on the proposed changes and reordering of the Code

December 2018 – January 2019: Full technical and legal review

February 2019: Final changes to Fundraising Regulator Board

March 2019: Publication and implementation of Code changes (the revised Code will be kept under review once implemented)



How to respond

Online:

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By email:

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By post:

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