

Chartered Institute of Fundraising's Response to Call for Information 2022

EXECUTIVE SUMMARY:

We welcome the opportunity to respond to this Call for Information and sharing the views of our members throughout the course of this two-year review. Overall, we believe that the Code sets appropriate standards which ensures the public can be confident that fundraising is carried out in the right way; both in terms of the values and standards it sets, as well as its accessibility, which makes it easy for charities to find and understand relevant requirements. Equally, regular signposting throughout also helps charities understand and operate within fundraising's wider regulatory landscape.

Although there are many positives to the Code, we do recognise the need to regularly review it and consult with charities on how regulation can support changes in fundraising. Over the past two years, our members have needed to innovate in order to adapt to different giving trends. For some of our members, this means adopting new fundraising products that are proving popular, whilst for others it could be exploring technology not previously used in fundraising, such as AI or machine learning. It is also clear that some of our members would welcome additional guidance and training on the Code, which we are the professional development body and would be happy to co-create with the Regulator and our members.

There are also organisations carrying out fundraising activities who are not required to follow the Code. For some of our members, particularly those carrying out public fundraising, this is causing problems and impacting the reputation of fundraising. They would value the regulator considering how to extend the remit of the Code to include these organisations.

The areas of improvement we have raised in this response do not come with simple solutions. There must be careful consideration to how any changes made are applicable to a wide range of charities and remain relevant in a time of fast-paced technological development. We also see this as an opportunity to discuss whether introducing new standards would be more helpful to charities than guidance. From speaking to our members, it is clear that different charities have different views on this- those with fewer resources would prefer a detailed one, whilst those with more resources are in favor of a principals-based approach. We are therefore happy to facilitate further in-depth discussions with our members to make sure the Code supports charities of all sizes.

Going forward, we want to support changes that build on the Code's strengths and bolster innovation in fundraising. Over the next two years, we look forward to continuing the dialogue we have with our members to ensure charities of different sizes are heard and are open to facilitating conversations between them and the Regulator. As the new Code develops, we welcome playing a role in helping charities understand it through our guidance and training.

QUESTIONS FROM THE CALL FOR INFORMATION

Question 1: Which parts of the code do you think work well, and why?

- **Accessibility of the Current Code**

Overall, we think the Code is accessible, our members rarely ask us for guidance to clarify what certain standards mean, or where to find specific standards. In 2019, our members welcomed the shift to plain English and the current structure is user-friendly and now fundraisers can easily find the standards relevant to their area of fundraising, and understand what is expected of them.

- **Signposting to UK Nations' law, relevant regulations and guidance**

By highlighting the different requirements for charities in England, Scotland, Wales and Northern Ireland, the Code is relevant to charities in all Nations and it easy understand what is expected of them.

Similarly, the Code signposts to relevant regulations that also impact fundraising, such as the Code of Non-broadcast Advertising and Direct and Promotional Marketing (CAP code) and the Code of Broadcast Advertising (BCAP code). This makes it possible for our members to find other regulations they need to carry out fundraising legally.

We also welcome the opportunity for the Code to signpost to guidance co-created by fundraisers and the Chartered Institute, such as [Treating Donors Fairly](#). We believe that this would give the sector the appropriate balance of standards and practical guidance to support the sector carry out excellent fundraising.

- **Working with the sector to improve the Code**

As the Code impacts organisations of all sizes across England, Scotland, Wales and Northern Ireland, meaning any changes made must be applicable to everyone. Our members therefore value that the Fundraising Regulator is undergoing a detailed consultation before making any changes and are taking the time to work with fundraisers and charities to make sure the Code is inclusive. Over the course of the consultation, we are happy to facilitate further discussions between the regulator and our members to make sure any changes made reflect the views of the sector.

- **Strikes the right balance in the standards set**

It is the general feeling of our members that a key purpose of the Code is to protect both the reputation of the charity sector and the public from harm and ensure they have the right experience with engaging with fundraisers or fundraising activities. Currently, the standards in the Code are at the right level to achieve this, as they provide clear expectations for charities, whilst also giving them an appropriate amount of license to develop relationships with supporters in a way that works for them.

Going forward, we support the Code setting standards and expectations for fundraisers, as the professional membership body, we would welcome developing co-created guidance with fundraisers that could then help them achieve best practice.

Question 2: Are there any issues relating to charitable fundraising that the code does not adequately cover

- **Digital technologies**

There have been many developments in digital technologies which help fundraisers reach new donors and improve supporter experience. Given this is a rapidly evolving area, there needs to be careful consideration of how this is approached, as setting specific standards may not be able to keep up with technological developments, other regulations and donor behavior. Some members have suggested that instead, this could be covered by guidance.

We believe that this is an important area to get right, therefore we welcome the opportunity for more in-depth discussions with our members to understand if this requires additional standards in the Code, or separate guidance.

- **Who the Code applies to**

Currently the Code applies to 'Charitable Institutions', however this does not cover other organisations who could carry out fundraising activity, such as CICs.

This year some of our members who carry out public fundraising have reported to us that this has caused some difficulties and impacts the fundraising's reputation. They would therefore value some consideration being given to how to extend the remit of the Code to include these organisations.

Question 3: Do any standards in the code need be updated, for example, to reflect advancements in technology, new legislation, or changes to donor and fundraising behaviour?

- **Telephone Fundraising**

Some members have fed back that the rules covering telephone fundraising are unclear. They recommend this area of the Code be reviewed and that it could be useful to include guidance from the DMA which can be found here- <https://dma.org.uk/article/dma-gdpr-guidance-consent-and-legitimate-interests>.

Question 4: Do any parts of the code contain overly prescriptive or unnecessary standards?

- **Cross-over between the Codes' values and standards**

Our members recognise the importance of the Code's values- legal, honest, open and respectful. In some cases, however, the standards replicate the values which risks leading to confusion or questions about why both need to be in place. For example, although we have the value 'respectful' we also have the standard *1.1.2. You must be polite to people at all times*. We suggest that any areas like these which overlap should be reviewed and amended to avoid duplication.

- **Repetition of other regulations**

There are some cases where the Code signposts to relevant regulations, then also repeats them as standards, for example, in [Section 3 Processing Personal Data](#). This risks causing confusion and there should be some consideration to whether only signposting to relevant regulations would make the Code more accessible.

- **References to the law**

As well as stating that all fundraising must be legal, there are many standards throughout the Code that state fundraisers must adhere to certain laws or legal requirements. Whilst in some cases this is valuable, our members feel not all of these standards are necessary, for example standard *6.1.1 You must keep to any relevant age limits set by law when organising fundraising activities*. In particular case, it is not clear which age limits are being referred to, or where to find them, which causes confusion as fundraisers are unclear what is expected of them.

There are some areas of law, such as data protection, which the Code covers in detail, such as direct marketing and consent, whilst others that are only mentioned briefly. Some members have questioned whether this may lead to some people thinking certain legislation is more

important than others, or inadvertently lead people to thinking that because they've complied with the areas specified in the Code, they miss other areas.

- **Subjective standards**

In some areas the Code sets an outcome or standard, but how to achieve it is subjective. For example, being 'respectful' or 'polite' will have different meanings to different members of the public. This can make it difficult for charities and fundraisers to get right, particularly when they in contact with different demographics on a day-to-day basis.

Some members have raised that this makes it difficult to know how to support and train fundraisers. Conversely, other members welcome this subjectiveness as they believe it gives charities the freedom to develop their own approach to working with donors. It's important to recognise that the Code needs to be applicable to charities of different sizes with different resources and capacities, meaning that whilst some would prefer a more detailed code, others would prefer a more principals or values-based one.

Question 5: Are there any ways in which the code could be made shorter, clearer or more accessible?

- **Moving to a principals or values-based Code**

Our members highlighted several areas where standards replicate the Codes' values or other regulations, which makes it long and at times difficult to understand.

As part of this, there could be some thought to the Code's overall objectives and role in supporting fundraisers, should it articulate standards that are not a legal requirement, but protect the public from harm and charities' reputation, or act as a handbook for fundraisers.

We understand that these views need to be balanced with those who would prefer a more detailed code and consideration needs to be given to how to make it accessible to a wide range of organisations. There should be some consideration of how different charities will have different needs, whilst small charities with a sole fundraiser might need a detailed code, larger ones with dedicated compliance and legal teams will not.

- **Alternative ways to improve understanding**

Although the Code is easy to read and understand, providing infographics, videos or additional guidance and examples would help fundraisers understand how to implement the standards. An example of what could work well is ICO's [Guidance on direct marketing and using electronic mail](#), which uses highlighted examples and includes a frequently asked questions section.

Some members have also raised that training on the Code could also be valuable.

We remain happy to work with the Fundraising Regulator on complementary guidance or training materials, created with our members.

- **Signposting to other Fundraising Regulator activities**

Many charities will initially refer to the Code if they want to confirm their fundraising activity is legal, open, honest and respectful. This should be seen as a good thing, as it proves they value the Code, however, members have said they would benefit from there being more signposting within the Code to other areas of the Fundraising Regulator, notably guidance and investigations .

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