Code Response- Detailed

Part A- Key Themes

Principles-based rules	
Questions	Should the Fundraising Regulator adopt a principles-based approach to rules where this can cover relevant issues in a more concise manner? If you do not agree or have concerns about specific sections of the code which you think should not follow this approach, please explain your response. You will also be able to comment on individual proposals for changes later in the consultation form.
Our Response	Overall, we support exploring how the Code could adopt a more principles-based approach. Some of our members believe that the Code is lengthy, and there is some duplication across sections, therefore stripping out some unnecessary detail should make the Code easier to use and more accessible. Some members would be interested to know more about how adjudications would align with a new principles-based approach. This is important for fundraisers to know so that they do not inadvertently get caught up by thinking that they were meeting a principle, when the Fundraising Regulator may have a different view on what is compliant with the principle and what falls short. Equally, it would be helpful to look at how previous adjudications that relied on a specific level of detail from the Code would be handled in the future. Although we believe that a principle-based Code will be clearer in setting a public narrative of what is expected of fundraisers, there is a risk that the public expectation of what meets a principle is different from either the Fundraising Regulator's, or a charity's view. Additionally, different charities may take different approaches on how to be compliant with a specific principle, which in turn could lead to confusion from the public unfair criticism that a charity is not being compliant. We would therefore welcome clarity from the Fundraising Regulator on how they will give charities the support they need to be compliant, as well as how they will inform the public on what is acceptable fundraising. For example, it may be that the Fundraising Regulator puts emphasis on what it expects a charity be able to show in their decision-making process and rationale on how they set the parameters of a fundraising campaign – this would allow the charity to demonstrate how they have sought to meet the principle and put in place appropriate monitoring and training procedures.

	In addition to this, we are aware that this change would impact our public fundraising rule books that we use to assess members' conduct. Currently, the rule books use the exact same wording of the Code, meaning that if the standards were to change, there needs to be consideration into what impact this would have on our rules. To maintain consistency in our public fundraising team's decision making, we would like to explore how to keep these rules the same Going forward, we would like to keep these rules the same and would welcome further discussions with the regulator to establish how to achieve this.

Rules where we are not lead regulator	
Questions	Should the Fundraising Regulator replace rules which relate to legislation where we are not lead regulator with signposting to guidance from the relevant legislative body?
	If you do not agree with this approach or consider it would not be appropriate in specific circumstances, please cite examples and explain your response.
	You will also be able to comment on individual proposals for changes later in the consultation form.
Our Response	We support the Fundraising Regulator's proposal to remove a level of information which incorporates regulatory or legal detail relating to areas of activity where they are not the lead regulator (e.g, gambling, or Gift Aid).
	However, we recognise that not all our members support this, some would prefer keeping all the information they need to know in one place. Their view is that this will save time, particularly as other regulatory guidance or information can be difficult to access and less user-friendly.
	With that in mind, while overall we support the proposal, we would like to work with the Fundraising Regulator to explore how some of the negative impact could be mitigated –

through training, guidance, or resources which could be developed between the Fundraising Regulator and the Chartered Institute to ensure fundraisers are able to easily and quickly find all the information that they need to know when going about their fundraising.

Part B- Key Themes

Context to these questions can be found here.

Contactless / tap-and-donate	
Questions	Should the code include specific requirements regarding transparency for contactless/tap-and-donate methods? Should this be addressed with new rules, or could existing rules be expanded to include these methods? Could the key issues be covered with guidance rather than new rules? What information do you think should be provided to donors at the point of donation when using these methods? Are there any other related issues that need to be considered?
Our response	Generally, our members are not against including requirements that will improve transparency and ensure that donors know what amount they are giving to the charity. That said, some members highlighted that including standards relating to processing fees could make conversations with donors more complicated as donors may not be aware that processing fees for card payments are common in nearly all card transactions and payment processing fees will vary from provider to provider. With this in mind, some members suggested there could be scope for additional guidance on both adopting contactless donations, as well as processing fees and working with payment processing providers. Some members also indicated that the definition of a 'contactless payment' can vary from charity to charity, for some it means a sign-up process that doesn't involve physical contact between the fundraiser and donor, whilst others consider it a contactless payment. To avoid confusion, we recommend the Code setting out a definition of what contactless donations mean, in light of the range of channels and methods someone could now donate to charity.

‘Round ups’ and micro-donations	
Questions	Should the code include specific requirements regarding consent and transparency for ‘round up’ and ‘micro-donation’ mechanisms? Should this be addressed with new rules, or could existing rules be expanded to include these methods? Could the key issues be covered with guidance rather than new rules? What information do you think should be provided to donors at the point of donation when using these methods? Are there any other related issues that need to be considered?
Our response	Overall, members agree that there should be an explicit opt-in for micro-donations and roundups as this will build trust with donors and are not opposed to standards in the Code that state this. Some members also noted that given transparency of donations and payments appear to be a recurrent theme in this consultation, there could be scope to create a principle or general standards regarding payments and transparency, rather than specific standards for specific kinds of donations. Additionally, some members also raised that as micro-donations are often used by corporate partners, additional guidance on the role and responsibilities of charities in this area would help support best practice.

Cryptocurrencies and NFTs	
Questions	Should the code include specific requirements regarding ‘cryptocurrencies and NFTs’ in the context of accepting and refusing donations? Should this be addressed with new rules, or could existing rules be expanded to include these methods? Could the key issues be covered with guidance rather than new rules? Are there any other related issues that need to be considered?
Our response	Some members recognise that there are unique risks to accepting crypto-currencies that they need to take into consideration. In particular, some noted they are unsure how to

manage the 'Know your donor' requirements set out by the Charity Commission and would appreciate additional guidance around this.

That said, other members highlighted that some of the best practice advice relating to managing crypto is similar to other assets (notably stocks and shares), so there is scope create a set of standards (or principle) that is relevant to both kinds of gift.

Online fundraising platforms	
Questions	Should the code include a requirement that online fundraising platforms follow our recently updated guidance setting out the minimum standard of information we expect donors to see in order to make an informed decision to donate? Should the code also require online fundraising platforms to add a tick box to fundraising pages so fundraisers can confirm they have read the Fundraising Regulator's guidance for fundraisers setting up a fundraising page? What information do you think should be provided to donors at the point of donation when using these methods? Are there any other related issues that need to be considered?
Our response	Most of our members are not against requiring platforms this guidance, however, some did raise concerns that this may limit charities who wish to work with platforms outside of the UK. Alongside this, some members raised that there are long-standing challenges associated with working with online platforms. For example, they have received complaints from donors that optional tipping methods are hard to opt-out of, or that accepting money that has been donated anonymously through a platform makes it challenging to meet 'Know your donor' requirements set out by the Charity Commission. These members would welcome the regulator carrying out a review into these challenges.

Social Media	
Questions	Should the code include specific requirements regarding social media fundraising? Should this be addressed with new rules, or could existing rules be expanded to include these methods? Could the key issues be covered with guidance rather than new rules?

	What information do you think should be provided to donors at different stages of social media fundraising activities? Are there any other related issues that need to be considered?
Our response	Although social media presents many opportunities for charities to connect with large numbers of donors quickly, members recognise that it comes with its own unique set of risks, many of which are covered in the Charity Commission's recent guidance on social media. As such, some members are not against additional guidance in this area which could support smaller charities and those who are not specialists in social media (such as volunteers) in navigating these fast-paced channels and how to approach moderation. Of course, any guidance in this area would have to be conscious that many challenges related to this area are the result of bad actors online, which charities cannot control.

In contrast to this, some members, particularly those that are digital fundraising or social media specialists, feel that many of the standards in section 9 Fundraising Communications and advertisements would apply to social media channels. They also pointed out that given most people have smartphones, even communications not intended for the internet could be photographed and posted online. With this in mind, they believe a principles-based approach that applies to a wide range of communication channels would be the most holitistic way to mitigate risks. |

Protecting fundraisers	
Questions	Should the code include protections for fundraisers from inappropriate behaviour by donors and potential donors?

Should this be addressed with new rules, or could existing rules be expanded to include these methods? Could the key issues be covered with guidance rather than new rules?

Are there any other related issues that need to be considered? |
| Our response | Although we agree that safeguarding fundraisers an important challenge the sector must address, we are unsure how the safeguarding of fundraisers from donors' behaviour could be appropriately incorporated into the Code.

As it stands, the Code is set up to ensure fundraisers operate in the right way to protect the public, so we are unclear on how the Code could address this area in a meaningful way, or how it could be monitored and adjudicated on. |

	We are keen therefore to have further discussions with the Regulator to scope out this area before looking at any potential changes to the Code in relation to this area.

Complaints handling	
Questions	Should the code include a requirement that organisations comply with reasonable requests from the Fundraising Regulator in relation to complaints or other concerns about their compliance with the code, not limited to legal breaches? In such cases, organisations would be subject to proportionate regulatory action from the Fundraising Regulator. What do you think should be the scope and limits of such a rule?
Our response	Generally our members agree with this, although they would appreciate more clarity on how the Regulator plans to enforce this.

Third party legislation and regulations	
Questions	Should the code include an explanation that organisations found to have breached relevant legal obligations while fundraising will be considered to have breached the code – even where these laws are not listed in the code itself? In such cases, organisations would be subject to proportionate regulatory action from the Fundraising Regulator. What do you think should be the scope and limits of such a rule?
Our response	Our members are broadly in favor of this and understand that a breach of legal obligations would also constitute a breach of the Code. Some members, however, raised concerns that the public may not fully understand this which could lead to double or disproportionate backlash. For example, if a charity was to inadvertently breach a legal requirement, which led to media coverage, an additional

	statement from the Fundraising Regulator could cause the situation to escalate. These members would therefore like more clarity on the circumstances in which the Fundraising Regulator would release a statement saying that the Code has been breached.

Other areas for expansion	
Questions	Are there any other areas where you think the scope of the code should be extended? Please explain how you think this would be best addressed, for example, establishing new rules, expanding existing rules, creating guidance etc.
Our response	Some members mentioned they would be in favor in seeing the Code encourage better supporter experience and stewardship of donors. For example, at the moment there are few standards or guidance on what good communication and engagement with donors look like, these members believe that inclusion of this in either the Code or guidance could help charities retain supporters.

Artificial intelligence	
Questions	The Fundraising Regulator is interested to find out more about emerging issues and developments in artificial intelligence that may impact fundraising. Do you have any evidence or observations about how artificial intelligence might affect fundraising, now and in the future? How can the Fundraising Regulator help ensure the use of artificial intelligence in fundraising is legal, open, honest, and respectful?
Our response	Some of our members believe that AI presents an opportunity for charities to make fundraising more efficient, improve donor engagement and make fundraising safer for donors and staff alike. Specifically, they are looking at how AI can help them achieve the following: - Identify which donors would be most interested in certain products and appeals - Refine campaign messaging - Automate fundraising processes, such as comment moderation on social media That said, some members are aware that AI can be misused, although some of the standards in the Code relating to the accuracy of fundraising material do mitigate against this.

	As this area of technology progresses and the government refines its regulatory approach, we welcome facilitating more discussions between the Fundraising Regulator and our members to ensure charities are able to use this technology to enhance fundraising and donor experience whilst mitigating any risks or ethical concerns from the public.

Appropriate Times for Fundraising Activity	
Questions	Do you consider the current timeframes for specific fundraising activities, and the variations between different approaches, to be appropriate? Do you have any suggestions for how these timing restrictions could be amended? Please provide evidence to support your case for the suitability of the current approach, or any changes you propose.
Our response	We have concerns that changes to the time restrictions would limit face-to-face campaigns which could have an impact on donations. Our members have reported that fundraisers are still seeing considerably productivity well into the evening. They believe that this is because outside of office hours (9am-5pm) is a particularly good time to engage with people who are currently working and earning, which is a key demographic for regular giving campaigns. One member fed back that in the non-summer months, they would see 4% of productivity recruited between 7:30-8pm and 9% of productivity between 7pm and 8pm.

Part C- Amending specific rules

Context to these questions can be found here.

Questions	**Rules 8.4.13-8.4.19** outline expectations for behaviour during street fundraising. In the current code they appear under the text "Collecting regular gifts (face-to-face fundraising) on the street" so only apply in the context of collecting regular gifts. For consistency, these standards could be applied to all forms of street fundraising, including asking for direct donations. Some aspects of behaviour when asking for direct donations are covered by the terms for street collection licences and rules in Section 8.2 of the code. Greater consistency in this area will aid public understanding of how the Fundraising Regulator expects fundraisers to behave when asking for donations face-to-face in the street. Proposal The Fundraising Regulator proposes amending Rules 8.4.13-8.4.19 to extend their scope to all forms of street fundraising. Do you agree with this proposal? If no, please explain and provide any evidence which may support your answer.
Our response	We have concerns that this change could make some street fundraising campaigns unfeasible and limit charities' volunteer opportunities. Currently, some of our members carry out face-to-face fundraising with volunteers, which proves both successful at raising funds and engaging volunteers, however volunteers typically wear their own clothes rather than charity branding. This means that standard 8.4.14 which requires fundraisers to be easily identifiable at a distance through charity branded clothing is not feasible and there is a risk that if it is too costly to implement, these kind of campaigns could not go ahead. Certain members, however, do recognise that to mitigate against bad actors, volunteers should be identifiable. They suggested colored lanyards would be more cost-effective and easier to manage.

Questions	**Rules 8.4.22-8.4.28** outline expectations for fundraising on private sites. In the current code they appear under the text "Collecting regular gifts (face-to-face fundraising) on bookable private sites" so only apply in the context of collecting regular gifts.

	For consistency, these standards could be applied to all forms of fundraising on private sites, including asking for direct donations. Greater consistency in this area will aid public understanding of how the Fundraising Regulator expects fundraisers to behave when asking for donations on private sites. Proposal The Fundraising Regulator proposes amending Rules 8.4.22-8.4.28 to extend their scope to all forms of fundraising on private sites. Do you agree with this proposal? If no, please explain and provide any evidence which may support your answer.
Our response	As with our response to amending standards 8.4.13-8.4.19, members are concerned that this would make volunteer campaigns unfeasible and costly as charities would have to provide volunteers with t-shirts. We therefore recommend amending standard 8.4.26 to be broader and include branded lanyards for volunteers as these are cheaper and easier to manage.