

ABOUT THE CODES OF FUNDRAISING PRACTICE

Standards in Fundraising: The Codes of Fundraising Practice

The Institute of Fundraising has developed the Codes of Fundraising Practice and the Donors' Charter to provide a guide to the law and best practice in relation to fundraising activity throughout the United Kingdom.

In the Codes of Fundraising Practice a phrase where the word 'must' is in red indicates a requirement that is mandatory at law, 'ought' indicates a requirement that is mandatory for both individual and organisational members of the Institute and 'should' indicates a course of action that is recommended as best practice.

The Codes cover a wide range of activities. Existing Codes are updated on a regular basis and new Codes are developed where a need for them has been identified.

The Codes are also available in Welsh on the website, www.institute-of-fundraising.org.uk

The Principles Behind a Fundraising Relationship: The Donors' Charter

The Donors' Charter sets out the key principles that should govern the relationship between a donor and the organisation the donor chooses to support. While the Institute would recommend that concerns should be raised directly with the fundraising organisation, we recognise that it may, at times, be necessary to facilitate that process. The principles of best practice that are embodied in the Codes of Fundraising Practice apply equally in the case of the Donors' Charter. The Institute will ensure that issues of malpractice arising from any complaint in relation to the Charter that could not be resolved through dialogue will be addressed by the appropriate organisation or regulator.

Keeping the Standards Relevant

Responsibility for drafting and delivering new Codes of Fundraising Practice lies with the Institute's Standards Committee. Membership of the committee reflects the range of stakeholders in charity fundraising and includes permanent observers from the Charity Commission, Home Office and Office of the Scottish Charity Regulator. Committee members are appointed by the Trustee Board of the Institute.

The Standards Committee is responsible for appointing the working parties drafting new Codes of Fundraising Practice, subject to the approval of the Trustees. Membership of a working party must reflect the full range of interests in the field of any proposed Code. The Codes do not necessarily represent the individual views of the working party members.

Each Code is subject to a full consultation process at the stage of its final draft. Consultation includes: the Institute's organisational members, representing fundraising charities and other voluntary organisations, Chairs of the National, Regional and Special Interest Groups of the Institute, the Charity Commission, the Active Community Unit in the Home Office, the Charity Law Association, Office of the Scottish Charity Regulator, Scottish Council for Voluntary Organisations, National Council for Voluntary Organisations, Welsh Council for Voluntary Organisations, Northern Ireland Council for Voluntary Action, National Association of Citizens Advice Bureaux, Charities Aid Foundation, Association of Chief Executives of Voluntary Organisations and the Charity Finance Directors Group. Consultations will automatically include those bodies with an interest in the field covered by a new Code of Fundraising Practice.

The Codes are kept under review and periodically updated to keep pace with the changing fundraising environment. The Institute welcomes any suggestions or comments about either existing Codes that require review or any gaps in the full set of Codes. Please email codes@institute-of-fundraising.org.uk or contact the Policy Department.

ABOUT THE CODES OF FUNDRAISING PRACTICE CONTINUED

Who Endorses the Codes?

Codes are endorsed by all organisations taking part in the consultation process. They highlight best practice and clarify areas of the law relating to them. Observance of the law is mandatory; implementation of best practice is not. However, where standards of best practice are recognised and developed by a significant majority of the fundraising community and endorsed by regulators and cross-sectoral bodies, any decision not to implement those standards would need to be clearly justified.

Codes of Fundraising Practice clarify the law relating to fundraising and promote best practice in relation to it. Where regulation in the context of certain fundraising techniques is not clear, the Codes have the capacity to provide a framework of self-regulation ensuring that the concerns of regulators, charities and other voluntary organisations, as well as their supporters and members of the public, are met.

The Law Governing Fundraising in the UK

The principles of the Codes of Fundraising Practice and Donors' Charter apply to all jurisdictions within the United Kingdom. It is important to be aware, however, that the basic framework of the law and the nature of the regulator both vary. The principal regulator of charities in England and Wales is the Charity Commission; in Scotland it is the Office of the Scottish Charity Regulator and in Northern Ireland that role is fulfilled by the Inland Revenue. The underlying statutory structure of charity law and status in England and Wales is provided by the Charities Acts 1992 and 1993, in Scotland by the Civic Government (Scotland) Act 1976 and the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

It is important to be aware that at the time of writing major reviews of charity law and status are being undertaken in Scotland, England and Wales, and Northern Ireland.

Adhering to the Codes

Where, under any particular jurisdiction, the law is unclear, its requirements less onerous than under other jurisdictions, or where regulation does not exist at all, the Institute would expect any fundraiser or fundraising organisation to observe the guidance of the relevant Code of Fundraising Practice and the regulation that does apply elsewhere in the United Kingdom.

Where varying degrees of regulation apply in different jurisdictions, the Institute would expect fundraisers to implement the most rigorous requirement of the law.

Failure on the part of an organisation or individual to work within the spirit or letter of the Codes or the Donors' Charter leaves that organisation or individual open to the concerns or complaints of other charitable organisations, regulators and members of the public. All members of the Institute agree on becoming a member to abide by the Code of Conduct, Donors' Charter and the Codes of Practice. Organisational members agree to be responsible for ensuring that fundraisers acting on their behalf, including staff members, volunteers or consultants abide by the Codes. Different organisations use their own methods to ensure and monitor compliance of the Codes: some publish them on their intranet, some attach them to the contract of every member of their fundraising team, some have formally adapted their own procedures to ensure compliance. The Institute is not prescriptive, but does welcome any comments and feedback about the practical use of the set of Codes.

Any complaints directed to the Institute about members are investigated in accordance with the Institute's disciplinary procedures, which are available upon request.

For Further Information

For further information about the Institute of Fundraising's Codes of Fundraising Practice, email: codes@institute-of-fundraising.org.uk or visit the Codes of Fundraising Practice area of the Institute's website, visit www.institute-of-fundraising.org.uk