



# House-to-House Collections Code of Fundraising Practice April 2011

## Check-list: key questions to ask

- Are fundraising organisations aware of the different permissions that are required? (3.0)

### Exemption Order holders (in Scotland, exempt promoters)

- Do exemption order holders act responsibly in organising collections and working with relevant stakeholders? (3.1)
- Can information be provided about the dates and locations of collections?(3.1)

### Non-Exemption Order holders

- Do organisations have the correct licences needed to collect? (3.2)
- Are organisations aware of local policies or preferences around collections? (3.2)

### Working with Third Parties

- Are any third parties made aware they are also bound by the Code? (4.0)
- Do organisations have the correct contracts in place? (4.0)
- Do third parties make it clear on materials they are undertaking the collection and what money will go to the charity? (6.2.1)

### Collections

- Have organisations considered the overall frequency of collections and had discussions with Local Authorities? (5.0)

### Materials

- Do collectors have the correct materials for the jurisdiction they collect in? (6.0)
- Do collectors have the correct information on badges and other collection materials? (6.0)
- For cash collections, are the correct collection receptacles used? (6.1)
- Have arrangements been made for the collection and recording of cash? (6.1)
- For goods collections, do materials signpost where to find more information? (6.2)

### Collectors

- Are collection organisers given adequate training and materials? (7.1)
- Have organisations followed suitable recruitment processes? (7.2)
- Are collectors aware of their responsibilities? (7.2.2)
- Are collectors given adequate training or information? (7.2.2)
- Do all collectors receive instructions about how to undertake the collection? (7.2.2)

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## 1.0 The Codes of Fundraising Practice Explained

The Institute of Fundraising's **Codes of Fundraising Practice** are structured in order to highlight what is mandatory at law, what the Institute regards as a mandatory requirement for its members and what constitutes advice on best practice.

In this Code a phrase where the word:

**MUST** is in bold indicates a requirement that is mandatory at law.

**OUGHT** in bold indicates a requirement that is mandatory for members and affiliated organisations of the Institute.

**SHOULD** in bold indicates a course of action that is recommended as best practice.

Organisations engaged in fundraising **SHOULD** join the Fundraising Standards Board and **SHOULD** follow their complaints procedure.

This **Code of Fundraising Practice** is intended to address fundraising activity throughout the UK. Legal requirements can vary between different jurisdictions (England & Wales; Northern Ireland; Scotland).

In this Code, **MUST\*** in bold indicates a legal requirement within one jurisdiction but not in others.

The Institute recommends that organisations adhere to the most rigorous interpretation of the law applicable to an activity.

Users **SHOULD** be aware that this Code addresses the law as it stands at the date of publication throughout the UK.

Reviews of the law relating to fundraising and fundraising activities, governance and charitable status are ongoing in Scotland, England and Wales and Northern Ireland.

This **Code** will be revised to take into account any developments or changes in the law that may result from these initiatives

## 2.0 Introduction

For the purposes of this Code, house-to-house collections can take the form of cash or goods collections, and can be undertaken by volunteers, fundraising organisations or third party agencies. For the purposes of this Code, cash collections are taken to mean physical contributions of money, not promises of money, such as direct debits or standing orders – guidance for those collections can be found in the Institute’s Face-to-Face Activity Code (see 9.2)

Collections of goods can be undertaken for use in charity shops as well as through third party agencies whereby a proportion of the sale of collected goods is donated to charity.

These collections provide a vital source of funds for many charities as well as supplying stock to charity shops.

In England and Wales, collections of both varieties are governed by specific rules. However, in Scotland this guidance is only mandatory in relation to collections of cash donations (unless it specifically states otherwise in this Code). In Northern Ireland, collections of both cash and goods are governed by specific rules.

The Institute of Fundraising policy on house-to-house collections is that:

- they offer a positive opportunity for the general public to participate actively in supporting charities within their own community;
- they enable supporters to raise funds for all sorts of charities in an ethical and secure manner; and
- they provide an important mechanism for information exchange between charities and their donors.

Those fundraising organisations operating their own shops **OUGHT** to also be aware of the Charity Retail Association’s Code of Charity (see 9.2).

## 3.0 Permissions

The Charities Act 2006 introduced new regulations for house-to-house collections in England and Wales; however these have not yet been implemented. Similarly, the Charities and Trustee Investment (Scotland) Act 2005 creates the power to regulate public benevolent collections in Scotland but these regulations have yet to be produced.

This Code will be updated to reflect the changing legislation when these parts of the Acts are implemented. The Charities Act (Northern Ireland) 2008 will also introduce new regulation, but the relevant sections are not in force as yet,

### 3.1 Holders of Exemption Orders

- Holders of Exemption Orders in England and Wales and Northern Ireland and Exempt Promoters in Scotland are in a relatively privileged position with regard to house-to-house collections. It is recognised that this privilege brings responsibilities that **OUGHT** to be fulfilled.
- All Exemption Order holders or Exempt Promoters **OUGHT** to:
  - establish a clear annual programme of collections;
  - fix specific dates a year in advance for all collections (some fundraising organisations advocate two years) and negotiate any proposed changes to dates with relevant authorities at the earliest opportunity and confirm all changes in writing;
  - make every attempt to avoid a conflict in collection dates;
  - inform relevant authorities of collection dates and, as far as possible, the specific areas to be covered by the collection;
  - confirm all agreed dates in writing to the relevant authorities;
  - notify relevant authorities, immediately, of any decisions to cancel a collection;
  - where practicable, advise relevant police authorities and all other Exemption Order holders/ Exempt Promoters by letter of agreed collection dates at the earliest opportunity;
  - abide by established collection dates; and
  - ensure that sufficient collectors are available to support an effective collection in order not to deprive other charities of the opportunity to collect;
- Charities **OUGHT** to be able to provide information on the precise dates and locations of all collections and **OUGHT NOT** to book large blocks of time (i.e. from 1<sup>st</sup> January 2011 – 1<sup>st</sup> September 2011), therefore preventing other charities from collecting in that area.

### Scotland requirements

- Exempt Promoters in Scotland **MUST\*** report annually to the Office of the Scottish Charity Regulator (OSCR). This report must include an audited account of collections carried out (including a breakdown by local authority area and details of the expenses incurred) as well as a signed organiser's statement and auditor's statement.
- They **MUST\*** also publish a notice summarising the audited collection account in a newspaper with a national Scottish circulation within one month of submission of their records to the Regulator.

### Northern Ireland requirements

An Exemption Order in Northern Ireland will only cover house to house collections. It exempts the holder from the need to obtain a separate licence from the Police Service of Northern Ireland (PSNI) for house to house collections in an area. There is guidance available from the Department for Social Development in Northern Ireland (DSD) "Notes for Holders of Exemption Orders" (revised April 2010) which can be obtained on request from Charities Branch of the Voluntary & Community Unit of the DSD.

- Exemption Order holders in Northern Ireland **MUST\*** provide annual accounts to the DSD duly certified by the chief promoter of collections and also certified by an independent responsible person as auditor.

### 3.2 Non-Exemption Order Holders

- If collecting for a fundraising organisation in England and Wales that does not hold an Exemption Order, a licence to collect **MUST\*** be obtained from the relevant authority in the area, such as the local authority or the Metropolitan Police.
- Similarly, those collecting cash donations in Scotland who are not registered as Exempt Promoters **MUST\*** obtain permission from the relevant local authority.
- Again, in Northern Ireland, a licence **MUST\*** be obtained from the PSNI station for each local area in which a house to house collection is to be carried out.
- Licences **OUGHT** to be applied for in good time before the collection is due to take place and in Scotland a written application **MUST\*** be made at least one month in advance (or within such other period as the local authority may determine).
- Fundraising organisations **SHOULD** familiarise themselves with specific policies

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within individual authorities when applying for licences. Understanding of local sensitivities towards house-to-house collections will enable charities to submit robust license applications and will help them to carry out collections sensitively.

## 4.0 Working with Third Parties

- Fundraising organisations engaged with third parties **OUGHT** to ensure that all collectors abide by this Code.
- When working with third parties, fundraising organisations **MUST** ensure that the correct contracts are in place. See the Charities Working with Business Code of Fundraising Practice for further information (see Section 9.2).
- In Scotland, all contracts entered into with professional fundraisers or commercial participators **MUST\*** include certain specified information which is set out in the Charities and Benevolent Fundraising (Scotland) Regulations 2009. As well as applying to collections of cash, these Regulations also apply to promises of money (usually in the form of direct debits).
- There are currently no specific regulations in place in Northern Ireland in regard to third parties, but organisations **SHOULD** follow the forms of contracts used elsewhere in the United Kingdom.

## 5.0 Collection Frequency

- Collectors **OUGHT** to take steps to try to avoid house-to-house collections overlapping in time and place with other collections.
- Collections that take place too frequently have the potential to saturate an area's fundraising potential and could have a long term negative impact on collections in those areas. To avoid this, collectors **OUGHT** to take steps to check the frequency of collections with Local Authorities and target collections appropriately.

## 6.0 Collection Materials

The rules around collection materials vary between jurisdictions. In England and Wales, collections of both cash and goods have legal requirements around badges and certificates of authority, and so will be in 6.0. In Scotland, most of the legal requirements only refer to collections of cash, and those will appear in 6.1.

The requirements immediately below refer to both jurisdictions and thereafter requirements are identified separately

- Materials **SHOULD** be dispatched to collectors in good time.

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- Materials **OUGHT** to include contact details for the fundraising organisation and collectors, where different.
- Every collector **MUST** be provided with:
  - a collector's badge,
  - a certificate of authority, which **MUST** specify the name of the collector, the period of the collection and the specific location in which that collection will take place. The precise requirements are detailed in full at 8.0 below.
- Clear contact details for the fundraising organisation **OUGHT** to be included on all donation requests.
- Personnel representing the fundraising organisation and, where possible, their vehicles, **SHOULD** be clearly identifiable as representing the fundraising organisation involved.

#### England requirements

- All printed materials seeking money or goods on behalf of registered charities (with incomes over £10,000) **MUST\*** state that the charity is registered

In England and Wales, both collections of cash and goods have legal requirements around badges and certificates.

- The collector's badge **MUST\***:
  - have the registered name of the organisation which is to benefit from the collection printed on it, along with any other name by which it is known;
  - bear the registered charity number, if applicable
  - be signed by the collector.
- The collector's certificate of authority **MUST\*** show:
  - the registered name and the address of the funds or organisations which are to benefit from the collection, as well as any other name by which it is known;
  - the registered charity number, if applicable,
  - the name and address of the collector;
  - the place of the collection;

- the period during which the collector is authorised to collect;
- the signature of the collector and the promoter of the collection
- Badges and certificates of authority in England and Wales **MUST\*** be standard, supplied by HMSO or, for Exemption Order holders only, of a design approved by the Home Office.
- Every collectors badge, **MUST\*** be signed on receipt.
- To ensure that efficient and effective monitoring of all collections takes place, the issue and return of all materials connected with the collection **OUGHT** to be recorded.

#### Scotland requirements

- Materials **MUST\*** include the charity's registered name, any other name by which it is commonly known, the fact that it is a charity (if its name does not already include reference to its charitable status) and its registered charity number (which begins with SC0)
- To ensure that efficient and effective monitoring of all collections takes place, the issue and return of all materials connected with the collection **MUST\*** be recorded.

#### Northern Ireland requirements

- Materials **MUST\*** show the name and address of the charity, name and address of the collector, the place of the collection and bear the signature of the collector and the promoter of the collection.
- Badges **MUST\***
  - meet the specifications set out in the 1952 Regulations and indicate the purpose of the collection,
  - bear the name of the charity and the HMRC reference number; and
  - be signed by the collector.
- Certificates **MUST\*** show the name and address of the charity, name and address of the collector, the place of the collection and bear the signature of the collector and the promoter of the collection.

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## 6.1 Additional Requirements for Cash Collections

- Every collector **MUST** be provided with:
  - a sealed collecting box or collection envelopes; and
  - clear instructions as to the proper conduct of the collection.
- Fundraising organisations **OUGHT** to establish and execute an agreed procedure for monitoring payments of the receipts from all collectors.
- Arrangements **MUST** be made for the receipt of the collection proceeds and all used and unused materials connected with it at a specified point authorised by the organiser of the collection.
- A record **MUST** be kept of the proceeds collected by each collector and details of the collecting materials returned e.g. in the case of envelope collections, the number of envelopes containing cash that are returned by each collector and the total amount of money contained therein.
- Where collectors are asked to count the proceeds of their collection, they **SHOULD** have written instructions to open the returned envelopes and count the proceeds only in the presence of the promoter or another responsible person who **MUST** confirm the proceeds of the collection in writing. This **MUST** include, where relevant, the number of envelopes containing cash returned by that collector and the total amount of money in them.
- All proceeds from all collectors **MUST** be remitted to the organiser of the collection together with the collector's badge, certificate of authority and any unused collection materials as soon as possible. If the proceeds of the collection are not remitted within one month of the collection, the charity **OUGHT** to identify whether or not the collection took place and take appropriate action.

### England requirements

- In England and Wales, collection envelopes **MUST\*** only be used by Exemption Order holders. Other organisations need permission from the relevant police authority to use envelopes.
- In England and Wales, collection materials **MUST** be opened and the contents counted in the presence of the promoter of the collection or another responsible and unrelated person and duly witnessed

### Scotland requirements

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Although this Code does not cover promises of money, the regulatory requirements for cash collections do also extend to promises of money.

- The collector's badge **MUST\***:
  - have the registered name of the organisation which is to benefit from the collection printed on it, along with any other name by which it is known;
  - bear the registered charity number, if applicable, and a reference to the organisation's charitable status unless this is already included in its name; and
- The collector's certificate of authority **MUST\*** show:
  - the registered name and the address of the funds or organisations which are to benefit from the collection, as well as any other name by which it is known;
  - the registered charity number, if applicable, and make reference to the organisation's charitable status unless this is already included in its name);
  - the name and address of the collector;
  - the place of the collection;
  - the period during which the collector is authorised to collect;
  - the signature of the collector and the promoter of the collection. The promoter's agent may sign on his/her behalf provided that the agent's name and address are then supplied; and
  - the name and address of the organiser;
- Badges and certificates of authority in Scotland do not take a prescribed form but **MUST\*** include all of the information required by the legislation, described above.
- Any authorised collection can be conducted using appropriate collection envelopes.
- The organiser of a collection **MUST\*** record the name and address of each collector as well as the number of collecting envelopes, or the number marked on the collecting box given to each collector.
- To ensure that efficient and effective monitoring of all collections takes place, the issue and return of all materials connected with the collection **MUST\*** be recorded.

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- Collection materials **MUST\*** be opened and the contents counted and witnessed in the presence of the promoter of the collection or another responsible and unrelated person, or they can be delivered unopened to a bank.

### Northern Ireland requirements

- Collectors **MUST\*** be issued with collecting boxes or receipt books marked with a distinguishing number.
- If receipt books are issued, they **MUST\*** have records of a sum equal to the total amount of the contributions entered therein.

## 6.2 Additional Requirements for Goods Collections

- Collection sacks **MUST** comply with relevant safety standards.
- Organisations **SHOULD** consider having a warning that these sacks are not toys and could cause suffocation.
- To aid transparency and understanding, collection bags **OUGHT** to include a web address where donors can find out more information about the nature of the collection, including details about what happens to the donated goods.

### 6.2.1 Third Party Goods Collections

- Collection materials **OUGHT** to prominently and clearly state that the collection is being undertaken by the third party.
- Appropriate solicitation statements **MUST** be made. In Scotland, this requirement applies to collections of promises of money as well as to cash collections. Further information is available from the Office of the Third Sector or, in Scotland, the Office of the Scottish Charity Regulator. (see Section 9.2)

## 7.0 Collectors

- Charities **OUGHT** to have an agreed policy regarding insurance for collectors and their collections.
- Charities **OUGHT** to ensure that collectors don't place donors under undue pressure to give.
- It is the promoter's responsibility to ensure that all organisers and collectors acting for the charity conduct the collection according to the law. It is the organiser's' and the collectors' responsibility to ensure that they comply with all arrangements regulating the collections. Anyone deliberately acting in default of

these obligations **OUGHT NOT** to be allowed to participate in future collections.

### 7.1 Training House-to-House Collections Organisers

Effective training of all those engaged in house-to-house collections is critical in ensuring a collection is efficient, effective and accountable to donors. Paid staff of fundraising organisations, including recruiters of volunteers, or third party agencies responsible for organising house-to-house collections require a clear understanding of their role and responsibilities and clear guidance to ensure that they work at all times within current legislation.

- Training **OUGHT** to be undertaken by an informed member of staff on a group or individual basis and be supported by a comprehensive reference manual.
- All organisers **SHOULD** be advised of any changes to legislation or procedures at the earliest opportunity.
- The information given **SHOULD** include:
  - details of collections legislation relevant to their work;
  - a clear definition of their role and the extent of their responsibility and authority;
  - how to plan a collection on a geographical basis and as an annual or rolling programme;
  - the importance and necessity of appropriate contact with other relevant bodies e.g. other charities, police, local authorities, banks, local press;
  - where appropriate, the recruitment, training, monitoring and payment of others engaged in house-to-house collections, e.g. recruiters;
  - who to approach as potential volunteers and how to approach them, in particular the information and instructions to be given to volunteers;
  - the recording of collector details;
  - the issue of personalised authorisation certificates and badges to collectors and the arrangements for their return;
  - the recording of the collection materials issued to each collector;
  - the arrangements for the receipt of income;
  - the recording of the receipt of income which should ultimately provide information for statutory returns; and

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- how to deal with queries from the general public.
- Where it is intended for collectors to have direct contact with the public, the information **SHOULD** also include details about the fundraising organisation in general, its aims and objectives as well as specific work undertaken in the area in which the fundraising organisation works.

## 7.2 Individual Collectors

### 7.2.1 Recruitment

- Fundraising organisations **MUST** ensure that:
  - reasonable steps are taken to ensure collectors are fit and proper persons to collect
  - all collectors are 16 years of age or over (In Northern Ireland, youth organisations can have collectors aged 12 or over if approved by DSD).
  - collectors follow their legal obligations
- Where recruitment of collectors is by telephone, it **SHOULD** be carried out in an appropriate manner; recruiters should be trained in a structured way and monitoring systems established to ensure the quality of their work. It **OUGHT** to be undertaken in accordance with the Institute of Fundraising Telephone Recruitment of Collectors and Telephone Fundraising Codes of Fundraising Practice (see Section 9.2).

### 7.2.2 Training and Instructions

- All collectors **OUGHT** to be aware of and **MUST** follow their legal responsibilities, and it is preferable to arrange face-to-face meetings with potential collectors. However, all collectors **OUGHT** to receive written instructions as to how to undertake their collection and the procedures to be followed when the collection is complete.
- The written instructions **SHOULD** include the following:
  - how to conduct the collection;
  - a contact name and address and a telephone number in case of queries or emergency;
  - the need to comply with the Institute of Fundraising House-to-House Collections Code of Fundraising Practice;

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- the exact area in which the collection is to take place and that they can only collect in that area;
- the specific dates and times the collection is to take place and that they **MUST** only collect in that period and no later than 9.00pm;
- how to use the materials supplied and that they **MUST** carry a signed and dated Certificate of Authority, wear their signed collector's badge and only accept sealed envelopes or donations made directly into a sealed collecting tin when collecting money;
- what to do with the items collected; and
- arrangements for the return of all unused materials and badges of authority after the collection.
- Where collectors intend to have direct contact with the public, they **OUGHT** to be given sufficient information on the work of the fundraising organisation and the collection to enable them to answer reasonable questions from householders or be able to direct them to where they can find out more information.

### 7.2.3 Conduct of Collectors

- All collectors **MUST** carry and display an identity badge and certificate of authority.
- Collectors **SHOULD**:
  - be courteous at all times; and
  - collect at the times agreed.
- Where collection envelopes or sacks are delivered through letterboxes, these **SHOULD** be fully pushed through the letterbox.
- Every effort **SHOULD** be made to collect unused materials.
- Collectors **SHOULD NOT** walk on householders' gardens and **SHOULD** close gates to properties where appropriate.

### 7.2.4 Additional Information for Cash Collections

- Fundraising organisations **MUST** be able to provide full details of all collectors within a given area, including name, address, telephone number, the precise area to be covered and the exact period during which the collector is authorised to collect.

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- Charities **MUST** ensure that all collectors follow an agreed procedure for the banking of all receipts from the collections and the return of all collection materials as required with the legislation.

## 8.0 Additional Legal Points

- Fundraising organisations **MUST** ensure that all statutory returns are completed in accordance with the requirements of current legislation.

## 9.0 Appendices

### 9.1 Legislation in Force

#### England and Wales

- House to House Collections Act 1939
- House to House Collections Regulations 1947 & 1963
- Police, Factories, &c. (Miscellaneous Provisions) Act 1916
- Metropolitan and City Police Districts Regulations 1979 & (Amendment) Regulations 1986
- The Charitable Collections (Transitional Provisions) Order 1974. As Amended in Council, 1992 Model Regulations

#### Scotland

- Civic Government (Scotland) Act 1982
- Public Charitable Collections (Scotland) Regulations 1984
- Public Charitable Collections (Scotland) Amendment Regulations 1988
- Charities and Trustee Investment Act (Scotland) 2005
- Charities References in Documents (Scotland) Regulations 2007
- Charities and Benevolent Fundraising (Scotland) Regulations 2009

#### Northern Ireland

- House to House Charitable Collections Act (NI) 1952
- House to House Charitable Collections Regulations (NI) 1952 (SR1952/119) and 1953 (SR 1953/53).
- Police, Factories etc. (Miscellaneous Provisions) Act 1916

### 9.2 Additional Information

- Institute of Fundraising Codes of Fundraising Practice Directory: [www.institute-of-fundraising.org.uk/codesdirectory](http://www.institute-of-fundraising.org.uk/codesdirectory)
- Charity Retail Association:

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<http://www.charityretail.org.uk>

- Metropolitan Police house-to-house collections guidance:  
[www.met.police.uk/charities/housetohouse.htm](http://www.met.police.uk/charities/housetohouse.htm)
- Office for Civil Society:  
[www.cabinetoffice.gov.uk](http://www.cabinetoffice.gov.uk)
- Office of the Scottish Charity Regulator:  
[www.oscr.org.uk](http://www.oscr.org.uk)
- Solicitation Statements:  
[www.institute-of-fundraising.org.uk/solicitationstatements](http://www.institute-of-fundraising.org.uk/solicitationstatements).
- Department of Social Development for Northern Ireland VCU (Charities Branch):  
[www.dsdni.gov.uk/index/voluntary\\_and\\_community.htm](http://www.dsdni.gov.uk/index/voluntary_and_community.htm)

### 9.3 Working Party

- Melanie Burfitt, Rays of Sunshine
- Gerald Cemmell, Ragtex
- Grahame Dovey, BIS
- Phil Geller, IG Cohen
- Ben Harrison, OTS
- Caroline Howe, IoF
- Michael Lomotey, Clothes Aid
- David Moir, ACS
- Louise Richards, IoF
- Colin Sandford, BHF/ACS
- Peter Storey, Kidney Research UK (Chair)
- Liz Tait, British Red Cross
- Andy Taylor, Leonard Cheshire
- Sarah Tirrell, IoF
- Kerry Vitalis, BIS
- Alan Wheeler, Textile Recycling Association

Institute of Fundraising Code Working Parties provide advice and make recommendations to the Institute's Standards Committee in the process of Code development.