



Telephone Fundraising Code of Fundraising Practice

Check-list: key questions to ask

- Are procedures in place to ensure potential recipients are excluded from calls, where necessary? (3.2, 3.4, 3.5, 5.5, 5.5.1)
- Are automated dialing systems only used if the recipient has consented to it? (3.2)
- Are procedures in place to ensure content and the tone of calls is honest and agreed by the fundraising organisation? (3.3)
- Are calls terminated promptly and politely on request? (3.3)
- Are calls made at appropriate times? (3.4)
- Does the caller provide specified information during the call, such as the name of the charity and relevant solicitation statements? (3.6, 3.7, 4.1, 4.2, 5.2.1, 5.2.2, 5.2.3, 5.5)
- Is the purpose of the call made clear? (3.6)
- Can call recipients find out the name of the contact the fundraising organisation for whom the calls are being made? (3.7, 5.5)
- Can call recipients find out who is making the call and information about the fundraising organisation? (3.7, 5.5)
- Are all funds raised promptly channeled directly to the fundraising organisation, unless otherwise agreed? (3.9)
- Is a written agreement in place with any external telephone fundraiser? (4.1, 5.1.1, 5.2.1, 5.2.3)
- Are fundraisers rewarded appropriately? (4.1)
- Are written statements, including specified information, sent to supporters donating above a specified threshold? (5.1.3, 5.2.3)
- Do only registered charities claim to be charities? (5.3)
- Are statements of registered charitable status included on appropriate materials, where applicable? (5.3)
- Does the activity comply with data protection regulations? (5.4)
- Does the activity comply with the Privacy and Electronic Communications (EC Directive) Regulations 2003? (5.5)
- Are procedures in place to ensure silent calls are not made? (5.5)
- Are procedures in place to ensure TPS/CTPS-registered numbers are not called unless they have notified the organisation that they are happy to receive the call? (5.5, 5.5.1)
- If calling TPS/CTPS-registered numbers, is the charity satisfied that the recipient will be happy to receive the call? (5.5.1)

June 2011

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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.

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

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2.0 Introduction

This Code of Fundraising Practice offers guidance to fundraising organisations on telephone fundraising. The purpose is to enable telephone fundraising to be undertaken in a professional and sensitive manner. A definition of “telephone fundraising” is in section 6.1 of this Code.

This Code applies both to campaigns carried out by fundraising organisations’ in-house fundraising teams and to external telephone fundraisers who conduct campaigns for charities and other fundraising organisations, or in support of particular charitable, benevolent or philanthropic purposes.

The Code is designed to cover telephone fundraising to both warm and cold contacts

This Code does not cover telephone calls made for other purposes, such as:

- calls made with the intention of asking the telephone contact to engage in a fundraising (where funds are not solicited directly), trading or volunteering action in connection with fundraising;
- calls undertaken in the course of the administration of support that has already been achieved;
- calls made to telephone contacts to provide information; or
- thank yous etc.

Also, this Code does not cover fundraising by fax or text message. These are dealt with by the Institute of Fundraising’s Fundraising through Electronic Media Code of Fundraising Practice. Nor does this Code cover the use of voicemail, which is covered by the same rules as faxes and text messages. You **SHOULD** read the Fundraising Through Electronic Media Code if you want to be able to leave voicemail where the recipient of the call does not answer the telephone.

Telephone fundraising is subject to the general regulations on use of the telephone as well as to specific regulations on use of the telephone in support of charities and other fundraising organisations.

Anyone involved in telephone fundraising for a charity or other fundraising organisation **SHOULD** make sure they comply with all relevant regulations (see Section 5.0).

3.0 Preparation and Procedure

3.1 The Telephone Briefing Process

- The fundraising organisation and the external telephone fundraiser (where asked) **SHOULD** agree a detailed brief relating to each campaign prior to any calls being made.
- It **SHOULD** provide agreement on the following points:
 - the objective(s) of the call;
 - details of the target audience;
 - the process of how the call will actually be made;
 - the specified process for fulfillment of the telephone call: how the money or other means of support will be collected;
 - the means by which any proceeds from the activity will be processed; and
 - the process and manner in which donor details will be managed, held and passed back to the client organisation.
- Where an in-house team will be carrying out the telephone fundraising campaign, the fundraising organisation **SHOULD** provide that team with a policy covering these points.

3.2 Target Audience Exclusion

- The following categories of potential telephone recipients **MUST** be excluded:
 - all those who have registered with the Telephone Preference Service, unless they have notified the fundraising organisation that, for the time being, they do not mind receiving calls from it (see Section 5.5.1);
 - any individual who, on a previous occasion, has registered an objection to the use of the telephone for soliciting gifts or support for that particular fundraising organisation; and
 - any person who has written to the fundraising organisation to ask it not to use their contact details for marketing purposes or has otherwise asked not to be called.
- Any person known to be under the age of 16 **OUGHT NOT** to be called.
- A recipient **MUST NOT** be called using an automated dialing system (i.e. a system that can dial a series of numbers automatically and play a recorded message) unless the recipient has consented to this.
- Also, telephone fundraising calls **SHOULD NOT** be generated by random digit dialing, whether the dialling is manual or by computer.

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3.3 The Content and Communication of the Requests for Support

- Telephone fundraisers **OUGHT** always to recognise the right of the other party to terminate the telephone conversation at any stage, and **OUGHT** to accept such termination promptly and courteously.
- The fundraising organisation and (where used) the external telephone fundraiser **SHOULD** agree in written detail the content and tone of the telephone message to be conveyed to the target audience.
- Once agreed, the external telephone fundraiser and/or the fundraising organisation's in-house fundraisers **SHOULD NOT** deviate significantly from the agreed script(s) unless it is with the written agreement of the fundraising organisation.

Clearly, there may be occasions when time dictates that immediate written agreement cannot be obtained before a script is altered.

- In such cases, the verbal agreement of a properly authorised person within the fundraising organisation concerned **OUGHT** to be achieved, together with an agreed process for subsequent written confirmation of the agreement.
- The agreed script **MUST NOT** contain any statements or facts known to be dishonest or untrue.

3.4 Timing

- Telephone calls to recipients **OUGHT NOT** to be made later than 9.00pm unless expressly invited by the recipient.
- Where telephone fundraising calls are made to cold contacts, all prospective recipients **SHOULD** be sent a pre-call letter. If this letter is sent, it counts as 'first contact' and so **OUGHT** to give donors the opportunity to indicate if they do not want the call to take place.
- All responses to that letter which indicate that the potential recipient of the call does not wish to receive it **OUGHT** to be noted to ensure that they are not called.

3.5 During the Telephone Call

- If the telephone call is first contact with a donor, the caller **OUGHT** ask if the recipient consents to being contacted. If the recipient asks not to be called again, the fundraising organisation **MUST** comply with the request.

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- The caller also **OUGHT** to check early in the conversation if the recipient is happy for the call to proceed at that time, or if they would prefer to speak at a later date.
- If the call is undertaken by an external telephone fundraiser, information about complaints and objections **MUST** be passed on to the fundraising organisation, which **OUGHT** to record those objections.
- The caller **OUGHT** to disclose a contact name and address of a properly authorised person within the fundraising organisation to whom objections and complaints may be directed.
- The fundraising organisation **SHOULD** respond to all objections and complaints relating to any telephone fundraising appeal undertaken by it or on its behalf.

3.6 Information Provision

England and Wales

The following information **MUST*** always be clearly communicated within the script:

- the name of the fundraising organisation for which the telephone call is being made (and, if a registered charity, a clear statement that it is such); and
- where fundraisers are paid or are a trustee, a statement about this fact (see 5.1.2.).

Scotland

The following information **MUST*** always be given during the solicitation:

- if the telephone fundraiser is seeking funds on behalf of a particular benevolent body:
 - the name of the benevolent body;
 - if more than one body is to benefit, details of the proportion of funds raised which each body will receive; *or*
- if the telephone fundraiser is seeking funds for general charitable, benevolent or philanthropic purposes (rather than a particular body):
 - an indication of this fact; and
 - details of how the distribution of the funds will be determined.

UK

- The caller **OUGHT** also to explain up front that the purpose of the telephone call is to request financial support.

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3.7 Prompted Information

England and Wales

- In addition to the above information, if requested by the recipient of the telephone call, the caller **MUST*** give the recipient the name of a contact at the fundraising organisation on whose behalf the telephone call is being made, and either the organisation's address or a freephone number on which it can be reached.

Scotland

- In addition to the above information, the telephone fundraiser **MUST*** also state that this information is available in writing.
- This information **SHOULD** be provided as soon as reasonably possible upon request.

UK

- If requested by the recipient, the following information **OUGHT** also to be disclosed:
 - the name and the address of the external telephone fundraiser making the call; and
 - any information about the fundraising organisation or the telephone message on which the telephone callers have been previously briefed. If a particular question cannot be answered satisfactorily or is answered unsuitably, a contact name and address for the fundraising organisation concerned to provide a more detailed or appropriate answer **SHOULD** be automatically provided.

3.8 After the Telephone Call

- Any complaints received after the telephone call **MUST** be passed on to the fundraising organisation concerned.
- The fundraising organisation **SHOULD** respond to all objections and complaints in line with their internal policies

3.9 Telephone Fulfilment

- Unless the agreement between the external telephone fundraiser and the fundraising organisation states otherwise, all funds raised **OUGHT** to be channelled directly to the fundraising organisation on whose behalf the

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telephone calls are being made (and not to the external telephone fundraiser).

- If funds are paid to the external telephone fundraiser, they **MUST** be paid on to the fundraising organisation as soon as possible and, in any event, no later than 28 days after receipt (unless, in England and Wales, a different time frame has been agreed).
- The fundraising organisation **SHOULD** acknowledge receipt of the support in line with its own internal policies.
- All written material and any other communication sent to the recipient of the telephone call by an external telephone fundraiser **SHOULD** be agreed in writing, beforehand, with the fundraising organisation, as part of the agreement referred to in Section 5.1.1.

3.10 Complaints

- Fundraising organisations **OUGHT** to respond promptly and courteously to all complaints made to them about their telephone fundraising.

4.0 Relations with Stakeholders

4.1 External Telephone Fundraisers

- There **MUST** be a written agreement between the fundraising organisation and the external telephone fundraiser. (See 5.1.1.)
- This agreement **OUGHT** to be on the basis of an agreed fee for a particular service and not on the basis of commission-only.

See the Payment of Fundraisers Code of Fundraising Practice for further information.

- External telephone fundraisers **SHOULD** provide a written confirmation to the fundraising organisation that they agree to abide by the Institute of Fundraising's Telephone Fundraising Code of Fundraising Practice.

England and Wales

Charity law in England and Wales obliges professional fundraisers to give people information about the remuneration they receive for their services (see Section 5.1.2).

- The figure quoted to recipients of telephone fundraising calls **SHOULD** be the fee that the fundraising organisation pays for each telephone contact.

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- If the fee is on other than a per-contact basis, the fundraising organisation **SHOULD** agree with the external telephone fundraiser the figure to be quoted.

Scotland

- In addition to the information required to be provided in Section 3.6, telephone fundraisers **MUST*** also provide certain information regarding their remuneration. What they say will depend on their role (see Section 5.2)

4.2 In-house Fundraisers

England and Wales

- In-house fundraising teams **MUST*** give people information about their remuneration.
- Trustees, where paid **MUST*** also make a statement detailing their position within the fundraising organisation (see Section 5.1.2).

5.0 Key Legal Points

England and Wales

5.1 The Charities Act 1992, as amended

5.1.1 Fundraising Agreements

Where a fundraising organisation engages the services of an external telephone fundraiser to undertake telephone fundraising calls on its behalf, if that agency (or any person connected with the agency making the telephone calls) receives more than a nominal fee for this activity, they will be regarded as professional fundraisers for the purposes of the Charities Act 1992.

- Where this is the case, the external telephone fundraiser **MUST*** establish a written agreement, in a prescribed form, with the fundraising organisation(s) on whose behalf they will be undertaking the telephone fundraising activity.

The 'prescribed form' of written agreements is set out in Regulations made under the Act. See the Institute of Fundraising's Best Practice for Fundraising Contracts Code of Fundraising Practice and standard forms of agreement for further information.

5.1.2 Statements to be made by Fundraisers

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- In England and Wales, professional fundraisers (see Section 5.1) and in-house fundraisers and trustees of a fundraising organisation **MUST*** make a solicitation statement every time they solicit donations on behalf of a fundraising organisation.
- In the case of telephone fundraising, the appropriate statement **MUST*** be made during each call.
- Professional fundraisers **MUST*** give the following information:
 - the name of the fundraising organisation(s) on whose behalf they are calling;
 - if there is more than one organisation, the proportion in which they will each benefit;
 - the method by which the fundraiser's remuneration is to be determined; and
 - where known, the actual amount of the remuneration; or
 - where unknown, an estimate of the remuneration, calculated as accurately as possible.
- In-house fundraisers and trustees **MUST*** give the following information:
 - the name of the fundraising organisation(s) on whose behalf they are calling;
 - if there is more than one organisation, the proportion in which they will each benefit;
 - the fact that (s)he is an employee/trustee of the fundraising organisation; and
 - that (s)he is receiving remuneration as an employee, if applicable.

Failure to observe the relevant requirement in every case will lead to a criminal offence being committed by the external telephone fundraiser or in-house fundraiser. This requirement applies equally to solicitations of direct support and to solicitations of pledges of support that will be realised after the telephone conversation itself.

- Further information and guidance is available from the Office of the Third Sector (see Section 6.3) and/or professional advice **SHOULD** be sought.

5.1.3 "Cooling Off" Period for Certain Donations

- Where the recipient of a call from an external telephone fundraiser agrees to make a donation of £50 or more (whether as a lump sum or by agreeing to make several payments that add up to £50 or more), the external telephone fundraiser **MUST***, within seven days of payment being made, send the recipient a written statement:

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- containing the information the telephone fundraiser had to give during the telephone conversation (see above); and
- telling the recipient that (s)he can cancel the payment and have any sum of £50 or more refunded to him/her (minus the cost incurred in administering the refund), by writing to the external telephone fundraiser within seven days.

This rule only applies where payment from the recipient of the telephone call is made direct to the external telephone fundraiser.

Scotland

5.2 Charities and Trustee Investment (Scotland) Act 2005

5.2.1 Fundraising Agreements

Scottish law requires there to be a written agreement between the fundraising organisation and the external telephone fundraiser.

- Fundraising organisations proposing to conduct telephone fundraising campaigns in Scotland **MUST*** ensure they comply with the law as contained in the Act and the Charities and Benevolent Fundraising (Scotland) Regulations 2009.

The Office of the Scottish Charity Regulator (OSCR) can provide more information (see Appendix 6.3). The Institute of Fundraising also has a Code of Fundraising Practice for fundraising in Scotland which will be updated when appropriate.

5.2.2 Statements to be Made by Fundraisers

- In addition to the information required to be provided in Scotland in 3.6, telephone fundraisers **MUST*** also provide certain information regarding their remuneration. What they must state depends upon their role:
 - if they are a benevolent fundraiser, which means any benevolent body and companies connected with it and any person who is associated with the body or connected companies either as a charity trustee, an employee or agent or as a volunteer, they **MUST*** indicate if they are to receive remuneration;
 - if they are a professional fundraiser, which means any person, or the employee of any person, who carries on a fundraising business or who, in return for a financial reward or any other benefit, seeks money or other property for a benevolent body or for general charitable, benevolent or philanthropic purposes, they **MUST*** state whether they are to receive remuneration and, if so, the way in which the remuneration will be determined. The professional fundraiser **MUST*** also state the actual

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amount of remuneration if known at that time or, if it is not known, the estimated amount of remuneration;

- if they are a commercial participator, which means any person, or the employee of any person, who carries on a commercial business (other than a fundraising business) which, in the course of its business, takes part in a promotional venture during which it is communicated that some or all of its proceeds will be given to one or more particular benevolent bodies or will be applied for charitable, benevolent or philanthropic purposes, they **MUST*** also state whether they are to receive remuneration and, if so, the way in which the remuneration will be determined. The commercial participator **MUST*** also state the actual amount of whichever of the following sums is applicable if known at that time, or if it is not known, the estimated amount:
 - the amount received in payment for goods or services provided by the commercial participator;
 - the proceeds received from a promotional venture undertaken by the commercial participator; or
 - the level of donations by the commercial participator to the benevolent body in relation to goods and services provided.
- Telephone fundraisers **MUST*** also state that this information is available in writing. This information **SHOULD** be provided as soon as reasonably possible upon request.

5.2.3 “Cooling Off” Period for Certain Donations

- Professional fundraisers or commercial participators, or their employees, engaging in telephone fundraising **MUST*** inform potential donors that any person making payments (or promises to make payments in the future) of £100 or more has a right to a refund (or to cancel the agreement) if requested within seven days of the telephone solicitation being made.

It is an offence for a professional fundraiser or commercial participator to fail to provide such information regarding the rights to refunds.

The right to a refund does not apply if services have already been provided by a professional fundraiser or commercial participator in return for the donation or if donors have already received goods in return for their payment, unless they ensure that these goods are returned.

Northern Ireland

Northern Ireland presently has no equivalent regulation of professional fundraisers or commercial participators nor requirement for written agreements. However, the new Charity Act will introduce new controls on professional fundraisers and commercial participators which will include a requirement for a written agreement,

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clarification of key information relating to the collection and its purposes and a cancellation period for donors responding to TV or radio appeals. The aim is to increase accountability and provide greater transparency for donors and will be similar to the Regulations in England and Wales

5.3 Other Issues

UK

- Particular care **SHOULD** be taken when soliciting support for organisations that are not registered charities.
- It **MUST NOT** be claimed that an organisation is a registered charity if this is not the case.

England and Wales

- Charity law requires that all notices, advertisements and other documents issued by or on behalf of a registered charity with an annual income in excess of £10,000 and which solicit money or other property for the charity, **MUST*** include a statement that it is a registered charity. Failure to comply in any instance is a criminal offence.
- It **SHOULD** be noted however, that this does not affect the telephone call itself, but may apply to any written information sent in support of the telephone call.

Scotland

The only organisations that can call themselves “charities” in Scotland are those that are registered with OSCR (the Office of the Scottish Charity Regulator).

- Charities that are so registered **MUST*** comply with the Charities References in Documents (Scotland) Regulations 2007 and make certain statements about their status in their documents.
- Fundraising organisations that plan conducting telephone fundraising in Scotland **SHOULD** make sure that their documents comply with all relevant laws. More information on Scottish charity law is available from OSCR (see Section 6.3).

UK

5.4 The Data Protection Act 1998

- In all instances, care **MUST** be taken to ensure compliance with the requirements of the Data Protection Act 1998. See the Institute of

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Fundraising's Data Protection Code of Fundraising Practice for further information

5.5 Privacy and Electronic Communications (EC Directive) Regulations 2003, as amended

These Regulations cover the sending of unsolicited direct marketing material using the telephone, fax or electronic communication methods including e-mail and text/video/picture messaging and Bluetooth technology. Telephone fundraising is a form of direct marketing and so is covered by the Regulations.

The Telephone Preference Service (TPS) was created pursuant to these Regulations. The TPS allows individuals or companies to register their telephone numbers to indicate that they do not wish to receive unsolicited sales and marketing telephone calls. Individuals, sole traders and partnerships register telephone numbers on the TPS; businesses (companies, limited liability partnerships, schools, government departments, PLCs and other public bodies) on the Corporate TPS (CTPS).

The Regulations stipulate that:

- the use of automated calling systems requires the recipient's specific consent, regardless of whether or not the recipient has signed up to the TPS /CTPS; and
- organisations **MUST** identify themselves when making a direct marketing call. If asked, organisations **MUST** provide a valid business address or freephone telephone number that recipients can use to contact the organisation. If an organisation uses a subcontractor (such as an external telephone fundraiser), then the subcontractor **MUST** inform contacts of the organisation on whose behalf the calls are being made and provide contact details. Organisations **MUST** ensure that subcontractors comply with data protection law.
- Organisations **MUST** avoid making silent calls and do all in their power to ensure donors do not think they are receiving nuisance calls. Ofcom's Revised Statement on the Persistent Misuse of an Electronic Communications Network or Service gives details about what is considered a silent call and how organisations can lessen the chance of it happening. This includes:
 - limiting abandoned calls to a rate not exceeding 3% of all live calls made on each individual campaign over a 24 hour period;
 - playing a brief information message giving details about any call answered before an agent is available;
 - providing call line identification on outbound calls, so that potential donors are able to make a return call;
 - a 72 hour period before a telephone number receiving an abandoned call may be called again without the guaranteed presence of an agent; and
 - unanswered calls must ring for a minimum of 15 seconds.

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If an organisation persistently and avoidably makes abandoned calls, Ofcom has the power to levy a fine of up to £50,000 (this fine will shortly be increased to £2 million). The full guidance is available on Ofcom's website (see Section 6.3).

5.5.1 Direct marketing telephone calls and Telephone Preference Services

- Organisations **MUST NOT** make direct marketing calls to Telephone Preference Service (TPS)/Corporate TPS (CTPS)-registered numbers unless the person who registered the number has notified the organisation that they are happy to receive calls for the time being.

Administrative calls differ from marketing calls in that they are not made with the specific purpose of soliciting a donation/sale. Administrative calls do not fall under the Regulations.

- Marketing calls under the guise of administrative calls **OUGHT NOT** to be made but supporters' marketing preferences can be verified during a genuine administrative call.
- Organisations **MUST** always check telephone numbers against TPS/CTPS when intending to call cold donors.
- TPS/CTPS registered numbers **MUST NOT** be called.

In some cases, existing supporters may subsequently become TPS registered.

- When calling these warm donors, organisations **MUST** consider the nature of their relationship with the donor before making a direct marketing call.

If the organisation considers that the relationship between the charity and the donor is sufficiently warm that the donor can be considered to have consented to receiving such calls, then the organisation may call them, despite TPS registration. What constitutes a warm donor will be dependent upon the context of the call. This is a judgement that needs careful consideration because, even when fundraising organisations are confident that the supporter would not object to the call, technically it would be a breach of the Regulations (although no formal action will be taken unless a complaint is received by the Information Commissioner).

- In assessing whether a marketing call can be made, fundraising organisations **OUGHT** to think about:
 - the context in which the call is made;
 - any factors that would indicate that the supporter would not object to receiving the call; and
 - the nature of the call and relationship with the supporter.
- Fundraising organisations **SHOULD** be aware that supporters may be more

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likely to complain if they did not give their telephone number to the charity directly.

- The supporter **SHOULD** have taken positive action which indicates that they would not object to a call, for example by ticking a box or signing up for a service where there is a clear and prominent statement that by doing so they do not object to receiving marketing calls. If the donor has supplied their telephone number as part of the details they are happy for the fundraising organisation to hold, it would be reasonable to assume that the donor would not object to being called unless they have indicated otherwise.

Where a supporter has registered with TPS after clearly notifying that they are happy to receive marketing calls from the fundraising organisation, TPS would not override the initial notification. Further information is available from the Information Commissioner ('Good Practice Note: calling customers listed on the TPS').

- Organisations **OUGHT** to ensure that, in the course of telephone calls, contacts are asked a) whether they are happy to receive the call and b) whether they are happy to receive such calls in future.
- Organisations **MUST NOT** continue to call donors or contacts if they indicate they do not wish to receive telephone calls. Data protection law also applies here.

6.0 Appendices

6.1. Definitions

For the purposes of this Code of Fundraising Practice **telephone fundraising** means the use of the telephone by a fundraising organisation to request financial support from individuals and organisations, by having live conversations with those individuals or representatives for those organisations.

A **request for financial support** means asking the telephone contact to donate money or other property.

England and Wales

A **professional fundraiser** is any person (apart from the charitable institution or a company connected with such an institution) who carries on a fundraising business for gain which is wholly or primarily engaged in soliciting or otherwise procuring money or other property for charitable, philanthropic or benevolent purposes; or any other person who solicits for reward money or other property apart from:

- any charitable institution or connected company;

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- any officer, employee or trustee of a charity or connected company, acting in his capacity as such. Note, however, that although excluded from the definition, these people are now required to make statements as if they were professional fundraisers;
- any charity trustee;
- any public charitable collector – other than promoters;
- people who solicit funds on TV or radio; or
- any commercial participator.

In addition, the definition of a professional fundraiser in England and Wales does not apply to a fundraiser who does not carry on a fundraising business if the fundraiser receives £1,000 or less by way of remuneration in connection with a particular venture or £10 per day or £1,000 or less per year.

Scotland

A professional fundraiser is any person (other than a benevolent body or a company connected with it) who carries on a fundraising business, or any other person who for reward solicits money or other property for the benefit of a benevolent body or for charitable, benevolent or philanthropic purposes otherwise than in the course of a fundraising venture undertaken by a person who carries out a fundraising business. There is no lower earnings limit for the definition of professional fundraisers in Scotland.

6.2 Key Regulatory Authorities

- Telephone Preference Service
- Direct Marketing Association UK
- Ofcom
- Information Commissioner
- Charity Commission
- Office of the Scottish Charity Regulator (OSCR)

6.3 Useful Contacts

For further information on the Data Protection Act and the Privacy and Electronic Communications (EC Directive) Regulations contact:

- **The Information Commissioner**
Wycliff House
Water Lane
Wilmslow
Cheshire, SK9 5AF
Phone: 01625 545 745
Email: mail@iso.gsi.gov.uk
Website: www.ico.gov.uk

The Institute of Fundraising is a charity registered in England and Wales (No 1079573) and Scotland (No SC038971), and a company limited by guarantee (No 3870883). VAT registration number 547 8930 96.

- **The Information Commissioner's Office – Northern Ireland**

Regus House
33 Clarendon Dock
Belfast
BT1 3BG
Phone: 028 9051 1270
Fax: 028 9051 1606
Email: ni@ico.gsi.gov.uk

For information concerning the **Telephone Preference Service**, contact:

- **The Direct Marketing Association:**

DMA House
70 Margaret Street
London W1W 8SS
Phone: 020 7291 3300
Website: www.dma.org.uk
www.mpsonline.org.uk/tps
Email: info@dma.org.uk

Copies of the Data Protection Act 1998 (ISBN 0-10-542998-8) and the Privacy and Electronic Communications (EC Directive) Regulations 2003 are available from:

- **Office of Public Sector Information**

Website: www.opsi.gov.uk

- **The Stationery Office (TSO)**

Phone: 0870 600 5522
Website: www.tsoshop.co.uk

Legislation can also be viewed online, at no cost, by searching at www.statutelaw.gov.uk.

Other Useful Contacts:

- **Charity Commission (England and Wales)**

30 Millbank
London
SW1P 4DU
Phone: 0845 3000 218
Website: www.charity-commission.gov.uk

- **Office of the Scottish Charity Regulator (OSCR)**

2nd Floor
Quadrant House
9 Riverside Drive

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Dundee
DD1 4NY
Phone: 01382 220446
Email: info@oscr.org.uk
Website: www.oscr.org.uk

- **Office of the Third Sector**

2nd Floor
Admiralty Arch
South Side
The Mall
London
SW1P 3BQ
Phone: 020 7276 6400
Email: OTS.info@cabinet-office.x.gsi.gov.uk
Website: www.cabinetoffice.gov.uk/third_sector

- **Ofcom**

Tel: 020 7981 3040
Website: www.ofcom.org.uk
The Revised Statement of Policy on the Persistent Misuse of an Electronic Communications Network or Service:
http://www.ofcom.org.uk/consult/condocs/persistent_misuse/statement/

6.4 Original Working Party

- Karl Holweger (Chair)
- Kevin Bales
- Tim Bussell
- Jo Coombes MinstF
- Chris Cunningham
- Lindsay Derry MinstF
- Karen Ellis
- Alan Facter
- Rich Facter
- Rich Fox
- Jeremy Hughes MinstF (Cert)
- Simon Pell MinstF
- Jane Potentier
- Caroline Pinkney-Baird
- Lyndall Stein

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

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