

# Regulation of Fundraising by charities through legislation and codes of practice


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# 1


## Introduction - The context

This feasibility study sets out a scheme to develop Codes of Good Practice on the operational and administrative aspects of fundraising by charities.

The scheme arises from proposals contained in the General Scheme for a Charities Regulation Bill published in March 2006 and in the Charities Bill itself published in April 2007. The Committee Stage of this Bill was completed in the Dail on 22nd January 2008 and it is hoped that the Report Stage will be taken shortly.



“...a scheme to develop Codes of Good Practice on the operational and administrative aspects of fundraising by charities.”



One of the most important areas covered by the Charities Bill 2007 is fundraising by charities. The Bill provides that:

- All charities seeking to operate or fundraise within the State will be obliged to register with a new independent Charities Regulatory Authority;
- Permits will be required for all public collections for the benefit of charities (except within the grounds of places used for public worship). The law relating to fundraising, particularly in relation to collections by way of direct debits and similar non-cash methods is updated;
- The Charities Regulatory Authority will require charities to provide information concerning their fundraising activities in their applications for registration, as well as in their annual accounts and annual returns.

“Codes of Good Practice will be developed with the charities sector on the operational and administrative aspects of charitable fundraising.”

It was open to the Government, of course, to regulate the operational and administrative aspects of fundraising by charities by way of legislation. However, following discussions with the charities sector, the Department of Community, Rural and Gaeltacht Affairs recognised in its consultation paper *Establishing a Modern Statutory Framework for Charities* that it would be very difficult through legislation to regulate practices that are continually changing and developing.

The Department concluded that non-statutory Codes of Good Practice may be the best way to manage and oversee fundraising practices and procedures. It was generally agreed that this approach when combined with legislation on permits and accountability would assure the public that their charitable donations are being used to support the work of the charity while allowing for greater flexibility and speedier adaptation by charities to changes in fundraising practices.

As a safeguard the Charities Bill includes a reserved power for the Minister to introduce statutory regulation of the operational and administrative aspects of fundraising should the approach to regulation by Codes of Good Practice turn out to be inadequate or fail to provide the expected benefits.

To progress the development of these non-statutory Codes of Good Practice, the Department of Community, Rural and Gaeltacht Affairs entered into an agreement with Irish Charities Tax Research Ltd to carry out research and make recommendations on how the operational aspects and administrative aspects of fundraising by charities can be effectively regulated through Codes of Good Practice.

To instil public and political confidence in the research, ICTRL commissioned independent consultant Peter Cassells to undertake a feasibility study on the development of Codes of Good Practice for charitable fundraising. Also a Steering Committee was established to oversee the feasibility study

and approve the outputs. The names of the Steering Committee are given in **Appendix SIX**.

As part of the feasibility study, ICTRL, the Steering Committee and Mr Cassells consulted widely with the charities sector, donors and international experts. Details of the consultation process are given in **Appendices Four and Five**. An analysis of the issues raised in the consultation process is also contained in Section 3 of this Report.

During the consultations concerns were expressed by smaller charities that Codes of Good Practice on fundraising would impose a considerable bureaucratic burden on them and reduce volunteerism. They also expressed fears that the small number of large charities would dominate the design of Codes.

To address these concerns and ensure that the question of scale is taken into account in the design of the scheme to draft and monitor Codes, ICTRL commissioned the Centre for Nonprofit Management (Trinity College) to provide the best estimate of the prevailing scale and practice of charitable fundraising in Ireland. Details of this study are contained in Section 2 of this Report. The full study may be downloaded from [www.ictr.ie](http://www.ictr.ie).

During the consultations there was clear support that the process being considered for drafting and monitoring Codes of Good Practice should be modelled by drafting and consulting on a **Statement of Guiding Principles for Fundraising**. In July 2007 a Working Group, the profile of which reflected the recommendations in the consultation paper and the findings of the Trinity Study, was convened to draft such a Statement. The final **Statement of Guiding Principles for Fundraising** is contained in Appendix One. Also the lessons learnt in the consultations and the drafting of this Statement are outlined in Section 4.

These lessons, the comments and suggestions made during the consultation phase and the findings of the study undertaken by the Centre for Nonprofit Management were fully taken into account in the design of the Scheme to draft and monitor Codes of Good Practice.

Given that Northern Ireland is also in the process of developing new charities legislation and that some charities in Ireland operate on an all-island/cross-border basis, it was agreed to consider how the two jurisdictions could potentially co-operate on regulating fundraising through Codes of Good Practice and how this might work in practice. To examine matters ICTRL established a North/South Task Group with key informants from both the public and charity sector in Northern Ireland. This Task Force met a number of times during the year. Further discussions will be held with the relevant authorities in Northern Ireland on the scheme to develop Codes of Good Practice set out in this feasibility study.

## 2 Practice and scale of charitable fundraising in Ireland

As indicated earlier, concerns were expressed, especially by smaller charities that Codes of Good Practice on fundraising would impose a considerable bureaucratic burden on them and reduce volunteerism. They also feared that the small number of large charities who secure a larger amount of donations would dominate the design of these Codes.

To address these concerns and ensure that the question of scale is taken into account in the design of the scheme to draft and monitor Codes of Good Practice, ICTRL commissioned the Centre for Nonprofit Management (Trinity College) to provide the 'best estimate of the prevailing scale and practice of charitable fundraising in Ireland'.

A full copy of the report is available on the ICTR website at [www.ictr.ie](http://www.ictr.ie) A hard copy may be obtained from Irish Charities Tax Research Ltd, ISFC 10 Grattan Crescent, Inchicore, Dublin 8.

The Report confirms that the size and capacity of organizations and their differing fundraising experiences must be taken into account in framing the Codes of Good Practice.

As the following profile in the Report shows, fundraising by charities in Ireland is distinguished by a large number of small charities whose fundraising efforts are part-time and a relatively small group of national and international charities which have full-time fundraising teams.

**Fundraising income:** Fundraised income represents just over 20% of the income of charities. Public finances provide over 60% of income with the balance coming from fees and other sources.

The Report shows that 6 out of 10 charities receive less than €21,000 in fundraised income while the top ten percent raise €200,000 or more per annum.

The larger charities have over three times the number of full-time paid staff and twice the number of part-time paid staff than the average fundraising organization. Smaller charities tend to rely on volunteers and staff with other significant responsibilities.

**Fundraising Practices:** Two distinct fundraising experiences are reported by charities depending on whether they are large or small and on whether they have a national or a local remit.

In the case of **larger organizations** with a national remit the fundraising experience is larger scale and more professionalized. They tend to employ full-time fundraising teams and a variety of fundraising methods for different donor populations (face-to-face, direct mailing and corporate sponsorship).

Fundraising is less personalized and accountability is primarily information based (cause-related marketing, formal information streams and public relations) with a high level of importance accorded to relationships with the wider community/society, business as well as the State. Investment in fundraising is high and ongoing and is interwoven with the organization's performance and development.

For **smaller** charities, fundraising is typically local and personalized with success achieved through community ties. They tend to utilize routine fundraising methods, such as church gate collections, raffles and local business sponsorship. Fundraising is undertaken on a part-time basis by volunteers, board members and staff with considerable additional responsibilities. Accountability is based on personal trust and local observation. Investment in fundraising is low and is often regarded as a necessary evil which diverts energy and resources away from service-delivery.

### **Future Directions**

According to fundraising personnel, the current fundraising environment is characterized by:

Increasing competition; there is pressure to develop innovative strategies to avoid public apathy;

Increasing costs and expectations; the public expect professional services but frown upon increased investment in fundraising;

Donors, business, the State and individuals are demanding greater levels of accountability and transparency;

Fundraising, whether on a voluntary or professional level is perceived to be an isolated responsibility with few avenues of support and limited opportunities for education and training to improve fundraising skills.

Given the dynamics of the fundraising environment, it is anticipated that in the future there will be:

- increasing disparity between small local charities and large national charities in terms of skills, capacity, growth and success;
- increasing pressure on medium to small sized charities to enhance the investment and the scale of their fundraising efforts or reduce their organizational goals. Fundraising can no longer be an add-on responsibility if smaller to medium-sized charities are to remain financially viable;
- smaller charities may have to pursue fundraising alliances and joint initiatives in an increasingly competitive environment.

“different fundraising experiences have implications for the successful introduction of the Codes of Good Practice”

These different fundraising experiences have implications for the successful introduction of the Codes of Good Practice on the operational aspects of fundraising.

In particular, account must be taken of the personal nature of the relationship between smaller charities and their donor public. This is a context in which too much or badly designed regulation may be a constraint on such relationships. Larger charities, on the other hand, are better equipped to absorb another layer of administration and regulation may offer a public relations advantage among a donor public with which they have relatively formal relationships.

There is an increasing concentration in the practice of fundraising so that a smaller number of organizations are securing a larger amount of donations. Unless carefully designed and supported, Codes of Practice may serve to propel this dynamic. Codes of Practice therefore should be linked to organizational capacity and should acknowledge the reality that 6 out of 10 charities have fundraised incomes of less than €21,000.

The findings of this Study, in particular the different fundraising experiences of smaller and larger charities were taken into account in the design of the Scheme to draft and monitor Codes of Good Practice.

### **Consultations with charities, donors and international experts**

To assist charities and donors to make submissions a detailed Consultation Paper was widely circulated in mid-2006. The consultation paper sought views on the objectives of Codes of Good Practice on fundraising by charities and responses to a range of questions related to the achievement of those objectives. Also a series of workshops for charities were held throughout the country at which the participants discussed the questions raised in the Consultation Paper.

Arising from the responses to the consultation paper, Draft Proposals for a Scheme to develop Codes of Good Practice were circulated widely in April 2007 including to all those who made submissions and all of the participants in the workshops for their views. Also a consultative conference was held in Dublin on 17th May 2007 to consider the proposals. Details of the consultation process are contained in Appendix 5.

All of the submissions received and the participants in the workshops welcomed the proposal to develop Codes of Good Practice on the operational and administrative aspects of fundraising by charities. There was overall agreement that the best way to oversee charitable fundraising while retaining the dynamism of voluntary groups is through legislation on the accountability of charities combined with non-statutory Codes of Good Practice on fundraising practices and procedures.

There was general recognition that the three key steps to achieving credible regulation by Codes of Good Practice are:

- **Clear objectives:** the primary purpose for introducing Codes of Good Practice on fundraising and the specific outcome to be achieved must be clear.
- **Content:** the Codes of Good Practice must contain clear and intelligible rules which set standards that are actively monitored with an accessible complaints procedure.
- **Structures:** any scheme to develop Codes of Good Practice must have a dedicated structure to monitor the Codes, deal with complaints and decide when the rules are broken.

Many of the submissions highlighted the variety of charities operating in Ireland and their differing size and capacity. This emerges very strongly in the Study undertaken by the Centre for Nonprofit Management.

The point was made throughout the consultations that the design and implementation of the Codes of Good Practice will need to strike a balance between enhancing public confidence while not being too onerous on charities. In particular, account should be taken of the needs of smaller organisations where fundraising is local and personalized and their success depends on community ties and voluntary effort.

Bearing these concerns in mind, there was general agreement that:

- The primary objective of the Codes of Good Practice should be to protect the public interest through information, accountability and a complaints system to resolve individual complaints and disputes. In addition, there was a general wish that charities, in particular smaller charities, should be actively supported to improve fundraising practices.
- All forms of fundraising should be covered by Codes of Good Practice. Also the types of images and language used in fundraising should be covered by the Codes. It was also agreed that the scheme should commence with a Statement of General Principles that would apply to all forms of fundraising. Arrangements were made to develop this **Statement of General Principles for Fundraising** (see Section 4 and Appendix 1).
- The Codes of Practice should set out a graduated approach to rules and standards by restating the legal requirements to be followed by all charities, appropriate good practice which all charities are recommended to implement and best practice which all charities would be encouraged to employ, as befits their capacity.
- The charities sector should have the lead role in drafting the Codes of Good Practice with professional assistance and a strong independent input. It was recognised, however, that the charities sector does not have the resources to carry out this function on its own.
- The charities sector should promote awareness of the Codes of Good Practice and provide education and training on fundraising practices for charities, in particular smaller charities. The proposed Codes of Good Practice are non-statutory and are, therefore, not legally binding on

charities. It was agreed that ways and means should be examined by which incentives might be provided to those charities which adopt and utilize the Codes.

- The Codes of Good Practice should be actively monitored with a strong independent input. A Monitoring Group made up of the charities sector and a majority of independent members with an independent chair should be established to deal with complaints and to actively monitor the usage and operation of the Codes. As regards the complaints system, a graduated approach should be taken. Each charity would have a complaints procedure and any complaints would normally be investigated in the first instance by the charity involved. If the complainant is not satisfied the matter would be further investigated and a remedial agreement proposed by the Monitoring Group.
- As indicated earlier, the charities sector does not have the resources to draft, promote and actively monitor Codes of Good Practice. This feasibility study could not have been undertaken without financial support from the Department of Community, Rural and Gaeltacht Affairs. It is in the public interest and the interest of the State, which depends on charities for the delivery of many social and personal services, that Codes of Good Practice on fundraising are introduced and effectively monitored.

It was concluded, therefore that the State through the Department of Community, Rural and Gaeltacht Affairs should fund the scheme for drafting, promoting and actively monitoring the Codes of Good Practice. In addition it was agreed that the charities sector should source and promote education and training programmes on fundraising practices for charities, in particular smaller charities and that the Department should also fund the development of these programmes.

- Given that Northern Ireland is also in the process of enacting charities legislation and that some charities operate on an all island/cross-border basis, it was agreed that discussions should continue with the relevant authorities in Northern Ireland on how the two jurisdictions could potentially co-operate in relation to regulating fundraising through Codes of Good Practice and how this might work in practice.
- Fundraising practices are continually developing and changing. It was recognised that these practices must be kept under review and the Codes of Good Practice updated on a regular basis. It was agreed that the arrangements for drafting, promoting and monitoring the Codes of Good Practice should be monitored and evaluated on an ongoing basis and changes made if and when necessary. It was also agreed that the overall scheme for the development of the Codes should be reviewed after five years in line with the review of the charities legislation.

All of the submissions welcomed the consultation process used throughout the feasibility study and recognised the opportunity it had given the sector to work in an inclusive, constructive problem solving way. The wish was expressed that this form of consultation should continue and be developed further to help build the capacity of the sector to work together on issues of concern to the sector.

In addition to the consultations with Irish charities and donors, an **International Round Table** on the draft proposals for a scheme to develop Codes of Good Practice for charitable fundraising in Ireland was held in Dublin in May 2007. Members of the Steering Committee for this feasibility study and officials of the Department of Community, Rural and Gaeltacht Affairs who attended the Round Table obtained very good information and advice from:

- DZI Germany ( an independent watchdog body for charities that issues a Seal of Approval)
- Swedish Fundraising Council (an umbrella body of fundraising NGOs that issues ethical codes for fundraising and provides training for fundraisers)
- UK Institute of Fundraising (that issues and updates Codes of Practice on fundraising)
- CBF Netherlands (an independent watchdog body that issues a Seal of Approval)
- VFI Netherlands ( an umbrella body of 100 fundraising charities that develops standards and codes for fundraising)
- ISOBRO Denmark (an umbrella body of 109 fundraising charities currently developing ethical codes )
- EU Commission DG Justice (undertaking a comparative study of charity legislation in EU Member States)

Despite the different legal and self – regulation systems, good advice was received on the issues to be covered by Codes of Good Practice (including ethical guidelines), the monitoring of Codes, the issuing and monitoring of Seals of Approval to charities that adhere to certain standards, and the funding of schemes to develop Codes of Good Practice.

## Development of statement of guiding principles for fundraising

The draft proposals for a scheme to develop Codes of Good Practice on fundraising by charities recommended that the charities sector, allied with professional assistance and with a strong independent input should take the lead in setting standards and drafting the Codes.

Concerns were expressed during the consultations about the capacity of the sector to draft Codes of Good Practice. Concerns were also expressed about the need to design Codes that strike a balance between enhancing public confidence while not being too onerous on charities with less capacity.

...“need to design Codes that strike a balance between enhancing public confidence while not being too onerous on charities with less capacity”

To address these concerns, it was agreed that the proposed process for developing the Codes of Good Practice should comprise drafting and consulting on a *Statement of Guiding Principles for Fundraising*.

In July 2007 a Working Group, the profile of which reflected the recommendations in the feasibility study and the findings of the Trinity Report (see Appendix One), was convened to draft such a Statement.

The working group initially reviewed Codes from other jurisdictions and from other sectors, considered best practice guidelines on regulation and took into account the feedback already received from the earlier consultations. An initial draft Statement was circulated for public consultation in October/November 2007. Based on the feedback from these consultations, a final Statement was completed in January 2008. **This Statement of Guiding Principles for Fundraising is contained in Appendix One.**

The Statement of Guiding Principles is not intended to be a detailed operational Code; rather it presents a set of overarching principles and guidelines for fundraising in Ireland. For charities, these principles and guidance are intended to be of practical use when organizing fundraising. For donors and potential donors, the Statement offers clarity on what they may expect from the charity, its representatives (whether voluntary or paid) and its management.

The development and acceptance by the charities sector of the standards for fundraising set out in the Statement is an important act in its own right. It provides an opportunity to build capacity within individual charities and within the wider charities fundraising sector.

The Statement when linked with the Code of Practice of the Irish Fundraising Forum for Direct Recruitment (see Appendix Two) and the Dochas Code of Conduct on Images and Messages (see Appendix Three) provides sufficient material for the proposed Scheme to Develop Codes of Good Practice to come into operation.

Through its work in drafting the Statement, the Working Group identified a number of key questions. These questions were taken into account in the drafting of the Scheme to develop Codes of Good Practice. These questions and recommendations will also need to be discussed in due course between the charities fundraising sector, the state and when established, the Charities Regulatory Authority.

1

When, as anticipated, The Charities Bill (2007) is enacted and the Charities Regulatory Authority is established, all charities in Ireland will be bound to comply with the resulting legal registration and accountability provisions of the Bill. There is provision in the Bill for "implementing agreed Codes of Good Practice in relation to the actual fund-raising operations, while retaining reserve powers for the Minister, after consultation with the Authority, to make statutory regulations on the manner and conduct of fundraising if such an approach proves ineffective"<sup>1</sup>.

**Recommendation 1** Those benchmarks that will be applied to determine whether the Codes of Practice have been effective (and thus whether the Minister's reserve powers would be applied) need to be established at the outset. This will require dialogue and agreement between the Regulator, the Monitoring Group and the charities' fundraising sector.

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<sup>1</sup> Section 85 of the Explanatory Memorandum Charities Bill 2007

2

There is a need to agree the relationship and flow of information between the Monitoring Group, the Regulator (in time), the charities' fundraising sector and the general public. This can include, for example, agreeing any remedial action required for those charities that do not comply with the agreed standards of practice, and addressing instances where a member of the public contacts the Regulator, rather than the Monitoring Group about standards.

**Recommendation 2** The modalities of the relationship between the Regulator, the charities' fundraising sector, individual charities, the Monitoring Group and the public need to be established at the earliest stage.

3

The standing and authority of these standards is entirely dependent on having a credible, independent and active monitoring and compliance dimension. The Monitoring Group, which is to be made up of a majority of independent members and with an independent chairperson, is to deal with questions of monitoring and compliance.

**Recommendation 3** The question of how the Monitoring Group is established and suitably financially resourced needs to be agreed.

4

For the standards to be successful, charities will need to be informed and educated about the **Statement of Guiding Principles for Fundraising** and other relevant Codes of Practice. Given the profile of the sector, it is important that charities, especially those with less capacity, can avail of assistance and support to assist them reach the required standards.

**Recommendation 4** An information and training initiative will be needed to create the required level of awareness and skills amongst participating charities so as to enable them to meet the required standards. Such training will need to be of an approved standard and to recognise the diversity of organisations (larger and smaller) and their varied needs.

5

It is important that the standards are dynamic and reflective of practice. The Monitoring Group will work with the charities' fundraising sector on an ongoing basis to ensure that the Statement of Guiding Principles for Fundraising and other Codes of Practice are appropriate and are updated as required to reflect changing fundraising practices and changing circumstances.

**Recommendation 5** A mechanism should be put in place by the sector to update this Code and to devise and agree any further Codes that are identified as requirements in the future. Any future Codes agreed by the sector should also come under the remit of the Monitoring Group.

## 5 Scheme to develop codes of good practice

This chapter sets out the details of a scheme to develop, promote and monitor Codes of Good Practice on the operational and administrative aspects of fundraising by charities. Details of how this scheme will be brought into operation, quickly and effectively, are set out in Chapter 6.

“...details of a scheme to develop, promote and monitor Codes of Good Practice”

**1 Objectives of the Codes of Good Practice** The primary objective of the Codes of Good Practice on the operational and administrative aspects of fundraising by charities will be to protect the public interest through information, accountability and a complaints system to resolve individual complaints and disputes. In addition the interests of donors will be protected through active support for charities to improve their fundraising practices.

**2 Types of Fundraising to be covered** All forms of fundraising will be covered by the Codes of Good Practice. The types of images and messages used in fundraising will also be covered by the Codes.

The scheme will commence with a **Statement of Guiding Principles for Fundraising** (see Appendix One). This Statement offers a set of overarching principles and guidance for charities about how fundraising should be approached and organised. The Statement also offers donors and potential donors clarity on what they may expect from the charity, its representatives (whether voluntary or paid) and its management.

The scheme will take account of existing Codes of Good Practice on the operational and administrative aspects of fundraising by charities (see Appendix Two and Three)

As fundraising practices are continually developing and changing, the Codes of Good Practice will be updated on a regular basis.

**3 Rules and Standards** The Codes of Good Practice will cover the operational and administrative aspects of fundraising. The Codes will set out a graduated approach to rules and standards by:

Restating the legal requirements on the aspects of fundraising being covered by the Code, to be followed by all charities;

Identifying the set of standards that are regarded as appropriate good practice and which all charities are recommended to implement;

Identifying the set of standards that correlates to best practice and which all charities are encouraged to employ, as befits their capacity.

As outlined above, the scheme will commence with a Statement of Guiding Principles for Fundraising which all charities are recommended to implement.

**4 Drafting of the Codes of Good Practice** The charities sector will have the lead role in drafting the Codes of Good Practice with professional assistance and a strong independent input.

For the drafting of Codes of Good Practice, a working group, comprising of charity fundraising practitioners and donors supported by legal, accounting and other professionals, will be established to draft each Code.

A majority of the people on the working group will be from the charities sector and reflect the profile of the sector (large and small, professional and voluntary). A consultation process with the relevant charities and donors on draft proposals for Codes of Good Practice will be put in place by the working groups.

**5 Promoting take-up of the Codes by Charities** The charities sector will promote awareness of the Codes of Good Practice and provide education and training on fundraising practices for charities, in particular smaller charities.

In addition, ways and means will be examined by which incentives might be provided for those charities which adopt and utilise the Codes.

**6 Monitoring of the Codes of Good Practice** A Monitoring Group will be established to actively monitor usage and operation of the Codes of Good Practice and to deal with complaints.

The Monitoring Group will be comprised of six members, two from the charities sector, three independent members and an independent chair.

Under the monitoring and complaints system:

- Each charity will have a complaints procedure and any complaints will normally be investigated in the first instance by the charity involved;
- If the complainant is not satisfied, he/she may refer the matter to the Monitoring Group for further investigation. Where a breach of the relevant Code has occurred, the Monitoring Group will propose a remedial agreement to the charity;
- If the remedial agreement is not implemented, the Monitoring Group will have the option of notifying the proposed Charities Regulator of details of the breach of the relevant Code, the attempts to resolve the issue and of the failure by the charity to implement the remedial agreement;
- In addition the Monitoring Group will publish an Annual Report on the complaints received and the action taken;
- The Monitoring Group will also carry out research, including random spot – checks, on the usage and operation of the Codes of Good Practice. The results of this research will be published by the Monitoring Group in its Annual Report.

**7 Funding of this Scheme** Funding for this scheme for drafting, publishing and actively monitoring Codes of Good Practice should be provided by the Department of Community, Rural and Gaeltacht Affairs. The Department should also provide resources to the charities sector to promote awareness of the Codes of Good Practice and to develop education and training programmes on fundraising practices for charities, especially smaller charities.

**8 North – South Co-operation** Discussions will be held with the relevant authorities in Northern Ireland on the application of these Codes of Good Practice to charities that operate on an all island/cross – border basis.

**9 Review of this Scheme** These arrangements for drafting, promoting and monitoring the Codes of Good Practice will be monitored on an ongoing basis and changes made if and when necessary.

Also the overall scheme will be reviewed after five years. This review will be carried out in consultation with the charities sector, the Department of Community, Rural and Gaeltacht Affairs and the proposed Charities Regulator and will take account of the work of the Monitoring Group.

## 6

### Bringing this scheme into operation

In order to follow through quickly and effectively on this Feasibility Study, an Implementation Group will be established to put in place the Scheme to develop Codes of Good Practice.

The Implementation Group will be made up of representatives of the charities sector and the relevant statutory agencies with an independent input to represent donors. The Implementation Group will also draw on support from professionals specialising in this area (e.g. fundraisers, accounting and legal).

“...an Implementation Group will be established to put in place the Scheme to develop Codes of Good Practice”

The Implementation Group will:

- Make the necessary arrangements to bring the Scheme to develop Codes of Good Practice into operation;
- Ensure that these arrangements safeguard the primary objective of the Codes of Good Practice which is to protect the public interest through information, accountability and a complaints system to resolve individual complaints and disputes. In that context, the Implementation Group will make arrangements to benchmark and monitor public confidence;
- Promote, in partnership with the charities sector, the adoption of the Statement of Guiding Principles for Fundraising and raise awareness of the Statement among donors and potential donors;
- Identify, in consultation with the relevant charities, areas of the operational and administrative aspects of fundraising suitable for Codes of Good Practice and make arrangements for the establishment of working groups to draft the Codes;
- Examine ways and means by which incentives might be provided for charities which adopt and utilise the Codes;
- Make the necessary arrangements to establish the Monitoring Group to actively monitor the usage and operation of the Codes of Good Practice and to deal with complaints;
- Hold discussions with the Department of Community, Rural and Gaeltacht Affairs on the funding of the Scheme and the provision of resources to the charities sector to promote awareness of the Codes of Good Practice and to develop education and training programmes on fundraising practices for charities, especially smaller charities;
- Hold discussions with the relevant authorities in Northern Ireland on the application of these Codes of Good Practice to charities that operate on an all island/cross-border basis;
- Make arrangements to ensure that the Codes of Practice are monitored on an ongoing basis with changes being made if and when necessary and that the overall Scheme is reviewed after five years.

## **Appendix One**

### Statement of Guiding Principles for Fundraising

# Section 1

## Introduction

This Statement of Guiding Principles for Fundraising has been drawn up by charity fundraising practitioners and donors (see Appendix B) and has been reviewed by legal, accounting and other related professionals (see the list of members of the Steering Group in Appendix Six).

The introduction of standards by the charities' fundraising sector is an important act in its own right and provides an opportunity to build capacity within individual charities and in the wider charities' fundraising sector.

These principles and guidance are intended to be of practical use when organising fundraising. The Statement offers donors and potential donors clarity on what they may expect from the charity, its representatives (whether voluntary or paid) and its management.

These are general principles and given that each organisational context is different, those responsible in the organisation will be required to use their judgement and to consider how these principles are best applied within their organisation. Depending on the organisation not all the commitments may be relevant but where they are relevant they should be applied as is practicable. The commitments contained are not exhaustive and may be added to as befits the organisation's mission.

The Statement seeks to go further than the minimum legal

requirements by offering a set of overarching principles and guidance about how fundraising should be approached and organised. It thereby complements and builds on the existing legal framework within which all charities operate.<sup>2</sup> In order to facilitate an integrated approach to the organisation of fundraising, the Statement refers to legal requirements that apply to fundraising. However the spirit of the Statement is that the charity shall not be limited to what is expected in law but will seek to apply the highest possible standards. Some useful contact points in relation to legal and other requirements are contained in Appendix A.

The Charities Bill 2007 has the stated objective of implementing agreed Codes of Good Practice in relation to the actual fund-raising operations...". In expectation of the enactment of the Bill and the subsequent establishment of a Charities Regulatory Authority, if this objective is to be effectively realised a robust and ongoing engagement between the charities' fundraising sector and the Regulator is required. This Statement and the Irish Fundraising Forum for Direct Recruitment's (IFFDR) Code of Practice<sup>3</sup> provide a basis for that engagement between the charities' fundraising sector and the state.

The charities' fundraising sector may in the future identify other fundraising areas and agree detailed operational Codes to address particular fundraising practices (similar to the IFFDR's Code of Practice); these too should form part of the future dialogue.

It is essential that this Statement be updated based on experience and feedback, and taking into account future developments, particularly those that improve accountability and transparency. Similarly the IFFDR Code of Practice has already been and shall continue to be informed by developments and changes in fundraising practice and will be updated accordingly.

### Complying with the Statement

This Statement is not a legally binding Code but sets out best practice in its main and supporting principles. Charities that subscribe to these principles should make a statement to that effect in the Annual Report and the Statement of Annual Accounts and other relevant published material. In that statement, the charity should either confirm that it complies with these principles, or where it does not, provide an explanation. This 'comply or explain' approach provides flexibility to enable organisations interpret it to suit their particular circumstances. It is for stakeholders and others to evaluate the organisation's statement.

Although it is anticipated that many charities will aspire to implementing the Guiding Principles, applying such standards will be progressive in nature and likely to be phased in as the organisation grows in size and more formal fundraising practices are employed.

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<sup>2</sup> A number of bodies currently play a role with regard to various aspects of charities, including the Attorney General, the Revenue Commissioners, the Commissioners of Charitable Donations and Bequests for Ireland, An Garda Síochána, the Director of Corporate Enforcement, the Registrar of Companies, the Valuation Office and the Probate Office. See Appendix A for contact details.

<sup>3</sup> At the time of writing (January 2008) the only example of a currently operational Code of Practice devised and operated by fundraising practitioners is that of the Irish Fundraising Forum for Direct Recruitment (IFFDR). The IFFDR was invited to and agreed to put that Code forward for inclusion as part of the submission. A copy of the Code can be viewed at [www.iffdr.org](http://www.iffdr.org)

## Section 2 Who this Statement is for

The purpose of this Statement of Guiding Principles for Fundraising is to provide a set of agreed and accessible standards that can be applied to charitable fundraising strategies and projects.

The Statement is available to be applied by charities that fundraise from the public.<sup>4</sup> It does not apply to organisations that fundraise and who are not charities, or to those charities that do not fundraise from the public. However any organisation that fundraises from the public may choose to apply these principles.

### **The Statement is of particular value to:**

#### **Fundraising Practitioners:**

The Statement offers a set of principles and guidelines to assist fundraising practitioners (voluntary or paid), in their efforts to raise funds for their organisation's causes. In some cases it also refers to the legal requirements that apply.

#### **Charity boards/trustees and senior management:**

The Statement will be of value to charity boards/trustees and senior management, who are ultimately responsible for the activities of those associated with the charity, as well as those responsible for financial accounting and reporting. It should also serve to help charities build their own capacity by developing appropriate practice and standards.

#### **Charity donors or prospective donors:**

The Statement clearly indicates the standards that charity donors or prospective donors can expect from charities seeking their support, and it outlines the channels for redress that they can avail of if required.

## Section 3 Core Principles

### **Respect**

The charity shall respect the rights, dignity and privacy of its supporters, clients and beneficiaries. It shall not put undue pressure on anyone to make a gift and where someone does not want to give or wishes to cease giving, that decision will be respected. The charity will not represent their clients or beneficiaries in a disrespectful way in their promotional activities, and where possible and appropriate, clients or beneficiaries will have an input into the charity's promotional strategies. The charity will take care not to cause unreasonable nuisance or disruption in its fundraising efforts.

### **Honesty**

The charity will always act in an honest manner and will be truthful in all its dealings. It will answer honestly all reasonable questions about its fundraising activities and fundraising costs and it will do so within a reasonable timeframe.

### **Openness**

The charity will make information about its purpose and its activities freely available. It will be transparent about who it is, the work it performs and how any support is used. The charity will be accountable and will provide a number of ways whereby

those interested can contact the organisation and receive a reasonably timely response. The charity will have a procedure to address complaints, a copy of which will be available on request.

## Section 4 Commitment to Donors

The charity shall agree and make known its own Donor's Charter which will include the following commitments. The charity may expand on these commitments as befits their organisation's mission.

### **Donors**

Donors have the right to be assured that their gifts will be used for the purposes for which they were given. Fundraising charities shall respect the rights of donors to be informed about the causes for which the charity is fundraising; to be informed about how their donation is being used; and to have their names deleted from mailing lists or databases if so requested.

### **Use of donations**

In raising funds, the charity will accurately describe its activities and needs. The charity's policies and practices will ensure that any donations received will be used solely to further the organisation's mission. Where donations are made for a specific purpose, the donor's request will be honoured. If the charity invites the general public to donate to a specific cause, then the charity will have a plan for handling any shortfall or excess.

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<sup>4</sup> Until the Charities Bill 2007 is enacted there is no legal framework for the registration of charities in Ireland. The Office of the Revenue Commissioners, Charities Section maintains a database of organisations to which they have granted charitable tax exemption. To be eligible an organisation must be constituted and operated exclusively for charitable purposes. While there is no legislation defining what is legally charitable it is generally determined by considering whether a particular purpose comes within one of the four broad categories: (1) the Relief of Poverty, (2) the Advancement of Education, (3) the Advancement of Religion, and (4) other purposes beneficial to the community.

## Disclosure

Donors have the right to be informed of the status and authority of those soliciting donations; for example, donors will be informed if fundraisers are employees of the organisation or third party agents.

## Organisational Independence

The charity will record and publish in the Annual Report and the Statement of Annual Accounts details of individual gifts, including gifts-in-kind; where the charity judges that those gifts may be construed to have the potential to influence the independence of the organisation's decision making.

While an organisation is not obliged to accept anonymous donations, where anonymity is requested by a donor this will be respected if the donation is accepted, however the other details of the gift will be recorded and published (such that anonymity is preserved).

## Third party fundraisers

The charity will seek to ensure that any donations sought indirectly, such as through third party agents, are solicited and received in full conformity with the charity's own standards and practices. This will normally be the subject of written agreement between the parties.

## Volunteer fundraisers

The charity's board and management shall ensure that the organisation has a policy for its activities involving volunteers, including the relationship and communications with volunteers and how volunteers are managed.

## Complaints and feedback procedure

The charity will put in place procedures to enable interested parties to notify the organisation of their wishes, comments and complaints. These procedures will

include systems to ensure that all feedback (including especially any complaints) are responded to and addressed within a specified timeframe. Public or donor queries or complaints should, in the first instance, be addressed to the charity in question. Where the charity's response does not satisfy the complainant, s/he will have clear information about the next level of the complaints procedure, which will be directed to the Monitoring Group (see Section 9). All matters of illegality should be addressed immediately to An Garda Síochána.

## Financial controls

The charity's internal financial control procedures will ensure that all funds are used effectively and will minimise the risk of funds being misused. The charity will follow the principles of best practice in financial management. An Annual Report and a Statement of Annual Accounts figures will be freely available to the public (see Section 8, number 2 for an outline of the content of an Annual Report and a Statement of Annual Accounts).

## Human resources

The charity's human resource policies will conform fully to relevant national and international labour regulations. These policies will seek to apply best practices in terms of employee and volunteer rights and health and safety at work.

## Equality

The charity will adhere to any equality legislation and will not tolerate discrimination in any form.

## Appointment of external auditor

The charity's board (or, in the case of an association, the general meeting of members) shall appoint an external auditor or independent examiner as

appropriate to audit/examine the annual accounts.<sup>5</sup>

# Section 5 The Conduct of Fundraisers

Fundraisers and fundraising charities commit themselves to the highest standards of good practice and to ensuring that all their fundraising activities are respectful, honest, open and legal. Any information obtained in confidence as part of the fundraising process must not be disclosed without express prior consent.

The following commitments are not exhaustive and may be added to as befits the organisation's mission.

Fundraisers and their organisations commit to:

- 1 Conduct themselves at all times with integrity, honesty and trustworthiness. They will act at all times openly and in such a manner that donors are not misled;
- 2 Respect the dignity of their profession and ensure that their actions enhance the reputation of themselves and the charity they represent;
- 3 Act according to the highest standards and visions of their organisation and profession;
- 4 Disclose if they are employees of the organisation or third party agents;

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<sup>5</sup> It is a requirement of the Revenue Commissioners that charities with an annual income of €100,000 or above must have audited accounts and this audit threshold is also applied in the Charities Bill 2007. There is provision in the Charities Bill 2007 that charities below this threshold will not be obliged to have fully audited accounts but will have to have their accounts examined by an independent person approved by the Regulatory Authority.

- 5  
Not knowingly or recklessly disseminate false or misleading information in the course of their professional duties, nor permit their subordinates to do so;
- 6  
Not represent conflicting or competing interests without the consent of the parties concerned;
- 7  
Not knowingly, recklessly or maliciously injure the professional reputation or practice of other members of the fundraising profession;
- 8  
Not knowingly act in a manner inconsistent with these standards, or knowingly cause or permit others to do so;
- 9  
Not exploit any relationship with a donor, prospect, volunteer or employee for personal benefit or misuse the authority or office for personal gain;
- 10  
Comply with the laws of the land which relate to their professional activities, both in letter and in spirit;
- 11  
Advocate adherence within their organisation to all applicable laws and regulations.

### **Responsibilities of Fundraising Management**

Those responsible (or their designate, whether voluntary or paid) for organising specific fundraising campaigns or fundraising activities, or who are responsible for managing others who organise such fundraising campaigns have a range of responsibilities in order to meet the commitment to donors and fulfil the principles and standards. Amongst those responsibilities, Fundraising Management must:

- 1  
Be responsible for ensuring that fundraisers are aware of and can generally communicate the purpose of the organisation and of the specific fundraising efforts they are involved in;
- 2  
Be responsible for ensuring that fundraisers are aware that they must disclose if they are employees of the organisation or third party agents;
- 3  
Provide, where possible, clear and adequate, written or verbal, information to the public about any relevant follow-up including telephone procedures;
4.  
Have procedures to ensure that, wherever possible, particular caution is exercised when soliciting from people who may be considered vulnerable;
5.  
Ensure that, where paid, fundraisers are remunerated by such methods that will avoid the incidence of pressure on the potential donor to donate;
- 6  
Where events organised in the charity's name are not known by the charity until after the fact, the charity will work with that fundraiser to ensure they are aware of the standards expected and that the fundraiser will apply them to any future events they hold for the charity;
- 7  
Where donations are raised through electronic means, for example through charities' websites, the level of security applied to such websites shall be of a sufficient standard to protect the confidentiality of donors' credit card and other personal details;

- 8  
Be responsible for ensuring that paid fundraisers are remunerated within the minimum wage regulations;
- 9  
Ensure all public collections have a Garda permit, or where no permit is necessary, permission from the relevant authority (such as for collections in church grounds);
- 10  
Ensure there is signed confirmation that data are kept securely and confidentially and in compliance with the Data Protection Acts 1988 and 2003;
- 11  
Ensure that the recruitment process screens potential recruits to indicate suitability (subject to data protection regulations);
- 12  
Where remunerated, ensure fundraisers are legally entitled to work in the jurisdiction;
- 13  
Be responsible for ensuring that, where paid, all fundraisers and third party agents are given appropriate contracts, to include a clause stipulating their compliance with this *Statement of Guiding Principles for Fundraising* and with any legal requirements that apply;
- 14  
Ensure that appropriate training, education and information is available to fundraisers to enable them perform their roles effectively;
- 15  
Be generally responsible to explain to the public how fundraising is organised and to help educate the public about the realities of resourcing charitable organisations. Where specific questions are received these should be answered openly and honestly. The principle of

informing the charity in advance and adhering to these standards will be highlighted as much as possible by the organisation.

## Section 6 Board/Trustee and Senior Management Responsibility

The ultimate responsibility for meeting the standards of the *Statement of Guiding Principles for Fundraising* lies with the charity's Board or Trustees and through them with the senior management of the charity. The Board/Trustees and Management are responsible for ensuring that their charity is able to and does fulfill its commitment to best practice in fundraising. The Board/Trustees and Management of the charity are accountable for the charity's fundraising activities as follows:

1  
By promoting the existence of the *Statement of Guiding Principles for Fundraising* and other relevant Codes to the public, donors and supporters;

2  
By ensuring a feedback mechanism is in place whereby anyone can comment on the fulfillment of the standards outlined in the Statement;

3  
By ensuring that the charity's commitment to best practice in fundraising is communicated in all public policy statements by stating same in relevant public communications (annual reports, website, policy statements, governance documents, leaflets and communication materials etc);

4  
Where relevant by putting in place training and development

opportunities for relevant staff and volunteers;

5  
By ensuring that all relevant suppliers, and contractors are informed about and contracted to adhere to the standards in the Statement in their fundraising work for the charity;

6  
By assessing the charity's fundraising strategy on a regular basis according to the guiding principles of this Statement;

7  
By including reference to adherence to the Statement in the guiding principles of the charity;

8  
By ensuring that senior management take responsibility for implementing and adhering to the Statement;

9  
By being open to the charity engaging in setting sector standards, including feeding back their experience on these standards and participating in the development of future standards;

Fundraising exists only to support the overall mission of the charity in question. Therefore the Board/ Trustees and Management of the charity are accountable to the organisation's beneficiaries, service users, clients, donors, funders, volunteers and staff for the charity's overall performance. The Board/ Trustees and Management shall therefore ensure:

1  
That the activities of the organisation are focused on achieving the objectives set out in the organisation's charter, and that these are translated into a vision, policy, strategies and budget;

2  
The organisation's expenditure is handled in a transparent, effective and efficient manner, in line with an agreed annual plan and budget, and according to a predetermined process for evaluating and taking decisions on the allocation of funds;

3  
Fundraising is handled in a transparent, effective and efficient manner, in line with an agreed plan and according to methods that are deemed socially acceptable;

4  
The organisation has adopted a policy for activities involving volunteers, including their relationship and communications with volunteers and the method of managing volunteers;

5  
The organisation has the means to adequately control the way it functions and to alert it to, and to cope with, any risks in good time.

## Section 7 Honest Communication

Communications between the charity, the public and potential donors shall be governed by the following guiding principles:

1  
There shall not be any incidence of misleading and/or ambiguous information in any of the charity's fundraising communications;

2  
It shall be made clear at all times as to whether the fundraising in question is for the organisation in general or for a specific purpose. Where examples are mentioned in relation to the general purpose of the organisation, they shall be clearly highlighted as examples.

There must be a close relation to those examples that are used and the actual cause for which the organisation is collecting;

3

The organisation's name, logo, address, telephone numbers, web address and charity registration number, as well as its general purpose, shall always appear on fundraising material;

4

Where more than one organisation is collecting together, the names, logos, addresses, telephone numbers, web addresses and charity registration numbers of all organisations must appear on the material in question and must be made known to the donor or prospective donor;

5

Donors or prospective donors must be made aware if fundraisers are employees of the organisation or are third party agents;

6

In the case of personal approaches in a public place, where the prospective donor is not known to the fundraiser, the fundraiser shall carry visible identification which includes the organisation's name, logo, telephone number and charity registration number, as well as the name of the fundraiser, so that the donor will never be in doubt about the organisation s/he is donating to;

7

In the case of telemarketing, the individual fundraiser must inform the prospective donor of the organisation's name, as well as be in a position to disclose the name of a contact person in the organisation;

8

At all times in the case of face-to-face, door-to-door and telemarketing fundraising, the individual fundraiser shall be able to state the purpose for

which the funds will be used. In the case of face-to-face and door-to-door fundraising, this can be in the form of printed material that is given free of charge at the request of the prospective donor;

9

In the case of face-to-face, door-to-door and telemarketing fundraising, the individual fundraiser should have a general knowledge about what the organisation works for. It is not required that the individual fundraiser possesses a detailed knowledge about projects, governance or administration etc but s/he must be able to inform the prospective donor of where they can find the supplementary information;

10

Particular care must be taken when fundraising from children and young people;

11

Compliance with data protection legislation in the Data Protection Acts 1988 and 2003 (and any future Acts) and the guidelines issued by the Data Protection Commissioner relating to direct and inter-active marketing, including direct mail, telemarketing and fax, SMS text etc shall be followed at all times;

12

If it is not intended that collected items such as clothing or other articles be sent directly to the clients or beneficiaries of the organisation but for example are to be sold instead, this must be made clear to the donors;

13

Where all of the proceeds of an event are not going to the cause/charity this should be made clear in the language used;

14

In the case of a project reaching the maximum requirement of funds,

then the organisation and its fundraiser(s) shall clarify what any eventual surplus will be used for;

15

In the case of the charity being in receipt of funds restricted to certain purposes or projects and where the charity cannot realistically apply the funds within a reasonable timeframe to that purpose or project, the charity may allocate those funds to a purpose as close as possible to the original intended purpose. This change should be communicated to donors generally, and, where practical the specific donor or donors (or their designates) should be informed.

### **Images and Messages**

Best practice in communications affects the entirety of the organisation, and not just fundraising. Accordingly, in all public communications and where practical and reasonable within the need to reflect reality, the following principles shall be applied:

1

Choices of images and messages used in fundraising communications will be made based on the paramount principles of respect for the dignity of the people concerned and a belief in the equality of all people. The charity will strive to choose images and related messages based on values of respect and equality, and to truthfully represent any image or depicted situation both in its immediate and in its wider context;

2

The charity will avoid images and messages that potentially stereotype, sensationalise or discriminate against people, situations or places. The charity will use images, messages and case studies with the participation and permission of the subjects (or the subjects' parents / guardian);

3  
The charity will ensure that, where possible, those whose situation is being represented have the opportunity to communicate their stories themselves;

4  
The charity will, where possible, establish and record whether the subjects wish to be named or identifiable and always act accordingly;

5  
The visual images chosen to represent a fundraising project or campaign will be consistent with the other messages about the project;

6.  
All promotional material shall be presented as clearly and accessibly as possible, following appropriate best practice guidelines;

7.  
The fundraiser will be familiar with the standards and guidelines of the Advertising Standards Authority which stipulates that all communications should be legal, decent, honest and truthful.

## Section 8 Financial Accountability

Financial accountability goes to the heart of transparency and is a dimension of fundraising and charity management that is understandably of great public interest. It is reasonable to expect that when charity regulation is in place the regulator's remit will focus considerably on financial accountability. At the moment, some

charities voluntarily apply financial reporting standards, namely the Charities Standard of Recommended Practice (Charities SORP). Charities that are companies limited by guarantee must comply with company law and some unincorporated charities voluntarily comply with those standards.

As part of financial accountability and in preparation for the proposed legislation, charities that are not companies limited by guarantee should consider applying the following financial reporting standards:

1  
The charity must produce an Annual Report and a Statement of Annual Accounts;<sup>6</sup> it must be made publicly available every year. The draft Bill proposes publication within ten months of year-end;

2.  
The Annual Report and the Statement of Annual Accounts shall give a summary overview, and depending on the nature of the work, may contain information where applicable about the previous year's development, with regards to:

- Significant income and expense items
- Significant balance sheet items
- Number of members of staff and of volunteers
- Number of local, national or international activities, including a representative indication of the types of activities carried out
- Number of paid subscribers / members
- Identify salaries, rental costs and any other significant operating expenses
- Other significant key figures;

3  
In relation to the Annual Report and the Statement of Annual Accounts, management shall be in a position to clarify the accounting practices detailed therein;

4  
Any contributions from parent organisations, collaborative partners or public grants shall be disclosed in the Annual Report and in the Statement of Annual Accounts;

5  
Any contribution which may be construed to have the potential to influence the independence of the organisation's decision making shall be disclosed in the Annual Report and in the Statement of Annual Accounts;

6  
The charity should be in a position, on request, to provide net income figures for their major public fundraising events;

7  
If terms such as "Fundraising in full goes to..." or "All monies raised go to..." have been used in a charity's fundraising campaign, those funds must be accounted for separately by the charity;

8  
The charity shall make a statement on its application of the Statement of Guiding Principles for Fundraising, either confirming that it has complied with the Statement's principles, or, where it does not, providing an explanation.

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<sup>6</sup> It is a requirement of the Revenue Commissioners that charities with an annual income of €100,000 or above must have audited accounts and this audit threshold is also applied in the Charities Bill 2007. There is provision in the Charities Bill 2007 that charities below this threshold will not be obliged to have fully audited accounts but will have to have their accounts examined by an independent person approved by the Regulatory Authority.

## Section 9 Monitoring and Compliance

To be meaningful the standards must be actively monitored and any cases of non-compliance addressed promptly and proportionally.

The feasibility study is recommending that a Monitoring Group, made up of the charities sector with a majority of independent members and an independent chairperson, should be established to actively monitor usage of the Codes of Good Practice and to deal with complaints.

In the context of the establishment of a Monitoring Group the following approach is recommended:

1  
Each charity should establish a complaints procedure. Complaints from the public or donors on the operational aspects of fundraising should in the first instance be addressed to and investigated by the charity involved.

2  
Where a complainant is not satisfied with the charity's response to their complaint, they may take the complaint to the Monitoring Group, who will investigate the complaint and propose remedial action.

## Appendix A Useful Reference Points<sup>7</sup>

Organisations	Contact Details
Office of the Revenue Commissioners, Charities Section	<a href="http://www.revenue.ie">www.revenue.ie</a>
Office of the Attorney General	<a href="http://www.attorneygeneral.ie">www.attorneygeneral.ie</a>
Existing charities legislation	<a href="http://www.irishstatutebook.ie">www.irishstatutebook.ie</a>
An Garda Síochána	<a href="http://www.garda.ie">www.garda.ie</a>
Department of Community, Rural and Gaeltacht Affairs	<a href="http://www.pobail.ie">www.pobail.ie</a>
Companies Registration Office	<a href="http://www.cro.ie">www.cro.ie</a>
Commissioners of Charitable Donations and Bequests for Ireland	<a href="http://www.pobail.ie">www.pobail.ie</a>
The Valuation Office	<a href="http://www.valoff.ie">www.valoff.ie</a>
Director of Corporate Enforcement	<a href="http://www.odce.ie">www.odce.ie</a>
The Equality Authority	<a href="http://www.equality.ie">www.equality.ie</a>
The Probate Office	<a href="http://www.courts.ie">www.courts.ie</a>
Data Protection Commissioner	<a href="http://www.dataprotection.ie">www.dataprotection.ie</a>
Ombudsman for Children	<a href="http://www.oco.ie">www.oco.ie</a>

<sup>7</sup> This is an indicative list only.

Other Codes of Conduct	Contact Details
Dóchas' Code of Conduct on Images and Messages	<a href="http://www.dochas.ie">www.dochas.ie</a>
Irish Fundraising Forum for Direct Recruitment's Code of Practice	<a href="http://www.iffdr.org">www.iffdr.org</a>
Institute of Fundraising (UK)	<a href="http://www.institute-of-fundraising.org.uk">www.institute-of-fundraising.org.uk</a>
ISOBRO (Denmark) Ethical Guidelines for Fundraising	<a href="http://www.isobro.dk">www.isobro.dk</a>
International Non Governmental Organisations' Accountability Charter	<a href="http://www.ingoaccountabilitycharter.org">www.ingoaccountabilitycharter.org</a>
American Association of Fundraising Counsel's Donor Bill of Rights	<a href="http://www.aafrc.org">www.aafrc.org</a>
German Central Institute for Social Issues' Guidelines and Implementing Instructions	<a href="http://www.dzi.de">www.dzi.de</a>
The International Committee on Fundraising Organizations' International Standards	<a href="http://www.icfo.de">www.icfo.de</a>
VFI (Dutch Association of Fundraising Organisations) Code of Good Governance	<a href="http://www.vfi.nl">www.vfi.nl</a>

## Appendix B Members of Working Group

Name	Organisation
Siobhán McGee <sup>8</sup>	Fundraising Consultant & Centre for Nonprofit Management, Trinity College
James Howe	Concern
Mark Mellett	Focus Ireland
Thora Mackey	UNICEF Ireland
Joan Ward	Roscommon Home Services
Catriona Hogan	Cork Counselling Services
Judy Dunne	The Consumers Association of Ireland
Lillian Sullivan	The Alzheimer Society of Ireland, Limerick branch
Niamh Sheeran	Niamh Sheeran & Associates – Fundraising Consultants
Liam Manning	Saint Vincent de Paul Society, Dundalk area
Geraldine O'Sullivan	Kerry Volunteer Centre

<sup>8</sup> Siobhán McGee was contracted by ICTR to lead the process between July and December 2007. Other members of the Working Group took part on a voluntary basis.

## Appendix Two

Code of Practice of Irish Fundraising Forum  
for Direct Recruitment

## Background of the IFFDR

Established in 2003 the Irish Fundraising Forum for Direct Recruitment (IFFDR) is a voluntary consultative body composed of individuals, charities and providers of direct recruitment services.

The primary role of the IFFDR is to establish and maintain best practice standards in direct recruitment fundraising across the Irish sector and to provide the public with information about this fundraising activity.

Our aims are:

- To promote best practice procedures in direct recruitment fundraising through a variety of methods, including the implementation of a code of practice.
- To ensure that the public understands the benefits to charities and their causes from direct recruitment fundraising and has easy and complete access to relevant information.
- To enhance and develop the reputation and transparency of the medium through ongoing information and education.
- To share information and learning about direct recruitment between charities in an interactive way through a variety of means including workshops and lectures.
- To develop relationships with other organisations (such as relevant government bodies and departments) in order to further the IFFDR's aim and objectives.

## What is Direct Recruitment?

Direct Recruitment is a method of fundraising that attracts new regular donors to support a charity's cause. It is carried out on a one-to-one basis, providing the opportunity to answer questions about the

charity's work and thereby initiate a connection between the donor and the charity. It is undertaken in a variety of places, including on public streets, house to house and in private sites (such as Shopping Centres). It provides an effective, secure and appropriate means by which the public can demonstrate their committed support to a wide range of charities.

This type of fundraising secures regular donations from people that are invaluable to charities for long-term planning of their programmes. By asking donors to commit to regular donations, via direct debit, standing order or credit card, charities can rely on ongoing support for their good work for several years.

What are the key areas of work that the IFFDR carries out?

The key areas are compliance with our voluntary code of practice and establishing and following procedures for monitoring compliance and complaints.

## Compliance:

We have established a code of practice to ensure best practice of operation at all times. All members are required to sign up to the code and agree to follow it at all times. An abridged version of the code is available to the public whenever direct recruitment activity is being carried out. We would like to stress that the codes of practice are drawn up on a consultative basis with all interested parties who are members of the IFFDR.

Compliance is an area in which the IFFDR feels a regulatory body could effectively contribute. Whilst monitoring (see below) is carried out on a regular basis, a regulatory body with the capacity to investigate claims of breaches of the codes would be very useful. Furthermore – the IFFDR's capacity

to impose any sort of sanction on a party in continuous breach of the codes is limited to removal from the organisation. In some cases, more serious penalties may be required and it is the opinion of the IFFDR that a regulatory body may be well placed to adopt that role.

## Monitoring:

IFFDR members commit to undertake regular supervision and "mystery shopping" to help ensure compliance with the code of practice.

## Complaints:

All IFFDR members have agreed to comply with the IFFDR complaints procedure. Members acknowledge complaints immediately and commit to respond fully to the complainant within 48 hours (two working days if weekends or public holidays intervene).

One of the primary roles of the IFFDR is to establish and maintain best practice standards in direct recruitment fundraising. Street and door-to-door fundraisers receive initial and ongoing training from the charity and from their professional fundraising organisation (where applicable). The quality and standard of their work is monitored and reviewed. Compliance with the IFFDR code of practice is monitored through supervision and anonymous participation (sometimes called "mystery shopping") by both the charity and the organiser.

# Code of Practice of the Irish Fundraising Forum for Direct Recruitment

## Introduction

Direct recruitment is a method of fundraising, which attracts new regular donors to support a charity's cause. It is carried out on a one-to-

one basis, providing the opportunity to answer questions about the charity's work and thereby initiate a connection between the donor and the charity. It is undertaken in a variety of places, including on public streets, door to door and in private sites (such as shopping centres). It provides an effective, secure and appropriate means by which the public can demonstrate their committed support to a wide range of charities.

This type of fundraising secures regular donations from people that are invaluable to charities for long-term planning of their programmes. By asking donors to commit to regular donations, via direct debit, standing order or credit card, charities can rely on ongoing support for their good work for several years.

Undertaken within the parameters of this Code of Fundraising Practice, direct recruitment for regular gifts will enable charities to communicate with existing and potential supporters in an effective and sympathetic manner without causing public nuisance or disturbance.

This Code of Fundraising Practice concerns itself specifically with unsolicited personal approaches to members of the public for regular support that are undertaken as part of a street or door to door fundraising campaign.

In addition to compliance with all legal requirements, all "must" comments in this document are the minimum standards of practice for signing up with the Irish Fundraising Forum for direct recruitment

## **1**

### **Responsibilities of the Organiser**

The organisation carrying out the fundraising activity (either on its own behalf or via a third party) must be responsible for all aspects of the fundraising activity as it is implemented. The organisation must:

1.1 ensure that all fundraisers wear ID badges at all times so that any potential donor can verify who they are, who they are working for and on whose behalf they are fundraising. Best practice: photo, name, signature and validation date of fundraiser; name of charity (and organiser), contact details, CHY number, and an accompanying document with a brief explanation of the fundraising activity.

1.2 ensure donor information and charity branded material are kept secure at all times.

1.3 ensure that all fundraisers have agreed and appropriate support materials at all times.

1.4 provide a clear point of contact for supporters and the general public, including an initial point of contact with regard to any complaints or queries in line with IFFDR complaint procedures (see section 4);

1.5 deal sympathetically, courteously and promptly with any questions or complaints in line with IFFDR Complaint Procedure (see section 4);

1.6 manage the fundraising activity to ensure that approaches are undertaken in an appropriate manner. It is recommended that, where paid, fundraisers should be remunerated on such a scale that will avoid the incidence of pressure on the potential donor to donate. Charities must make themselves aware of how fundraisers are paid.

1.7 be responsible for ensuring that compliance, in full, with the minimum standards of this Code of Practice, is maintained by the charity and/or its fundraising agents as applicable;

1.8 encourage continuous monitoring of compliance with this Code of Practice through anonymous participation (sometimes called "mystery shopping"), and by quality control calls, conducted by the charity and the organiser. In relation to door to door activity, monitoring can also be conducted by the use of comment cards bearing the contact numbers of at least two of the following: The organiser, the charity and the IFFDR.

1.9 be responsible for the recruitment, training and adequate supervision of all fundraisers.

1.10 ensure training is provided in person by an authorised and suitably qualified appointee of the organiser of the fundraising activity.

### **Training of Fundraisers**

The organiser of the fundraising activity must ensure that training procedures are properly documented in a training manual agreed with the charity. This training must include:

1.11 emphasis on the charitable nature of the solicitation;

1.12 emphasis on the non-aggressive nature of all approaches. Care must be taken to ensure excessive forms of pressure/guilt are not used in the conversation with the public. In relation to Street Fundraising, fundraisers must not walk whilst talking with members of the public.

1.13 measures to ensure all fundraisers orally disclose to each donor who they are employed by, who they represent and that they are paid. This must be done by the fundraiser before the donor fills out the form and during the conversation (unless the conversation is terminated by the

member of the public). Best practice would be to include this information on the printed form given to the donor.

1.14 Instructions to ensure fundraisers never work under the influence of alcohol or non-medicinal drugs

1.15 Instructions to ensure that a copy of the pledge form/direct debit mandate is given to the donor after sign up

1.16 Information to ensure the fundraiser can inform the donor, where possible, how the charity will communicate with them after subscribing.

1.17 Instructions on the clarity of approach to the public. Fundraisers must never confuse or mislead the public. Fundraisers must explain the long term nature of the gift. Whilst working, fundraisers must not behave in any way that might bring any charity or their employer into disrepute

1.18 procedures to avoid obstruction and congestion to the public;

1.19 immediate agreement to terminate the approach in a polite manner at any stage during the course of the approach when asked to do so;

1.20 the importance of appropriate positioning, body language and physical presence at the fundraising location;

1.21 knowledge of all relevant support and administrative literature and the administrative procedures to be maintained following the fundraising approach

1.22 knowledge that no cash, cheques or property solicitation, or collection of cash, shall take place during the fundraising activity or after it has been completed; (cash collections can only be accepted by fundraisers if a Permit has been given by the Gardai or relevant authority)

1.23 knowledge of the IFFDR Complaints Procedure associated with the fundraising activity;

1.24 knowledge of the key contact directly responsible for the fundraising activity within the organisation conducting it and, where different, the name of a key contact within the charity;

1.25 recognition that the fundraiser will not disclose any information relating to the charity other than that previously agreed with the charity and contained within the context of the briefing given prior to the fundraising activity.

1.26 procedures to ensure that particular caution is exercised when soliciting from older or vulnerable people;

1.27 IFFDR procedures to be followed in the instance of any complaints or questions relating to the fundraising activity (see section 4);

1.28 the need to employ all best efforts not to sign up people under the age of 18 years.

1.29 Signed confirmation that the fundraiser will abide by data protection confidentiality.

1.30 importance of presenting ID badges and matters of personal security;

## **Safety of Fundraisers**

The organiser has a responsibility to ensure the safety and physical well being of the fundraisers. Specifically, the organiser must ensure:

1.31 Fundraisers are at least 18 years of age.

1.32 all fundraisers can be contacted by mobile phone.

1.33 Fundraisers never work out of contact from other staff

1.34 Fundraisers are trained to spot potential trouble and are instructed to move away from anyone who makes them feel uncomfortable.

1.35 In relation to Door to door fundraising, as best safety practice, fundraisers should never enter the house of vulnerable members of the public.

1.36 Where a potential donor explicitly invites a fundraiser to enter a household or premises, the fundraiser must disclose that s/he is advised not to enter unless under exceptional circumstances. If the fundraiser decides to accept the invitation, the organiser must have written procedures in place to protect both the fundraiser and the householder.

## **2 Responsibilities to Stakeholders Security & Confidentiality**

Organisers of Direct recruitment solicitation for regular gifts must:

2.1 Not permit the solicitation of cash, cheques or property, or acceptance of cash; (cash collections can only be accepted by fundraisers if a permit

has been given by the Gardai or relevant authority)

2.2

Ensure that response materials are kept securely and confidentially and in compliance with the Data Protection Act 1988 & 2003.

2.3

Ensure fundraisers are at least 18 years of age.

2.4

endeavour to ensure that the recruitment process identifies and eliminates potential recruits with a criminal record indicating unsuitability subject to the restrictions of the data protection regulations.

2.5

Where remunerated, ensure fundraisers are legally entitled to work in the Republic of Ireland.

2.6

be responsible for ensuring that, where paid, all fundraisers are given appropriate contracts, to include a clause stipulating compliance with this Code of Fundraising Practice.

2.7

be responsible for ensuring that paid fundraisers are remunerated within the minimum wage regulations.

2.8

Ensure all response forms are collated and returned to the organiser in a prompt and secure manner.

2.9

agree with the charity an appropriate mechanism for the administration of all response forms and the allocation of associated responsibilities.

2.10

be undertaken in a manner that will not bring the organiser of the activity and/or the charity into disrepute;

2.11

only take place within the time and location agreed;

2.12

never extend beyond the content agreed prior to the approach with the charity;

2.13

never utilise support or other materials other than those agreed previously with the charity.

2.14

be undertaken in such a manner that both the organiser of the fundraising activity and (where different) the charity are confident that sufficient safeguards exist and are followed throughout the solicitation process to avoid the application of excessive pressure on potential donors to donate;

2.15

where possible provide clear and adequate, written or verbal, information to the public about any relevant follow-up including telephone procedures;

### **Complaints**

The organiser of the activity must:

2.16

agree with the charity an appropriate mechanism for addressing questions and complaints associated with all aspects of the fundraising activity, and this will be maintained in writing. This must be in line with IFFDR complaint procedures (see section4).

2.17

have agreed a mechanism with the charity to inform them promptly of any complaints resulting from the fundraising activity.

2.18

promptly transmit complaints received in connection with the fundraising activity undertaken in its name to the organiser (where different).

2.19

in the instance of a complaint, ensure that a record of the name, address and telephone number of the complainant is taken and the complaint referred immediately to the organiser of the activity and the charity, following IFFDR complaint procedures. In relation to Door to door Fundraising, a comment card must be left with the householder, unless refused, whether or not they became donors. This card must have at least 2 points of contact – the agency/organiser, the charity or the IFFDR.

### **Site Issues**

2.20

Site identification for each fundraising activity ought to be made and recorded by name as precisely as possible (street name, junction points, landmarks, name and position within a defined venue). This information must be made available to all relevant parties.

2.21

In determining site location care must be exercised to minimise congestion to members of the public, retail traders and householders.

2.22

Where applicable, the organiser of the fundraising activity must comply, in full, with the requirements of any relevant authority or gatekeeper.

2.23

In relation to door to door Fundraising, wherever possible, organisers should ensure that only one direct recruitment approach is made to a particular dwelling on behalf of a particular charity in a six-month period. Door to door fundraising should not take place after 9pm

2.24

In relation to Street Fundraising, organisers must ensure that pedestrian thoroughfares provide

sufficient space for fundraisers without causing congestion, and that entrance points to retail premises, ATMs, and other buildings are not obstructed.

2.25  
No fundraising activity will be carried out unless the organiser is satisfied that access for the approaches has been agreed with any relevant authority(ies).

2.26  
All signatories to this code must agree to work together through an operational/site group to ensure avoidance of clashes and overburdening the public. Fundraising should take place in a time and place agreed by this group. Site usage, site queries and misunderstandings must be referred to, and resolved by this operational/site group

2.27  
As best practice, courtesy contact should be made by the organiser with the relevant Garda station (the station local to the point of fundraising activity) to ensure that Gardai are aware of the date, time, location, and nature of the fundraising activity that will take place.

2.28  
Ensure that where the organiser of the fundraising activity undertakes that activity simultaneously for a number of charities, the following matters are observed:

2.28.1  
each charity must be aware of and agree in writing to the solicitation involving multiple requests;

2.28.2  
each charity should be aware of the names of the other organisations included with them in multiple solicitations;

2.28.3  
the terms and conditions of the organiser with respect to the multiple solicitation practice must be completely transparent between each of the participating charities involved;

2.28.4  
the mechanism and amount of remuneration of fundraisers and of the organiser must be completely transparent between the charities involved;

2.28.5  
the organiser must ensure that the fundraiser makes the multiple solicitation in such a manner as is entirely neutral between each of the participating organisations; regular support must only be requested for and accepted on behalf of organisations named within the multiple solicitation.

### **3 Complaints Procedures Irish Fundraising Forum for Direct Recruitment (IFFDR) Complaints Processing Guidelines**

The complaints form (see Appendix 2) will be available on the Forum's website, on the websites of charities and fundraising agencies that are members of the Forum, from fundraisers on the street and in the offices of charities and fundraising agencies (where this form or its equivalent should be used to record complaints).

Although it is largely self-explanatory, these notes give guidance on completing it. Where the word "must" is used, compliance is mandatory; where the word "should" is used, best practice is indicated. Direct recruitment means Street and Door to door fundraising for regular giving by means of standing order, credit card or direct debit.

### **About the Complainant**

3.1  
Full details of the complainant - including contact details (phone number, address, etc.) - should be taken so that they can be given an adequate response when the complaint has been processed. It is particularly important to record accurately the date and time on which the complaint was reported, as the time limit for resolution starts here.

### **Type of Complainant**

3.2  
Please record whether the complainant is a first party or a third party complainant and, if a third party, the reason they are making the complaint (e.g. because they saw the incident; because they are related to the person involved). In most cases complaints will be made by a 'consumer' (i.e. a member of the public, potential new donor or existing donor to the charity involved in incident), by a charity, or by a fundraising agency reporting on a complaint they have received directly.

3.3  
If you are in any doubt about classification, consult an appropriate colleague when you have completed the other sections of the form.

### **About the Incident**

3.4.  
Please record as much detail as possible. Vague information ("sometime last week;" "a blonde girl;" "a red-headed man;" "I think it was a cancer charity") will obviously make it difficult to resolve the complaint.

### **Parties to the Incident**

3.5  
Please record as much detail as possible, including, where relevant, information about witnesses, including names, addresses and phone numbers.

## Details of the Incident

### 3.6

Please record as much detail as possible. Indicate clearly which details are 'facts' (e.g. "I saw X do so-and-so") and which are interpretations or hearsay (e.g. "someone told me that she did it"). If the complaint has been forwarded by a charity to a fundraising organisation or vice versa, they will probably offer clear information; if you are taking details from a member of the public on the phone, let them explain the event in their own words, and after each comment say: "So I am going to write down [x, y and z] for you" and tell them what you are writing. At the end of the process read back what you have written and ask them to confirm that it is an accurate record. Make any amendments they request.

## Preliminary Classification of the Incident

There are two classifications:

### 3.7

Complaint: This relates to a specific interaction which has taken place which, it is alleged, is in breach of the Forum's Code of Practice. It may be something like: "he annoyed me; got in my way; was a nuisance; swore at me; harassed me" or it may relate to failure to comply with a legal requirement ("they obstructed the road").

### 3.8

Observation about Quality or about the Medium: This concerns general observations such as: "the team was scruffy/ill-equipped/poorly trained/unconvincing" or even more general observations about the fact that interactions are taking place at all such as "I don't like it/it's not appropriate for this organisation."

### 3.9

If you are not sure in which of these categories to classify the complaint, err on the side of caution. The

classification can always be amended later.

## Processes and Procedures

### 3.10

All complaints and observations should be acknowledged immediately, by e-mail, by phone or by letter, as appropriate. Every effort must be made to resolve complaints within 48 hours (two working days if weekends or public holidays intervene). Whichever party (charity or fundraising agency) receives the initial notification of the complaint should inform the other party within 3 hours or before the end of the day on which the complaint is received, whichever is sooner. Ideally, if the fundraising agency receives the complaint they should undertake initial investigations before communicating with the client charity, but informing them within this timescale takes priority.

### 3.11

In the case of complaints, preliminary interviews with staff involved must be undertaken within 24 hours (one working day) of receipt of the complaint, and disciplinary action be taken where appropriate in accordance with the organisation's own industrial relations procedures.

### 3.12

An Outcome (see section 4.17 below) should have been reached by the third day and clearly communicated to the parties involved according to their preferred method (noted at section 4.10).

### 3.13

Observations about Quality or about the Medium must also be responded to within 48 hours.

### 3.14

The time-scale for resolution of issues raised by observations will depend on the issue involved, e.g. rewriting a section of the training

manual by next campaign might take three months; recalling an entire team for re-training might have to be done within 24 hours.

### 3.15

Whichever party receives initial notification of a quality or medium observation should inform the other party as soon as possible after having conducted preliminary investigations. These investigations will enable the nature and extent of the problem (if any) to be gauged so that the other party can be approached with solutions rather than problems. However, even if it is concluded that the matter is trivial, it must be recorded accurately and the other party must be informed in a timely manner – they may have a different point of view! An outcome must always eventually be recorded.

### 3.16

An observation about the medium is likely to be received in the first instance by a charity. Fundraising agencies may become involved if it is felt that issues of quality are involved or if there is uncertainty about how to proceed.

## Outcomes

### 3.17

There are three possible courses of action to be taken at the end of a complaint process:

#### 3.17.1

A full acceptance and apology and guarantee of specific action or

#### 3.17.2

A partial acceptance and explanation; or

#### 3.17.3

Rejection of the complaint

### 3.18

All formal communications should be checked and approved by a duly authorised staff member of the charity or fundraising organisation

concerned and communicated to the complainant.

### 3.19

There are three possible outcomes, any or all of which may apply in any given case. These are:

#### 3.19.1

Resolved to the satisfaction of the complainant

#### 3.19.2

Resolved to the satisfaction of the charity; and

#### 3.19.3

Resolved to the satisfaction of the fundraising agency

### 3.20

The conclusion of the matter does not imply satisfaction all round. The purpose of this process is to determine and record the facts and, where possible, to resolve complaints and improve the quality of the work of Forum members.

## Sanctions

### 3.21

On completion of the complaints process any of the following range of sanctions may apply:

#### 3.21.1

No further action

#### 3.21.2

An apology

#### 3.21.3

Additional or revised training of fundraisers

#### 3.21.4

An undertaking to cease or change the practice(s) which were the subject of the complaint

#### 3.21.5

Withdrawal of membership of the IFFDR

### 3.22

Reports of any illegal activity will be referred immediately to An Garda Síochána.

### 3.23

The IFFDR will work closely with the forthcoming regulator to ensure that a legal basis for this form of fundraising is established and to ensure that appropriate legal sanctions are available to address malpractice.

## Closing the File

### 3.24

The original classification of the complaint should be reviewed at the end of each complaint process and confirmed or amended in the light of investigations.

## Monitoring/Review

### 3.25

All charities and fundraising agencies must inform the Forum on request of the number of complaints received and other details as required. A hard copy of all paperwork relating to complaints must be held by the charity or fundraising agency for inspection by the Executive Committee.

## Appendix 1

### Definitions

**Charity:** this relates to charities and non-profit organisations

**Door to door:** For the purposes of this code this includes unsolicited visits to private dwellings.

#### Place of General Public Access:

places of general public access, both publicly and privately owned, where the explicit agreement of the owner is neither required nor enforceable in determining public access.

**Organiser:** The organisation responsible for organising and implementing the fundraising activity.

**Manager:** The person within the organisation that organises and implements the fundraising activity who has the responsibility for organising a particular fundraising appeal.

**Training:** How the fundraising should be carried out in general terms.

**Regular Gifts:** Appeals utilising standing orders, direct debits and credit card pledges.

## Appendix 2

Complaint Form

**Complainant Details**

Title	First Name	Surname	
Address			
Mobile	Landline		
E-mail address			
Preferred method of communication for reply:	Email	Phone	Post
Date of Incident	Time of Incident	Location of incident	
Name of Charity involved			
Name of Fundraising organisation involved (if any - this is written on their badge)			
Name of Fundraiser (this is written on their badge)			
Description of Fundraiser - if name not known			

**Complaint Details**


**Person Receiving Complaint**

Name	Date and Time
Action to be Taken	
Resolved to the satisfaction of the complainant	
Resolved to the satisfaction of the charity; and	
Resolved to the satisfaction of the fundraising agency	
Date Complainant Informed	Signed
I hereby agree to support and fully abide by the Code of Practice of the Irish Fundraising Forum for Direct recruitment as outlined in this document.	
Name of Organisation:	
Name of Authorised Signatory: (print in block capitals please)	
Signature:	Date:

# Appendix Three

Code of Conduct on Images and Messages, Dochas



The Irish Association of Non Governmental Development Organisations

The Irish Association of Non Governmental Development Organisations

## Code of Conduct on Images and Messages

### 1. Preface

This Code of Conduct on Images and Messages has been written by NGOs working in the areas of emergency relief, long term development and development education.

The purpose of this Code of Conduct is to provide a framework on which organisations can build when designing and implementing their public communications strategy. The Code offers a set of guiding principles that can assist practitioners in their efforts to communicate their organisation's programmes and values in a coherent and balanced way.

Signatories to this Code are acutely aware of the many challenges and difficulties entailed in conveying the scandal and injustice of poverty while striving to meet the ideals of the Code. It is a reality of our world today that many of the images of extreme poverty and humanitarian distress are negative and cannot be ignored. To ignore them would run counter to the spirit of this Code which is to portray the reality of the lives of people with sensitivity and respect for their dignity.

Images and messages should seek to represent a complete picture of both internal and external assistance and

the partnership that often results between local and international NGOs.

The values of human dignity, respect and truthfulness as outlined in the Code, must underlie all communications. The signatories to this Code are committed to these principles, and will translate them into internal policies and procedures. They are also committed to working constructively with others whose work involves communicating on issues of global poverty, to explore ways of reflecting these principles in other fields of communication.

By signing and promoting this Code, NGOs will continue to keep the development agenda very much in the public eye and to look beyond the sound bite or single image to reflect the values espoused in this Code.

### 2. Code of Conduct on Images and Messages

#### a. Guiding Principles

Choices of images and messages will be made based on the paramount principles of:

- Respect for the dignity of the people concerned;
- Belief in the equality of all people;
- Acceptance of the need to promote fairness, solidarity and justice. Accordingly, in all our communications and where practical and reasonable within the need to reflect reality, we strive to:
- **Choose images and related messages based on values of respect equality, solidarity and justice;**
- **Truthfully represent any image or depicted situation both in its immediate and in its wider context so as to improve public understanding of the realities and complexities of development;**

- Avoid images and messages that potentially stereotype, sensationalise or discriminate against people, situations or places;

- Use images, messages and case studies with the full understanding, participation and permission of the subjects (or subjects' parents/guardian);

- Ensure those whose situation is being represented have the opportunity to communicate their stories themselves;

- Establish and record whether the subjects wish to be named or identifiable and always act accordingly;

- Conform to the highest standards in relation to human rights and protection of the vulnerable people.

#### b. Declaration of Commitment

As signatories to this Code, we confirm that our commitment to best practice in communications affects the entirety of our organisation.

By signing the Code, we commit to putting in place meaningful mechanisms to ensure that the Code's principles are implemented throughout all activities of our organisation.

Our responsibilities as a signatory to this Code lead us to be accountable in our public communications as follows:

1  
We will make the existence of the Code known to the public and all our partners and will provide a feedback mechanism whereby anyone can comment on the fulfilment of the Code and where any member of the public will have a 'right to challenge' our application of the Code.

2.

We will communicate our commitment to best practice in the communication of images and messages in all our public policy statements by placing the following statement on our relevant public communications (annual reports, website, policy statements, governance documents, leaflets and communication materials etc):

**<Named Organisation> has signed the code of conduct on images and messages ([www.namedorganisation.org/code](http://www.namedorganisation.org/code)) please send your feedback to [code@namedorganisation.org](mailto:code@namedorganisation.org)**

3

We commit to assess our public communications on an annual basis according to the guiding principles.

4

We will include reference to adherence to the Code in the guiding principles of our organisation and ensure that the top management take the responsibility of implementing and adhering to the code.

5

We will ensure that all relevant suppliers, contractors and media will adhere to the Code when working with our organisation.

6

We commit to training our staff on the use of images and messages.

7

We agree to share our experience of implementing the Code with other signatory organisations and will report annually to Dóchas on this experience.

Organisation:

Signature:

Date:

## Appendix Four

International Research and Sources of Information

The work of a number fundraising bodies including their Codes of Good Practice, inform this feasibility study and the Statement of Guiding Principles for Fundraising:

Codes of Conduct	Institute of Fundraising (UK)	<a href="http://www.institute-of-fundraising.org.uk">www.institute-of-fundraising.org.uk</a>
Ethical Guidelines for Fundraising	ISOBRO (Denmark)	<a href="http://www.isobro.dk">www.isobro.dk</a>
Accountability Charter	International Non Governmental Organisations	<a href="http://www.ingoaccountabilitycharter.org">www.ingoaccountabilitycharter.org</a>
A Donor Bill of Rights	American Association of Fundraising Counsel	<a href="http://www.aafrc.org">www.aafrc.org</a>
Guidelines and Implementing Instructions for nonprofit organizations soliciting donations	DZI (German Central Institute for Social Issues)	<a href="http://www.dzi.de">www.dzi.de</a>
ICFO International Standards	International Committee on Fundraising Organisations	<a href="http://www.icto.ie">www.icto.ie</a>
Code of Good Governance for Fundraising Charities	VFI (Dutch Association of Fundraising Organisations)	<a href="http://www.vfi.nl">www.vfi.nl</a>
	National Consumer Council (UK)	<a href="http://www.ncc.org.uk">www.ncc.org.uk</a>
	Fundraising Standards Board (UK)	<a href="http://www.fsboard.org.uk">www.fsboard.org.uk</a>
	CBF Netherlands (an independent watchdog that issues a Seal of Approval)	<a href="http://www.cbf.nl">www.cbf.nl</a>
	Swedish Fundraising Council (an umbrella body of fundraising NGOs)	<a href="http://www.frii.se">www.frii.se</a>
	Fundraising Institute of Australia	<a href="http://www.fia.org.au">www.fia.org.au</a>
	Fundraising Institute of New Zealand	<a href="http://www.finz.org.nz">www.finz.org.nz</a>
	Imagine Canada	<a href="http://www.imaginecanada.ca">www.imaginecanada.ca</a>
	Association of Fundraising Professionals (USA)	<a href="http://www.afpnet.org">www.afpnet.org</a>

## Appendix Five

Consultation Process - Submissions and Workshops

The consultation process was carried out between September 2006 and December 2007 and was divided into three distinct phases, each one of which involved the dissemination of a consultation document, consultation seminar(s) and a request for written submissions. An information website was developed to make the documentation widely and easily available and to provide online booking for consultation seminars. Anyone with an interest in the feasibility research was encouraged to sign up to a mailing list on the website so that they could be kept up to date on progress throughout the consultation period. A total of 511 organisations/individuals have signed up to the mailing list to date.

### **Phase One**

The first phase comprised the dissemination of a *Consultation Paper on the Regulation of Fundraising by Charities through Legislation and Codes of Good Practice* published in September 2006 followed by a series of regional consultation workshops held during October and November 2006 in Dundalk, Sligo, Galway, Kilkenny, Cork and Dublin. Responses from participants at each seminar were fully recorded and everyone was encouraged to make written submissions by the 15th December 2006. A total of 32 written submissions were received. (See table below for list of Phase 1 respondents).

Notice of the Public Consultation Process was placed in the national press during October 2006 seeking submissions in response to the *Consultation Paper* by the 15th December 2006. Four of the written submissions received were in response to these advertisements.

### **Phase Two**

Based on the feedback from the first phase of consultation a set of *Draft Proposals for the Regulation*

*of Fundraising by Charities through legislation and Codes of Good Practice* was developed and published in April 2007. The Draft Proposals were widely disseminated and a national consultation seminar was held in Dublin on the 9th May 2007 to consider the proposals. Participants were divided into small groups and detailed notes were taken of their comments on the proposals. Everyone was encouraged to make written submissions detailing their views by the 31st May 2007.

In addition, in advance of the national seminar, a separate consultation process was undertaken with umbrella bodies of charities and members of the Irish Fundraising Forum for Direct Recruitment (IFFDR) where they were invited to give their views. Detailed notes were taken at both meetings and the organisations were also encouraged to make written submissions by the deadline. A total of 13 written submissions were received during this phase (See table below for list of Phase 2 respondents)

### **Phase Three**

A key recommendation from the second phase of consultation was that the proposed process for developing the Codes of Good Practice by the charity sector should be tested by convening a working group to develop a *Statement of Guiding Principles for Fundraising*. This process was undertaken between July and September 2007 with a *Draft Statement of Guiding Principles for Fundraising* being published and disseminated in early October 2007. A national consultation seminar was held in Dublin on the 8th November to consider the draft statement and to encourage participants to make written submissions by the deadline of the 16th November. As at previous seminars participants were divided into small groups and invited to give their comments on the document

which were recorded in detail. A total of 15 written submissions were received (See table below for list of Phase 3 respondents).

Based on the feedback from the seminar and the written submissions, the Working Group revised the draft code during December 2007/January 2008 and the final *Statement of Guiding Principles for Fundraising* was published at the end of February 2008.

It is intended to hold a series of regional seminars during April/ May 2008 to disseminate both the final *Feasibility Report* and the *Statement of Guiding Principles for Fundraising*. Copies of all the consultation documents and the final *Statement and Feasibility Report* are available on the website [www.ictr.ie](http://www.ictr.ie)

	Received From	Representing	Phase 1 Dec 06	Phase 2 May 07	Phase 3 Nov 07
1	Alan Deary	Individual	▪		
2	Amnesty International	Organisation	▪		
3	Barnardos	Organisation			▪
4	Boardmatch Ireland	Organisation			▪
5	Brakeley Ltd	Organisation		▪	
6	Bray Partnership	Organisation			▪
7	Brothers of Charity Services	Organisation	▪		
8	Carrigan Consulting (fundraising and management)	Organisation	▪		
9	Childfund Ireland	Organisation	▪		
10	Cork Counselling Services	Organisation	▪		
11	David McCabe	Individual	▪		
12	Disability Federation of Ireland	Umbrella Body	▪		▪
13	Dublin City Business Association	Umbrella Body	▪		
14	FICTA (Federation of Irish Complementary Therapy Associations)	Umbrella Body	▪		
15	Focus Ireland	Organisation	▪		
16	Fundraising Initiatives Ltd	UK Organisation		▪	
17	Fundraising Ireland	Umbrella Body			▪
18	GAA	Organisation		▪	
19	Headway	Organisation		▪	
20	IFFDR (Irish fundraising Forum for Direct Recruitment)	Umbrella Body	▪	▪	
21	Inclusion Ireland	Umbrella Body	▪		
22	Irish Equine Foundations Ltd	Organisation	▪		
23	Irish Missionary Resource Centre	Umbrella Body			▪
24	Irish Red Cross	Organisation			▪
25	ISPCC	Organisation	▪		
26	Kerry Hospice Foundation	Organisation	▪		▪
27	Kerry Volunteer Centre	Organisation			▪
28	Maurice Fitzgerald	Individual	▪		
29	Meningitis Research Foundation	Organisation	▪		
30	Michael Johnston	Individual	▪		
31	Missionaries of the Sacred Heart	Organisation	▪	▪	▪
32	MS Ireland	Organisation		▪	

Received From		Representing	Phase 1 Dec 06	Phase 2 May 07	Phase 3 Nov 07
33	OXFAM Ireland	Organisation	▪		
34	P. Fitzgerald	Individual	▪		
35	Rape Crisis Network Ireland	Umbrella Body	▪		
36	Rehab Group	Organisation		▪	▪
37	St. Francis Hospice	Organisation	▪		
38	The Care Trust Ltd.	Organisation	▪		
39	The Community Foundation for Ireland	Organisation		▪	
40	The Hope Foundation	Organisation	▪		
41	The Mothers' Union of Ireland	Umbrella Body	▪		
42	The National Children's Hospital, Tallaght	Organisation		▪	
43	The Not for Profit Business Association	Umbrella Body	▪	▪	
44	The UK Institute of Fundraising	Umbrella Body - UK	▪		
45	The Wheel	Umbrella Body	▪	▪	▪
46	Thomas Ralph	Individual	▪		
47	Trocaire	Organisation			▪
48	UNICEF Ireland	Organisation	▪	▪	
49	Volunteer Centres Ireland	Umbrella Body			▪
50	Walkinstown Association	Organisation			▪

## Appendix Six

Membership of Steering Committee

### Steering Committee Members

A Steering Committee was established to oversee the research study and approve the outputs. The members were chosen for their expertise and served on the Steering Committee in a personal capacity.

Name	Organisation
Andrew O'Regan	Centre for Nonprofit Management, Trinity College Dublin
Caitriona Fottrell	The Ireland Funds
Freda Donoghue	Centre for Nonprofit Management, Trinity College Dublin
James Cassidy	(previously Irish Cancer Society)
Mary Moorhead	The Mater Foundation
Niamh Sheeran	Niamh Sheeran & Associates – Fundraising Consultants
Oonagh Breen	School of Law, University College Dublin
Paddy Maguinness	Niall Mellon Township Trust
Philip Smith	Arthur Cox Solicitors
Richard Dixon	Concern
Siobhán McGee	Fundraising Consultant & Centre for Nonprofit Management, Trinity College
Teresa Harrington	PricewaterhouseCoopers
Sheila Nordon	Irish Charities Tax Research Ltd
Peter Cassells	Independent consultant and Chair of the National Centre for Partnership and Performance

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