

Institute of Fundraising Compliance Rule Book

Street Fundraising (regular giving)

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1 How to use the IoF Compliance Rule Book

The Fundraising Regulator

The rules in this IoF Compliance Rule Book include standards taken from the Fundraising Regulator Code of Fundraising Practice (the Code) which fundraisers carrying out street based regular giving fundraising must comply with. All relevant standards included in the Code are binding on all IoF members.

Referencing within the rules

To allow easy cross referencing, rules are marked indicating whether they include standards taken from the Code or are IoF Compliance requirements.

Penalties and sanctions

The IoF Compliance Rule Book is enforced through penalties and sanctions. These are designed to encourage best practice and raise standards within face-to-face fundraising.

Employers or contractors of fundraisers accrue penalty points if a rule is broken. Each point accrued has an equivalent value of £1. A monetary bill will be issued when an organisation's annual points total equals or exceeds 1000 points. Revenue incurred from financial penalties at the end of each financial year is re-invested by IoF Compliance into training and development to improve standards within face-to-face fundraising.

The size of the penalty is dependent on the severity of the indiscretion.

In addition, **penalty points will be multiplied for repeat violations of the same rule**. In any rolling four week period, every third repeat infringement of the same rule will incur a penalty which is twice the normal sum. Where a fundraiser has made multiple rule transgressions of different severities during one observation by any of the nominated persons set out below, each breach will be included as a separate transgression.

To impose penalties the IoF Compliance team will use the civil standard of proof (i.e. on a balance of probabilities, or "more probable than not").

Who can report a rule breach?

Penalty points are issued when reported via:

IoF Compliance staff

Mystery shopping agents

Site Management Agreement Gatekeepers

Verified member reports

Substantiated public complaints.

Legal requirements

You are responsible for making sure that you get the advice you need to meet the requirements you have to meet by law. If there is a difference between the code and the relevant legislation or regulations, you must follow the law rather than the code. It is the duty of individual members to ensure that any organisations they sub-contract are compliant with the law. Latest guidance on current legislation can be found at www.institute-of-fundraising.org.uk

2 Rules for Fundraisers

RULE FR1: Best Behaviour

8.1.1 in the Code of Fundraising Practice While fundraising, you must not:

- Act in any way that might reasonably cause members of the public to be or become startled or anxious;
- Act dishonestly or manipulatively, or deliberately try to make a potential donor feel guilty; or
- Act in any other way that a reasonable person might consider would damage the charitable institution's reputation. This includes:
 - Smoking or drinking alcohol while wearing clothing that contains a charitable institution's branding;
 - Taking or being under the influence of illegal drugs;
 - Lewd or aggressive behaviour, including swearing, while wearing clothing that contains a charitable institution's branding;
 - Putting undue pressure on members of the public to donate;
 - Exploiting your position for personal gain (for example, asking for a job, asking someone for a date, or asking for a discount on goods or services); or
 - Any other behaviour that harms the reputation of the fundraising profession or the charitable institution you are representing.

Sanction

The penalty is 100 Points **per incident**.

RULE FR2: Informing Donors and Treating People Fairly

1.3.1 in the Code of Fundraising Practice You and the fundraising materials you use must not mislead anyone, or be likely to mislead anyone, either by leaving out information or by being inaccurate or ambiguous or by exaggerating details.

1.3.9 in the Code of Fundraising Practice You must not take a donation if you know, or have good reason to believe, that a person lacks capacity to make a decision to donate, or is in vulnerable circumstances which mean they may not be able to make an informed decision. Among other things, you should consider:

- Any physical or mental-health condition the person may have;
- Any disability the person may have;
- Any learning difficulties the person may have;
- Whether the person is facing times of stress or anxiety (for example, following the death of a loved one or redundancy);
- Whether a donation is likely to affect the person's ability to sufficiently care for themselves or leave them in financial hardship;
- How well the person can speak and understand English;
- Whether the person is under the influence of alcohol or drugs; and

- The person's age.

1.3.11 in the Code of Fundraising Practice You must take all reasonable steps to avoid asking for regular donations (for example, by direct debit) from anyone aged under 18.

Guidance can be found here

<https://www.institute-of-fundraising.org.uk/library/treatingdonorsfairly/>

Sanction

The penalty is 100 Points **per incident**.

RULE FR3: Solicitation Statements

2.6.1, 7.4.2, 7.4.3, 7.4.4, 7.4.10, 7.4.11, 7.4.12 in the Code of Fundraising Practice Fundraisers must make legally compliant solicitation statements. In all cases, the solicitation statement must be made before any financial details relevant to the transaction are requested by the fundraiser.

Sanction

The penalty is 200 Points **per incident**.

RULE FR4: The Three Step Rule

8.4.19 in the Code of Fundraising Practice If you have approached a member of the public, you must meet the 'three-step' rule.

- You must not take more than three steps alongside the person or to follow them, even if they ask you to.
- If the member of the public has not come to a stop within the three steps allowed, you must end your attempt to talk to them.

Sanction

The penalty is 100 Points **per fundraiser, per incident**.

RULE FR5: Deliberate Obstruction

8.1.2 in the Code of Fundraising Practice You must avoid causing an obstruction, congestion and nuisance to the public. You must not deliberately block the path of members of the public.

Sanction

The penalty is 100 Points **per fundraiser, per incident**.

RULE FR6: Asking for Support

1.1.4 in the Code of Fundraising Practice You must not encourage a donor to cancel or change an existing donation in favour of a donation to another charitable institution.

1.2.1 in the Code of Fundraising Practice While reasonable persuasion is allowed, you must not fundraise in a way which is an unreasonable intrusion on a person's privacy, is unreasonably persistent or places undue pressure on a person to donate.

1.2.2 in the Code of Fundraising Practice You must not continue to ask a person for support if that person clearly indicates – by word or gesture – that they do not want to continue to speak to you. You must end the conversation in a polite way.

Sanction

The penalty is 100 Points **per incident**.

Rule FR7: Committed Giving

8.1.5 in the Code of Fundraising Practice When asking for a regular gift, you must not suggest to any member of the public that it is 'without commitment'.

Sanction

The penalty is 50 Points **per incident**.

Rule FR8: Financial Ask Transparency

8.1.4 in the Code of Fundraising Practice You must not suggest to any member of the public that the conversation you are attempting to start is not about money or that you are 'not fundraising'.

Sanction

The penalty is 50 Points **per incident**.

FR9: I.D. Visibility

8.4.15 in the Code of Fundraising Practice You must wear an ID badge, that:

- Includes your identity as a fundraiser, who you work for and a phone number for the relevant charitable institution or third party fundraiser;
- Is clearly displayed and has not been tampered with;
- Is in the form of a badge fixed to the upper front part of your body;
- Is at least the size of a credit card;
- Is signed or authorised in some other way (for example, with a company seal or stamp) by the employing agency or the charity you are collecting on behalf of (or both); and
- Is accessible for people with sight difficulties (for example, the information on the ID badge could be available in large print).

Sanction

The penalty is 50 Points **per fundraiser, per day**.

RULE FR10: Distance Visibility

8.4.14 in the Code of Fundraising Practice You must be identifiable by the public from a distance of at least five metres. Charity branded clothing:

- Must be visible and identifiable;
- Must not be tied around your waist or covered by non-charity branded clothing or other property, or be in any way obscured; and
- Must be clean and in good condition to make sure the brand can be seen and to protect its reputation.

Sanction

The penalty is 50 Points per fundraiser, per day.

RULE FR11: Members of the Public who are ‘on duty’

8.1.7 in the Code of Fundraising Practice You must not knowingly approach people who are carrying out official duties, such as uniformed officials while they are on duty or people who are clearly working.

Sanction

The penalty is 50 Points **per incident**.

RULE FR12: Seated or Queueing Members of the Public

8.1.6 in the Code of Fundraising Practice Unless this is authorised under an agreement with a private site, you must not approach members of the public who are:

- Seated, unless the seating is part of a charitable institution’s promotional stand; or
- In queues, unless the queue is directly related to the fundraising activity.

Sanction

The penalty is 50 Points **per incident**.

RULE FR13: Proximity to Street Features

8.4.18 in the Code of Fundraising Practice You must not position yourself within three metres of a:

- Shop entrance;
- Pedestrian crossing;
- Cashpoint machine;
- Station entrance;
- Market stall; or
- Street trader, vendor or busker.

Sanction

The penalty is 50 Points **per incident**.

RULE FR14: Unattended Bags

8.4.16 in the Code of Fundraising Practice You must not leave bags unattended on any public road or right of way. A team member must always stay within three metres of the bags and be able to see a ‘team bag’ (if one is used).

Sanction

The penalty is 100 Points **per incident**.

RULE FR15: Consent for Future Contact

3.5.2 in the Code of Fundraising Practice If you use, or plan to use, consent as a lawful basis for processing personal data in order to send direct marketing communications, the consent must:

- Be a freely given, specific, informed and unambiguous indication of the person's wishes;
- Be given through a clear positive action from the person concerned to show they have given consent (for example, using active methods, such as ticking an unticked opt-in box or answering 'yes' to a question);
- Give options for different levels of consent for different types of processing if you plan to process the person's data for more than one purpose;
- Be separate from your other terms and conditions and not be something the person has to give when signing up to a service (unless you need the consent to be able to provide that service);
- Name your organisation and any others who will be relying on the consent;
- Tell people about their right to withdraw their consent and make it as easy for them to withdraw consent as it is to give it; and
- Be recorded in a way that allows your organisation to show who gave consent, when they gave consent, how they gave consent, and what they were told in connection with giving consent.

Sanction

The penalty is 100 Points **per incident**.

FR16: Respect for Local Businesses

8.1.8 in the Code of Fundraising Practice You must not obstruct, interfere with or disrespect members of staff from local businesses.

Sanction

The penalty is 50 Points **per incident**.

FR17: General Behaviour

1.1.1 in the Code of Fundraising Practice Your fundraising must be legal and must be open, honest and respectful.

1.1.2 in the Code of Fundraising Practice You must be polite to people at all times.

1.1.3 in the Code of Fundraising Practice You must not unfairly criticise or insult other people or organisations.

Sanction

The penalty is 100 Points **per incident**.

3 Rules for Operational Staff

RULE Op1: Solicitation statement submission

IoF Compliance Before commencement of a new campaign, members must submit their planned solicitation statement (including the notifiable amount) to the IoF Compliance team who will review the statement and confirm that it is legally compliant, or provide feedback on the statement within 1 working day of receiving it. Solicitation statements must also be submitted to IoF Compliance for review annually if used in a rolling campaign and whenever the wording is updated.

Further information on solicitation statements can be found at www.institute-of-fundraising.org.uk

Sanction

The penalty is 100 points **per campaign**.

RULE Op2: Sub-contractors

IoF Compliance All agency members that employ limited companies as sub-contractors to deliver any part of their F2F donor volumes must:

- provide IoF Compliance with the name and location of each and every such sub-contractor throughout the entire supply-chain, so that the IoF Compliance team can reliably confirm their status, and refer matters accordingly, in the event of quality comments or complaints
- include in their contractual arrangements a clear requirement for each and every such sub-contractor **throughout the entire supply-chain** to comply with all IoF Compliance rules, in the same manner as if they were the lead member contracting them.

Sanction

The penalty is 100 points **per incident**.

RULE Op3: Staff recruitment teams

IoF Compliance Staff recruitment teams must not work on or immediately adjacent to a site that has been allocated to, or is otherwise being worked by a fundraising team.

Sanction

The penalty is 100 Points **per individual, per incident**.

RULE Op4: Standard Street Operating Hours

8.4.17 in the Code of Fundraising Practice You must not begin collecting before 9am Monday to Saturday or 10am on Sundays and public holidays, or continue after 7pm on any day. (If different times are stated in an IoF site management agreement, you must keep to the times in the agreement.)

Sanction

The penalty is 50 Points **per team, per day**.

Operational rules relating to loF Compliance controlled sites

The following additional operational rules apply to loF Compliance controlled sites.

RULE Op5: loF Compliance controlled sites – Site delineation

loF Compliance Fundraisers must comply with all site conditions, including the delineation of sites.

Sanction

The penalty for an *authorised* team working outside of a delineated site is 100 Points **per team, per incident**.

The penalty for an *unauthorised* team being present within an loF Compliance controlled site, is 100 Points **per fundraiser, per day**.

RULE Op6: Frequency of fundraising

loF Compliance Fundraising must not take place more frequently than a site agreement allows for, unless special circumstances/exceptions have been negotiated and confirmed in advance with loF Compliance or the site access controller.

Sanction

The penalty is 100 Points **per fundraiser, per day**.

RULE Op7: loF Compliance controlled sites – Excess fundraisers

loF Compliance Fundraisers must comply with all site conditions, including the number of fundraisers.

Sanction

The penalty is 100 Points **per excess fundraiser, per day**.

RULE Op8: Diary changes

loF Compliance All changes to loF Compliance diaries must be made by 11am on the day of the visit.

If a team permanently leaves a fundraising site, for whatever reason, at any point during the day, members must notify loF Compliance immediately.

The penalty is 50 points **per incident**.

RULE Op9: Dropping sites

loF Compliance Members must not book, reserve or retain capacity that they knowingly do not intend to use (or come to know they will not be able to use before the time and date concerned), in such a way that another member is deprived of a fundraising opportunity.

Such capacity must always be returned to loF Compliance or other relevant site access controller for redistribution at their absolute discretion, in as timely a manner as possible to allow for such redistribution, unless special circumstances/exceptions have been negotiated and confirmed in advance with loF Compliance or the site access controller.

Sanction

The penalty is 100 Points **per incident**.

RULE Op10: Bidding deadlines

IoF Compliance Bids for National Site Diaries (NSDs), London Site Management System (LSM) and Weekly Reported Diaries (WRDs) must be made before the relevant deadlines.

Sanction

The penalty is loss of fundraising capacity.

RULE Op11: IoF Compliance controlled sites – SMA conditions

IoF Compliance Members must adhere to any extra local conditions contained within a Site Management Agreement beyond the Rule Book, e.g. notifying gatekeepers of intended visits or fundraisers carrying check lists.

Sanction

The penalty is 100 Points *per incident, per day*.

RULE Op12: Overbidding

IoF Compliance Members must not overbid by more than 20% of the total number of staff they plan to field.

Sanction

The penalty is 50 points **per incident, which will double with each consecutive failure to comply.**

RULE Op13: National Site Diary (NSD) deadlines

IoF Compliance All NSD deadlines must be complied with.

Sanction

The penalty is 50 points **per incident**.

RULE Op14: Rota submissions

IoF Compliance All relevant rotas must be submitted before the relevant deadlines.

Sanction

The penalty is 50 points **per incident**.

RULE Op15: New site testing

IoF Compliance Prior to commencing operations in any location where an IoF Compliance Site Management Agreement is not yet in place, members must inform IoF Compliance of the full and precise terms of the access agreement.

For the purposes of IoF Compliance diarising, ‘new’ sites opened up in this way may be operated by the originating member(s) with ‘test exclusivity’ for up to 3 months. This period is calculated as running from the date of the first fundraising visit, or from 14 days from the date that access permission was granted, whichever is the sooner.

At the conclusion of the ‘test period’ a full report of the site’s viability must be presented to IoF Compliance in order that the site can be incorporated into a formal SMA and/or normal diary procedures, and fair and equitable access can be granted to all members in the normal way.

This rule applies equally to all forms of face-to-face activity including prospecting.

Sanction

The penalty is 100 points **per incident**.

4 Guidance

Penalties and sanctions

Employers or contractors of fundraisers will accrue penalty points as rules are broken. Where the employer or contractor is operating on behalf of another fundraising organisation, the member being represented when rules are broken will be notified of the points accrued.

Repeated violations

In addition to the penalty points outlined, penalty points will be multiplied for repeat violations of the same rule. In any rolling four week period, every third repeat infringement will incur a penalty which is twice the normal sum, so long as the third offence does not occur within 1 week of notification of the first offence.

To impose penalties the IoF Compliance team will use the civil standard of proof (i.e. on a balance of probabilities, or “more probable than not”).

Each point accrued has an equivalent value of £1. A monetary bill will only be issued when an organisation’s annual points total reaches or exceeds 1000 points.

Members can view their penalty points data through their Dropbox account.

Appeals Process

Appeals will be heard by:

1. IoF Compliance Head of Standards. If s/he is unable to resolve the appeal to the satisfaction of the appellant, it will be heard by a Penalty Appeals Panel.
2. Penalty Appeals Panel. The Panel will be convened of 3 members of the former IoF Compliance Directorate Oversight Committees (none of whom must have any current contractual relationship with the appellant) to hear the appeal. The findings of that Panel will remain final.

To ensure timely information gathering and appeal processing, appeals must be made within one calendar month of the penalty points being issued.

Year end

At the end of each financial year (31st March) and when their balance for those who have accrued more than 1000 points is cleared, all members’ points will return to zero.

Should a member accrue a yearly total that is less than the 1000 point threshold, their points total will be erased without any payment being required.

Referral to the Fundraising Regulator

In cases where evidence of a severe compliance breach exists, the IoF may refer a case to the Fundraising Regulator. This may include cases where there is a risk of causing significant public harm or detriment, of undermining public confidence in charities beyond the breach itself, or where there is evidence of a sector wide issue that may require changes to the Code of Fundraising practice or new guidance.

5 TABLE OF PENALTY POINTS

	Rule	Penalty points	Applied
Rules for Fundraisers	FR1: Best Behaviour	100	per incident
	FR2: Informing Donors and Treating People Fairly	100	per incident
	FR3: Solicitation Statements	200	per incident
	FR4: The Three-Step Rule	100	per fundraiser, per incident
	FR5: Deliberate Obstruction	100	per fundraiser, per incident
	FR6: Asking for Support	100	per incident
	FR7: Committed Giving	50	per incident
	FR8: Financial Ask Transparency	50	per incident
	FR9: I.D. Visibility	50	per fundraiser, per day
	FR10: Distance Visibility	50	per fundraiser, per day
	FR11: Members of the public who are 'on duty'	50	per incident
	FR12: Seated or queueing members of the public	50	per incident
	FR13: Proximity to Street Features	50	per incident
	FR14: Unattended Bags	100	per incident
	FR15: Consent for Future Contact	100	per incident
	FR16: Respect for Local Businesses	50	per incident
	FR17: General Behaviour	100	Per incident
Operational Rules	Op1: Solicitation Statement Submission	100	per campaign
	Op2: Sub-contractors	100	per incident
	Op3: Staff Recruitment Teams	100	per individual, per incident
	Op4: Standard Street Operating Hours	50	per team, per day
	Op5: Site Delineation	100	per team, per incident or per fundraiser, per day
	Op6: Frequency of Fundraising	100	per fundraiser, per day
	Op7: Excess Fundraisers	100	per excess fundraiser, per day
	Op8: Diary Changes	50	per incident
	Op9: Dropping Sites	100	Per incident
	Op10: Bidding Deadlines	~	The penalty is loss of fundraising capacity
	Op11: SMA Conditions	100	per incident, per day
	Op12: Overbidding	50	per incident, which doubles with each consecutive failure to comply
	Op13: NSD Deadlines	50	per incident
	Op14: Rota Submissions	50	per incident
	Op15: New Site Testing	100	per incident