



Chartered
Institute of
Fundraising

PRIVATE SITE FUNDRAISING

(Regular Giving and Lottery)

Introduction

This rule book sets out the standards expected of organisations and individuals for the Chartered Institute of Fundraising's public fundraising programme for private site campaigns. All participating organisations and individuals can find a list of the rules that we assess as well as the penalty points associated with breaking them.

All rules have been updated to reflect the latest relevant regulations, including the Code of Fundraising Practice, Gambling Commission LCCP. There are also a number of additional rules specific to the Chartered Institute's public fundraising programme. These reflect areas where our members have agreed that further clarity, consistency or safeguards are needed to support best practice and uphold the reputation of private site fundraising.

How to use the rule book

The rule book is broken into two parts:

Rules for fundraisers

these are rules face-to-face fundraisers will be assessed to ensure they are engaging with members in a manner that upholds best practice;

Rules for operational staff

these are rules that those with leadership or administrative duties must adhere to ensure campaigns are carried out compliantly.

In each section, we have identified whether the rule comes from an external regulator or is specific to the Chartered Institute's public fundraising programme. Below is a summary of each one:

Code

this indicates that the rule is derived from the latest version of the Code of Fundraising Practice. The numbers that follow identify the specific standard within the Code, for example Code:7.1.1.

Gambling Commission LCCP

this indicates that the rule comes from the Gambling Commission's licence conditions and Codes of Practice;

CIOF Rule

This is a rule created in consultation with Chartered Institute members that are additional to regulation.

Penalties and sanctions

The rule book is enforced through penalties and sanctions. 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 Chartered Institute's public fundraising programme 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 Chartered Institute 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:

- Penalty points are issued when reported via:
- Chartered Institute staff
- Mystery shopping agents
- Site Management Agreement Gatekeepers
- Verified member reports
- Substantiated public complaints.

Appeals Process

Appeals will be heard by:

1. CIOF Public Fundraising Manager. 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 by members of the CIOF's Professional Conduct Committee. 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 calendar year (31 December) all members' points totals 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 severe poor fundraising practice exists, the CIOF may refer that practice to the Fundraising Regulator. This may include severe poor fundraising practice 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.



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.

Contacting the Chartered Institute about this rule book



If you have any questions about the rules or how we assess them, please contact publicfundraising@ciof.org.uk

RULES FOR FUNDRAISERS

FR1: Best Behaviour

Code: 7.1.1 While fundraising you must behave in a way which reflects well on the charitable institution and fundraising in general. For example, you must not act in a way that:

- could reasonably upset or cause anxiety to potential donors;
- is dishonest or manipulative, or tries to make potential donors feel guilty; or
- could damage the reputation of the charitable institution or fundraising in general, including:
- using inappropriate language or behaving in a crude or aggressive way;
- smoking, vaping, drinking alcohol and so on; and
- using your position for personal gain.

Code: 7.1.2 You must be clear and honest about your intention to fundraise when approaching potential donors. For example, if you are fundraising you must not say that a conversation is 'not about fundraising' or lead the person to believe you are asking for a one-off donation if you are asking for regular gifts.

Sanction: The penalty is 100 points per incident

FR2: Informing Donors and Treating People Fairly

Code: 1.2.1 Your fundraising must not mislead existing or potential donors. This includes by:

- leaving out information;
- giving inaccurate or unclear information; or
- exaggerating details.

For example, you must not claim a donation will be used for a restricted purpose (such as buying a piece of medical equipment or helping a particular child) if it may be used for another purpose.

Code: 1.2.4 You must not take advantage of mistakes made by a donor.

Code: 5.2.3 You must give appropriate consideration to the needs of existing or potential donors who may be in vulnerable circumstances or need extra care and support to make an informed decision. This includes:

- not accepting a donation if you know, or have reason to believe, that a person cannot make an informed decision to donate; and
- returning a donation if you discover that the donor could not make an informed decision at the time of the donation.

You are not expected to assess every existing or potential donor's capacity to make an informed decision. However, fundraisers should be alert to signs that someone lacks the capacity to make an informed decision and support them appropriately.

Code: 5.2.4 You must take all reasonable steps to avoid asking for regular donations (for example, by direct debit) from anyone aged under 18.

Gambling Commission LCCP: If a member of the public has indicated that they would like to discuss self-exclusion from participation in gambling, arrangements should be made for them to speak to someone appropriate as soon as possible. If a member of the public is certain that they wish to self-exclude and does not wish to wait until they have spoken to a suitably trained and experienced member of staff, then they should be able to do so at once. In these circumstances the fundraiser must not sign them up for any lottery products and must take the appropriate action to assist them to self-exclude.

Guidance can be found here

CIOF – Treating Donors Fairly

Gambling Commission – LCCP

Sanction: The penalty is 100 points per incident

FR3: General Behaviour

Code: 1.1.1 Your fundraising must be legal, open, honest and respectful. If you are found to have broken the law while fundraising, you will not have kept to rule 1.1.1 and action may be taken against you.

Code: 1.1.2 You must take all reasonable steps to make sure your fundraising is carried out in a way that reflects positively on fundraising in general. This includes:

- not unreasonably intruding on a person's privacy;
- not putting undue pressure on a person to donate;
- not using unreasonably persistent approaches; and
- accepting a request to end an interaction.

Code: 1.1.3 You must not unfairly criticise or insult other people or organisations.

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

Sanction: The penalty is 200 points per incident

FR4: Solicitation Statements

CIOF RULE: You must make sure solicitation statements are clear, accurate and up to date.

CIOF RULE: You must make a solicitation statement before you ask for any financial details relating to a donation. Guidance can be found here:

Further guidance from the Fundraising Regulator

Sanction: The penalty is 200 points per incident

FR5: Fundraiser Visibility

CIOF RULE: You must make sure that fundraisers can be clearly identified as representing your charitable institution. Fundraisers should be identifiable by clothing that clearly displays the charitable institution's branding.

Sanction: The penalty is 50 points per fundraiser, per day

FR6: I.D. Visibility

Code: 7.4.5 You must make sure that your fundraisers have appropriate identification for the activity they are carrying out.

All ID badges must:

- be at least the size of a credit card;
- be displayed in a place where potential donors can see them clearly (usually on the upper front part of the fundraiser's body);
- not have been tampered with; and
- be accessible to people with sight difficulties (for example, the information on the ID badge could be available in large print).

All ID badges must contain:

- the identity of the fundraiser;
- a recent photograph of the fundraiser;
- a signature or other authorisation (such as a company stamp) from the charitable institution or the professional fundraiser who employs the fundraiser; and
- the name of, and contact details for, the charitable institution the fundraiser is collecting for or the third party who employs the fundraiser.

Sanction: The penalty is 50 points per fundraiser, per day

FR7: Approaching Members of the Public

Code: 7.2.1 You must avoid approaching the public at unsuitable moments. For example, when they are:

- in a queue or sitting down, unless they are at your promotional stand or waiting to take part in your fundraising activity; or
- clearly working or carrying out official duties.
- The 'three step' rule:
- If you have approached a member of the public, you must:
- not take more than three steps alongside them or follow them; and
- if they have not come to a stop within the three steps allowed, you must end your attempt to talk to them. If you have successfully started a conversation with a person, you can take more than three steps to escort them to a promotional stand or to a different part of a promotional stand.

Sanction: The penalty is 100 points per fundraiser, per incident

FR8: Consent for Future Contact

CIOF RULE: 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.
- Soft opt-in to direct electronic marketing for charitable purposes: only details collected directly by the charity can be used for soft opt-in. Soft opt-in does not apply to supporter details collected by third-party fundraisers. When using third-party fundraising agencies proactive consent must be used. Please see ICO guidance for further details.

Please see ICO guidance for further details:

<https://ico.org.uk/for-organisations/direct-marketing-and-privacy-and-electronic-communications/guidance-on-direct-marketing-using-electronic-mail/how-do-we-comply-with-the-pecr-electronic-mail-marketing-rules/#HowDoWeUseTheCharitablePurposesSoftOptIn>

Sanction: The penalty is 100 points per incident

FR9: Deliberate Obstruction

CIOF RULE: 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

FR10: Fundraiser Positioning

Code: 7.2.2 You must treat the locations where you are fundraising with respect and must not leave bags or other property unattended, or cause an obstruction or nuisance to the public or other businesses.

For street collections and collections on sites managed by a local authority, this includes not positioning yourself within three metres of:

- a shop entrance;
- a pedestrian crossing;
- a cash machine;
- a station entrance;
- a market stall; or
- a street trader, vendor or busker.

If you have a stand for your collection, you must remain within sight of it.

For private-site collections booked with a retailer, you must work within one metre of the promotional stand (or equivalent). If the collection is taking place at a shopfront, the promotional stand must be no more than one metre away from the shopfront.

Sanction: The penalty is 100 points per fundraiser, per incident

FR11: Lottery Explanation

Gambling Commission LCCP: When signing up members of the public for lottery products, fundraisers must explain which charity(s) will benefit from the activity, the amount and frequency of payments, when lottery draws take place and how winners are notified.

Sanction: The penalty is 100 points per incident

RULES FOR OPERATIONAL STAFF

OP1: Private Site Bookings

CIOF RULE: Members must make sure they have appropriate permission before starting their fundraising activities and that their activities meet the requirements of that permission. Permission must be accurate, recorded and expressly given. Records must be kept for a minimum of 28 days after the activity has ended, and must include the contact information used to gain permission.

Sanction: The penalty is 100 points per campaign.

OP2: Solicitation statement submission

CIOF RULE: Before starting a new campaign, members must submit their planned solicitation statement (including the notifiable amount) to CIOF Public Fundraising 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 CIOF Public Fundraising for review annually if used in a rolling campaign and whenever the wording is updated.

Further information on solicitation statements can be found at

Fundraising partnerships | Fundraising Regulator

Sanction: The penalty is 100 points per campaign.

OP3: Sub-contractors

CIOF RULE: All agency members that employ limited companies as sub-contractors to deliver any part of their F2F donor volumes must provide the CIOF Public Fundraising with the name and location of each and every such sub-contractor throughout the entire supply-chain, so that the CIOF Public Fundraising 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 CIOF Public Fundraising rules, in the same manner as if they were the lead member contracting them.

Sanction: The penalty is 100 points per incident.

OP4: Private Site lists

CIOF RULE: Private Site lists must include the name of the venue, the full address and postcode, the name of the charity represented, the type(s) of fundraising due to take place and the specific dates that the venue will be used. All the information contained therein must be accurate.

Private sites lists must be submitted using the generic template provided unless an alternative format has been agreed upon.

Private sites lists must not include venues owned or managed by the charity benefiting from the fundraising

activity, ticketed events or any other locations with restricted public access (e.g. employee only venues).

Private Site lists must be submitted by members to CIOF Public Fundraising and any relevant CIOF mystery shopping partners by 3pm each Friday for the following week's fundraising activity. While it may not be possible to submit exhaustive lists by this deadline, submissions should be as comprehensive as possible.

Sanction: The penalty is 50 points per incident.

OP5: Private Site changes

CIOF RULE: All changes to Private Site lists must be communicated to CIOF Public Fundraising and any relevant CIOF mystery shopping partners, and to charities where relevant, by 11:30am on the day of the visit.

When contacted by CIOF Public Fundraising in order to establish whether or not a Private Site is being used, members must respond within 30 minutes of the initial contact.

Sanction: The penalty is 50 points per incident.

OP6: Lottery Fundraising Operations

Gambling Commission LCCP: Lottery fundraising operations must ensure that their activities exclude criminal behaviour, are conducted in a fair and open way; and that children and other vulnerable persons are protected from harm or exploitation from gambling. These operations must also meet all relevant gambling regulations, licence conditions and codes of practice.

Sanction: The penalty is 200 points per incident.



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Contact

If you need help with any of the information please contact the Public Fundraising Team on publicfundraising@ciof.org.uk