

FUNDRAISING CODE OF PRACTICE 01.10.2019

ATTENTION: THIS IS ONLY A BRIEF SNAPSHOT FROM THE FULL FUNDRAISERS CODE OF PRACTICE, TO HIGHLIGHT ITEMS THAT MAYBE RELEVANT TO AY GROUP. IN ALL INSTANCES YOU MUST CONSULT THE ORIGINAL CODE FOR FULL CLARIFICATION IN ALL FUNDRAISING MATTERS.

1.1. General behaviour

1.1.1 Your fundraising must be legal and must be open, honest and respectful.

1.1.2 You must be polite to people at all times.

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

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

1.3.9 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 communicate and understand what they are being told;

2.3 Refund Policy needed

2.3.2 Keep records if you refuse a donation

2.3.3 Carry out due diligence appropriate for size of donation

Fund Regulator Further Guidance: Acceptance, refusal and return: A Practical guide to dealing with donations.

Guidance for returning money to charities

2.4.1 Complaints Procedure needed

AY-Group Community Services CIC Peabody Hall Fulham Estate Lillie Road,
Tel:02073818502 / 07852945928
London SW6 1UH: Registered CIC No:973493
office@ay-group.org -www.ay-group.org

Fundraisers must be able to explain the procedure to the public and how they can make a complaint if asked.

2.4.5 Staff and Volunteers must be able to report any concerns they have about fundraising i.e. Whistleblowing policy.

See the Fund Regulator: Complaints handling guidance

2.5.2 You must not pay fundraisers excessive amounts

2.6 Solicitations

By paid employees, officers and members/trustees

2.7 Using **Funds**: READ regs

2.7.4 You must make sure that you do not suggest money is for a restricted purpose/

2.7.5 You must state what will happen to fund you receive if the amount raised is not enough to reach target or is more.

See Further Guidance: HMRC: Chapter 3.18

2.8 Accounting and Reporting

Check accounting regulations for CICs

3. GDPR

3.3 You must not share personal data

4. Processing Donations

Two people should count cash

Use petty cash for expenses

4.7.1 You must meet the Payment Card Industry Data Security (PCIDS)

4.7.2 You must use extra security measure such as Verified by VISA or 3D securecode

4.9 GIFT AID

You must only claim if all conditions are met.

5. Volunteers

5.1.1 You must make sure that any guidance, information and support you give to volunteers is adequate and relevant to the type of relationship ('on behalf of' or 'in aid of') that the volunteer has with you.

5.1.2 If your charitable institution knows about a volunteer's fundraising, you must make sure that there are proper arrangements in place for money to be transferred to you quickly and efficiently.

5.1.3 You must not make any payments to volunteers, but you can refund their expenses.

5.1.4 You must take all reasonable steps to make sure that volunteers keep to standards on handling donations. For more standards on this, see section

5.2.1 Where appropriate, you must check that on-behalf-of volunteer fundraisers are suitable to act as responsible people on your behalf. You must:

- meet your legal duties on using the Disclosure and Barring Service, Disclosure Scotland or Access NI checks; and
- carry out due diligence to check if each volunteer is a 'fit and proper person' to carry out house-to-house collections.

7. Third Party Fundraisers

7.1. Due diligence and conflicts of interest

7.1.3 If your third-party fundraiser has or may have a conflict of interest, you must not enter an agreement with them without the permission of the person or organisation whose interests' conflict with theirs. If there is a significant conflict of interests, both parties must consider whether it is appropriate for the relationship to continue.

7.1.5 If you are placing fundraising content on the website of a third-party fundraiser or commercial partner, you must apply the same care as you would when placing it on your own website

Does this apply to GOODBOX, CAF or any fundraising platform?

8.1 Behaviour when collecting

8.1.1 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,

AY-Group Community Services CIC Peabody Hall Fulham Estate Lillie Road,
Tel:02073818502 / 07852945928

London SW6 1UH: Registered CIC No:973493

office@ay-group.org -www.ay-group.org

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.

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

8.1.3 You must treat the locations you are working at or visiting with respect.

8.1.4 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'.

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

9.3 Fundraising by Mail

9.1.6 You must make sure literature includes all information that you have to include by law, for example, registered charity status or number, full company name and registered office if this applies.

Further requirements for England 9.1.11 You must make sure that public advertisements for an event meet the Town and Country Planning Act 1990 (as amended), the Control of Advertisements Regulations 2007 (as amended) issued under it, or the Highways Act 1980.

9.4 Fundraising by Telephone

This section includes all fundraising calls and voicemails that are made to ask for financial and other types of donations, such as volunteering time. It does not include administrative calls (although you can use these standards as guidance for those calls).

The Telephone Preference Service (TPS) and Corporate Telephone Preference Service (CTPS) allow people or companies to register their phone numbers to show that they do not want to receive 'unsolicited' sales and marketing phone calls (that is, calls they have not requested).

During the call 9.4.8 You must make every fundraising call using a phone number which can be identified by the person receiving it and which they can return the call to.

10. Digital

10.1.1 In England, Scotland and Wales, you must meet the Equality Act 2010 (so far as it applies in the area in which you are fundraising) and must make ‘reasonable adjustments’ to meet the needs of all users. In Northern Ireland, you must not discriminate against people with characteristics that are protected under the laws of Northern Ireland. You can get more information from the Equality Commission for Northern Ireland.

10.1.2 You must make sure that your contact information is easy to find on your website.

10.1.3 You must meet the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as amended in 2011) and wider data protection requirements.

10.1.4 You must let users know if the website uses cookies. The way you do this must be suitably prominent and understandable to make sure that if the user agrees to you using cookies, this decision is informed.

10.1.5 You must clearly explain how you collect and use personal data, for example, through a privacy policy or statement.

10.1.6 You must make sure all information about how you collect and use personal data is easily accessible from the website’s home page and any page which collects personal data.

guidance For specific guidance on equality law: • Charity Commission for England and Wales: Equality Act: guidance for charities • The Scottish Charity Regulator (OSCR): Charities and the Equality Act 2010 • Charity Commission for Northern Ireland: Equality guidance for charities For guidance on meeting international accessibility standards: • Government Digital Service: Make your public sector website or app accessible

10.2. Online fundraising platforms

In this section, ‘you’ means an online fundraising platform.

Donation pages hosted on a charitable institution’s own website (that is where the donor is not directed away from the charitable institution’s own domain name to a third party’s) are not considered within this section of the code if no fees are charged on individual donations. **If a third-party charges fees (including payment transaction fees) on a donation-by-donation basis, charitable institutions should make sure the fees, and how they are charged, are clear, in line with this section of the code.**

Data protection and privacy

10.2.10 You must meet all relevant data protection laws. Personal details of donors and fundraisers must only be passed from your organisation to another if you are allowed to do this by law (this is known as having a lawful basis to do so). For more information, see section 3 Processing personal data (information).

AY-Group Community Services CIC Peabody Hall Fulham Estate Lillie Road,
Tel:02073818502 / 07852945928
London SW6 1UH: Registered CIC No:973493
office@ay-group.org -www.ay-group.org

11. Events

Event fundraising is a way to bring communities together to fundraise for a particular cause. This section contains standards for planning and carrying out events (including challenge events) in the UK or overseas, including getting any permission that is needed to use a site, making sure the event is safe and managing the risks responsibly.

11.1. Venues, locations and equipment

In this section, 'you' means a charitable institution or third-party fundraiser, unless we tell you otherwise.

11.1.1 When identifying a suitable venue or location for an event, you:

- must consider issues of equal access for all, even if an event is being targeted at a specific group of people;
- must make sure the venue meets the legal requirements on health and safety; and
- must make sure the venue or location is fit for purpose, taking note of any restrictions, and be able to justify any environmental effect the event might have.

11.2. Risk assessment and insurance

In this section, 'you' means a charitable institution or third-party fundraiser, unless we tell you otherwise.

11.2.1 If you are an employer, you must carry out a suitable risk assessment before holding an event of any size. Other fundraisers (who are not employers) must carry out a risk assessment if it is reasonable to do so.

11.2.2 You must make sure that health and safety arrangements (for example, medical cover and evacuation arrangements) are appropriate for the event and the country it will be held in.

11.2.3 You must make sure that any insurance policies you have to have by law are in place. You must make sure you have sufficient third-party public-liability cover in place and must consider whether you should take out any other insurance cover.

11.2.4 You must be clear who (for example, you or the building owner) is insuring against which risk.

12. Lotteries, prize competitions and free draws

If you intend to run a lottery, prize competition or free draw for charitable purposes, you need to follow any gambling regulations that may apply, including laws relating to the process of allocating

prizes fairly. This section sets out the responsibilities for fundraising organisations taking part in these activities.

13.3. After applications have been accepted or rejected

In this section, 'you' means a charitable institution or third-party fundraiser.

13.3.1 You must strictly follow the administrative requirements of the grant-making body regarding payment. (These will depend on the terms and conditions that apply to the grant.)

13.3.2 You must make sure that both you and the grant-making body understand and agree any conditions that apply to the grant before you formally accept it. These may include the grant-making body being involved in the work (for example, by helping to manage it or by giving advice), or you publicly acknowledging their support.

13.3.3 If your application is rejected, you must only appeal or try to persuade the grant-making body to reconsider if you have a clear reason for doing so, such as if there are clear mistakes in the facts used to make the decision, or if you are following the grant-making body's appeal

13.4. Reporting

In this section, 'you' means a charitable institution or third-party fundraiser.

13.4.1 If you want to spend a grant in a different way to what was originally planned, you must first get the grant-making body's approval in writing, if that is a condition of the grant-making body's funding.

13.4.2 You must closely follow reporting guidelines and requirements if they form conditions under a grant contract.

13.4.3 If there are likely to be serious problems with the funded work, you must tell the grant-making body as soon as possible, and keep them informed as the matter develops. You must follow any requirements in the contract relating to this.

14. Payroll giving and post-tax salary donations

This section includes the standards for promoting payroll and post-tax salary donation schemes in the workplace. It includes meeting HMRC requirements and making sure that employers and employees have clear expectations about how your scheme works.

15. Legacies

Gifts in wills can be a particularly sensitive area of fundraising, so it is important that fundraisers have clear role boundaries. This section sets out standards to avoid undue influence and pressure

and manage conflicts of interest while being sensitive to the wishes of the person leaving the gift (the testator) and any conditions they may attach to the gift.

ATTENTION: THIS IS ONLY A BRIEF SNAPSHOT FROM THE FULL FUNDRAISERS CODE OF PRACTICE, TO HIGHLIGHT ITEMS THAT MAYBE REVELANT TO AYGROUP. IN ALL INSTANCES YOU MUST CONSULT THE ORIGINAL CODE FOR FULL CLARIFICATION IN ALL FUNDRAISING MATTERS.