

# Code consultation response summary

April 2025

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## Introduction

From 2022-2025, the Fundraising Regulator conducted an extensive review of the Code of Fundraising Practice (the code). The [previous code review in 2018/19](#) was largely a revision of the existing version, focusing on clarity, length and accessibility. The review process outlined below, sought to comprehensively revise and update the code to reflect changes in technology, legislation, fundraising practice and wider society. A key outcome of the review was the development of a more principles-based framework that can be applied to new and emerging fundraising practices.

The code review process involved three periods of sector consultation and extensive engagement with charities, sector bodies, fundraising specialists, and other statutory and non-statutory regulators whose work overlaps with the Fundraising Regulator.

The process included regular legal insights from our lawyers, Farrer & Co. We also drew on our internal knowledge and experience, through the casework and policy functions and the expertise of our board and committees.

## First consultation (call for information)

The review process began with a [eight-week Call for Information](#) from October to November 2022. Respondents were invited to comment on how the code could be improved so that it could provide an effective regulatory framework now and in the future. Responses were invited from anyone with an interest in charitable fundraising, including practitioners, donors, fundraising organisations, online fundraising platforms, representative bodies, legal experts and other regulators.

In total, 26 organisations responded to the Call for Information, with combined responses of over 30,000 words. Respondents were primarily larger organisations and membership bodies which had a wide scope of experience across the fundraising sector. Beyond these responses, the Fundraising Regulator also engaged a wide range of sector bodies and regulators, including the:

- Charity Commission for England and Wales
- Charity Commission for Northern Ireland
- Office of the Scottish Charity Regulator
- Information Commissioner's Office
- Gambling Commission
- Department for Digital, Culture, Media & Sport, the Competition and Markets Authority; and

- Advertising Standards Authority.

Key issues identified during the process included:

### **Clarity and accessibility of the code**

- Respondents were generally positive about the accessibility of the code and glossary but identified some areas for improvement. It was suggested that when developing a new code, the Fundraising Regulator could improve accessibility by balancing the level of detail that is useful to less experienced fundraisers with increased signposting to guidance from us and other bodies.

### **Changes in the fundraising landscape**

- Respondents suggested that the code should reflect the increased use of online fundraising platforms and wider digital tools for fundraising activity, particularly used since the Covid-19 pandemic. When developing a new code, the Fundraising Regulator could clarify its expectations around digital giving tools and online fundraising methods.

### **Working effectively with fundraising partners**

- Respondents considered that information about working with volunteers and external organisations could be made clearer in a redrafted code. In particular, respondents were keen for the Fundraising Regulator to provide greater clarity on the responsibilities of third parties to uphold standards under the code.

### **Wider legislation and the Fundraising Regulator's relationship to statutory regulators**

- Respondents appreciated the information on legislation and aspects of fundraising covered by other regulators, such as data protection, gambling and advertising. However, some considered that the code included too much detail around areas where the Fundraising Regulator is not the lead regulator. This also creates a risk that this information could quickly become out of date when third party legislation and guidance changes. Respondents suggested the presentation of information about legal requirements in the code could be clearer, especially regarding which expectations are within the Fundraising Regulator's powers to regulate.

### **Working with individuals in vulnerable circumstances**

- Respondents considered it was appropriate for the code to protect donors in vulnerable circumstances, but some suggested the code could extend protections to volunteers and others involved in fundraising.

In response to these issues, the Fundraising Regulator began developing proposals for a revised code with principles-based rules that could be applied to a range of fundraising activities.

## Second consultation (proposals for changes)

Following the Call for Information, the Fundraising Regulator developed a set of proposals on which to base a redrafting of the code. This was with a focus on developing principles-based rules, simplifying information relating to third-party bodies and adding and updating existing rules. These proposals were then the subject of a 12-week public consultation from September to December 2023.

The Fundraising Regulator's policy team, under the supervision of the [Fundraising Regulator's Standards Committee](#), developed proposals for all 424 rules in the code. The consultation consisted of four parts:

### Part A

Questions about the general approach of the code review, in particular suggestions to:

- Reformulate code rules to follow a principles-based approach. This included combining rules that served a similar purpose under a wider principle.
- Restructure the presentation of code rules directly linked to legislation or covering areas where another lead regulator has responsibility to avoid the impression that the Fundraising Regulator was responsible for compliance in those areas.
- Restructure the code to ensure redrafted rules appeared in relevant sections.

To help respondents understand the key changes being proposed, the consultation questions were accompanied by draft examples of principles-based rules for each of the 15 sections of the code and a revised approach to rules which reflect legislation where the Fundraising Regulator is not the lead regulator.

### Part B

Questions about areas where the scope of the code could be extended or new rules introduced to reflect current fundraising practice and emerging technologies. These included:

- Convenience giving tools such as round-ups and tap-to-donate.
- Social media and online gaming.
- Protecting fundraisers from harassment.
- Timing and age restrictions for certain fundraising activities.

## Part C

Proposals for amendments to the scope of specific rules already appearing in the code which had been identified as lacking clarity or not reflecting current good fundraising practice.

## Part D

Proposals for actions around each rule in the current code, grouped under three broad categories:

### 1. Retain

Rules in the current code which require no or only minor changes to maintain their effectiveness under the new system.

Around 10% of rules were in this category.

### 2. Revise

Rules which needed to be updated to reflect changes in fundraising practice or the wider societal context. This included rules which could be combined under a new wider principle.

Around two-thirds of rules were in this category.

### 3. Remove

Rules which reflected expectations around specific legislation, or which covered areas where the Fundraising Regulator is not the lead regulator (mostly indicated by the use of a bold **must** in the current code). Also included in this category were rules which duplicated requirements set out in other rules and those which no longer reflected good practice when fundraising.

Around a quarter of rules were in this category.

To promote accessibility, the second consultation followed an online-first approach, with respondents encouraged to complete a form on the Fundraising Regulator's website. Respondents were able to provide feedback on as many or as few of the proposals as were relevant to them, to help make the consultation accessible to fundraising organisations of all sizes. Respondents were also able to attach documents containing supporting evidence to their responses.

To support engagement with the consultation, the Fundraising Regulator hosted events in England, Scotland, Wales and Northern Ireland, as well as a number of online events. This included a [webinar co-hosted with the Chartered Institute of Fundraising](#), which was made available to view on YouTube after the event.

The Fundraising Regulator also engaged with other regulators, sector bodies, and government departments to update them on our plans and gather feedback on the proposals.

Alongside the consultation process we partnered with Opinium to carry out [research into public perceptions of fundraising](#) to ensure the review process also considered the views of donors. The research findings helped to inform the analysis and evaluation of the consultation responses.

The second consultation closed on 1 December 2023. Over 4,500 comments, totalling more than 150,000 words, were submitted by over 150 respondents.

## **Analysing second consultation responses**

The responses to the consultation were broadly supportive. A clear majority of respondents were in favour of the key proposals to streamline the code by implementing a principles-based approach and replacing rules linked to legislation with signposting to relevant lead regulators.

In January 2024, the Fundraising Regulator's policy team conducted a workshop with the Standards Committee together with representatives from the board and the Complaints & Investigations Committee. The aim of the workshop was to consider how to address comments, suggestions and challenges raised by consultation respondents ahead of the redrafting process.

The key issues discussed were:

### **Concerns about principles**

- Several respondents suggested that any principles-based rules should be accompanied by clear examples of acceptable and unacceptable practices with guidance on how to meet the expectations of these rules.
- Some respondents were concerned that moving away from prescriptive rules would introduce a level of uncertainty or subjectivity in how principles are applied in practice.

Workshop attendees decided that the redrafted code should be accompanied by supporting information explaining how the principles-based approach would be applied in practice.

### **Protecting fundraisers**

- Many respondents were in favour of including protections for fundraisers. However, some were concerned that the as yet unwritten rules on this topic could be impractical to implement or represent over-reach from the Fundraising Regulator.

Workshop attendees decided to proceed with the proposed approach of including a requirement to have protections for fundraisers, but to ensure this focused on aspects that were within a charitable institution's control.

### **Compliance with the law**

- Some respondents were concerned that a requirement to comply with the law in the code could lead to “double jeopardy” with organisations being punished twice for the same offence, once by the lead regulator and then again by the Fundraising Regulator.

Workshop attendees considered that the Fundraising Regulator should have the option to pursue its own proportionate regulatory action to address instances where a charitable institution had broken the law in the context of fundraising. They decided to proceed as planned to include the legal compliance requirement in the redrafted code.

### **Timings for fundraising activity**

- Some respondents expressed preferences for extending the permitted times for fundraising activities. Information from the Opinium research indicated that this was a contentious topic for the public, so any changes to the current requirements would need to have a strong evidential basis. No respondents provided supplementary evidence to support their suggestions for changes to the current timing requirements.

Workshop attendees decided that, in the absence of evidence to support a change in approach, the timings for fundraising activity should remain the same.

### **Payment of fundraisers**

- Some respondents considered the expectations around the payment of fundraisers set out in the code to be overly restrictive. Some considered that the issue of payment was beyond the remit of the Fundraising Regulator and should not appear in the code.
- The [market inquiry into subcontracting](#) which took place in late 2023 provided further insights on this issue and supported the redrafting of these rules.

Workshop attendees decided that existing rules on payment of fundraisers should be replaced with a new principles-based rule requiring payment to be in line with the ethos and values of the charitable institution (a key recommendation of the market inquiry).

## Other insights

There was broad approval for proposals set out in Part D of the consultation – to retain, revise or remove certain rules. Some respondents identified areas where certain rules could be clarified or combined into a new principle. A small number of respondents highlighted potential pitfalls or regulatory gaps that could result from the initial proposals. In respect to some of the issues raised, the policy team sought further information from respondents and legal insights from Farrer & Co to ensure the redrafted code addressed these issues sufficiently.

Many respondents indicated that they would need to see the redrafted code and supporting resources in context to determine their suitability. As a result, the Fundraising Regulator decided to include all revised rules, key supporting materials, and a table of changes reflecting the differences between the 2019 code and the redrafted code in a third consultation exercise to ensure respondents had the full picture.

## Redrafting the code

The redrafting process was overseen by the Standards Committee, which includes fundraising practitioners as well as representatives from the [Chartered Institute of Fundraising](#) and the [Scottish Fundraising Adjudication Panel](#). During this process, the Fundraising Regulator's policy team engaged with specific respondents to ensure the redrafted code would be clear, practical and understandable to the fundraising sector and to the wider public.

The code was redrafted in line with the proposals from the [second consultation](#), including considering insights from respondents who had identified potential issues or inconsistencies. Prior to the launch of the final consultation, the redrafted code was subject to a full legal review by Farrer & Co. In doing so they paid special attention to reviewing the clarity and accuracy of:

- All the rules in the redrafted code, including ensuring all expectations in the rules were within the Fundraising Regulator's powers.
- Summaries of key legal requirements and lead regulators in areas outside the Fundraising Regulator's powers.
- Glossary definitions, which outline the scope of the rules in the redrafted code.

To accompany the removal of rules outside the Fundraising Regulator's powers, informational sections on topics not specifically related to fundraising activity were also removed from the code. This included legal responsibilities of governing bodies,



data protection rights of individuals, legal requirements for events, and a summary of the Gambling Commission's requirements around charity lotteries. Redrafted versions of this information have been retained on the Fundraising Regulator's website to continue to provide useful detail for fundraisers and is linked in the redrafted code.

The result was a redrafted code which was significantly shorter than the existing code, containing around 70% fewer rules and 45% fewer words. Much of the reduction in the number of rules was due to replacing rules relating to areas outside the Fundraising Regulator's powers with summaries of key information and direction to the relevant lead regulator.

## Final consultation (redrafted code)

The final consultation ran from September to November 2024 and was again conducted in an online-first format to help promote accessibility. Alongside the redrafted code, consultation respondents were invited to comment on the supporting documents the policy team had developed to provide a full picture of the new code.

These included:

- A fully redrafted Glossary reflecting new terminology in the code and clarifying the scope of certain definitions.
- A Table of Changes showing how each rule in the current code was covered in the redrafted code.
- Code Support Guides to help fundraisers apply the new principles-based framework:
  - Due Diligence
  - Documenting Fundraising Decisions
  - Monitoring Fundraising Partnerships

The consultation was accompanied by engagement events with fundraisers co-hosted by sector bodies in England, Scotland, Wales and Northern Ireland. The Chartered Institute of Fundraising [again hosted a webinar](#), which was made available online after the event.

Over 1,700 comments, totalling almost 100,000 words, were submitted by over 130 respondents.

The responses were largely supportive of the redrafted code and included positive feedback on the Code Support Guides alongside requests for similar documents to cover other aspects of fundraising activity. The Fundraising Regulator has responded to many of these requests and will be publishing a suite of guidance on a variety of topics throughout 2025.

Almost half of the redrafted code rules (62 out of the 126) received no challenges or comments which required significant drafting changes. Many of the challenges relating to the other 64 rules focused on minor wording amendments to aid clarity.

## Final drafting

Certain challenges from the consultation respondents were discussed at two meetings of the Standards Committee in December 2024, with representatives from the board and the Complaints & Investigations Committee also in attendance.

At these meetings it was decided that many of the wider concerns about the new code could be clarified in supporting documents rather than through redrafting code rules. This included revisions to the Introduction to the Code, which would outline how principles-based rules would be applied and the purposes of examples and postscript text that accompany certain rules. To support understanding of the processes for identifying and addressing breaches of the code, it was decided that an Engaging with the Fundraising Regulator document would also be produced.

Key changes to code rules agreed at these meetings were:

### ***Processing personal data***

Some respondents suggested that, as data protection is outside the Fundraising Regulator's powers, the rules in Section 3 should be removed entirely. The committee agreed to remove Section 3, but determined that certain rules relating to data processing in the context of fundraising should remain. These were moved to the 'Fundraising communications and advertising' and 'Responsibilities of those who govern charitable institutions' sections.

N.B. The removal of Section 3 led to a renumbering of all subsequent sections in the redrafted code.

### ***Behaviour when fundraising***

Some respondents suggested that rules on vulnerability should instead appear in the 'Working with children and people in vulnerable circumstances' section. This was approved by the committee.

### ***Processing donations***

Respondents questioned whether certain collection methods (such as uncovered church collection plates) are subject to the rules regarding collecting boxes. The committee agreed to include a clear definition of "sealed collection boxes" in the Glossary to ensure only the relevant collection methods are covered by these rules.

Respondents considered that rule 4.5.2 should not appear in the revised code as it relates to accounting practices around recording charges for transferring donations, rather than actual fundraising activity. The committee agreed to remove 4.5.2 as a rule, but to reference the requirements in the 'Behaviour when fundraising' section.

### ***Fundraising partnerships***

Some respondents requested further information on circumstances when solicitation statements were and were not required. The committee considered this level of detail was not required within the code itself, but that ways to offer further resources on this topic alongside the redrafted code would be explored.

### ***Public fundraising***

Some respondents questioned whether the rules on door-to-door collections should prohibit fundraisers from entering properties under any circumstances. The committee considered that this proposal would be unreasonably restrictive but agreed the rule should be amended to explain that fundraisers should not ask to enter properties and should only enter upon receiving a clear invitation.

Some respondents had concerns that the scope and expectations of the new rules for unstaffed collections were unclear. The committee agreed to redraft the rules and surrounding explanations to improve their clarity.

### ***Fundraising communications and advertising***

Respondents considered the requirements to offer certain information at the start of a fundraising call could be overly restrictive, particularly in instances where a general stewardship call with a donor develops into a discussion about donations. The committee agreed to reframe the rule to clarify the expectations and when certain information needs to be offered.

Respondents also considered that the wording of rule 9.1.5 was overly restrictive as people featured in case studies may not always be identifiable. The committee agreed to revise the rule to cover "people who could be identified from a case study".

### ***Online fundraising platforms***

Respondents from charitable institutions explained they had often experienced difficulty getting fundraising platforms to engage with their requests. The committee agreed that an additional requirement should be added to require platforms to respond appropriately to reasonable requests from charitable institutions.

### ***Events***

Respondents were concerned about the scope of certain rules relating to people who "take part in" events as these rules could be interpreted to include all those involved in events, such as ticket-buyers and attendees. The committee agreed to revise

these rules to clarify that the expectations are intended to cover people participating in fundraising activities relating to an event, rather than all people in attendance.

### ***Prize competitions and free draws***

Respondents suggested that, as the information on charity lotteries had been removed from the code and lottery administration is dealt with by the Gambling Commission, the rules in this section should be revised to focus solely on free draws and prize competitions. The committee agreed with the suggestion to redraft the rules accordingly.

Like rule 4.5.2 above, respondents considered that rule 12.2.4 should not appear in the redrafted code as it relates to accounting practices rather than fundraising activities. The committee agreed to remove this rule from the code as accounting requirements are already covered more generally under rules in the 'Responsibilities of those who govern charitable institutions' section.

### ***Grant-making trusts***

Respondents considered that the references to "avoiding mass mailings" in 13.1.1 were unclear and potentially overly restrictive given the lack of definition of the term. The committee agreed and removed this requirement from the rule.

In addition to the issues discussed at the committee meetings, respondents also raised some complex and involved questions which required specific insight from the Fundraising Regulator's lawyers, Farrer & Co. Following advice from Farrer & Co, some further changes were made to the redrafted code, including:

- Clarifying the wording of rule 2.1.2 regarding taking reasonable steps to ensure fundraisers are protected from harm and harassment.
- Amending references to solicitation statements in the 'Responsibilities of those who govern charitable institutions' section, so they align with the information in the 'Fundraising partnerships' section.
- Removing the rule on conflicts of interest in the 'Fundraising partnerships' section as it was not an accurate reflection of the requirements, and the topic is covered more widely by rules in the 'Responsibilities of those who govern charitable institutions' section.
- Clarifying the expectations around sponsorship forms and donations given with conditions in the 'Events' section.
- Amending the "In this section 'you' means..." explanations in the 'Payroll Giving and post-tax salary donations' section to clarify which bodies are subject to which rules.
- Replacing rules relating to legacies with conditions in the 'Legacies' section with a short summary of legal requirements in that area. These rules relate to legal requirements after a legacy has been left, an issue which is outside the

Fundraising Regulator's remit, and so should not be covered by rules in the code.

The wording and structural changes resulting from the committee's decisions underwent a full legal review by Farrer & Co in January 2025. Once approved, these revisions were signed off by the Standards Committee and sent to the board for approval in February 2025. The board approved the redrafted code and delegated oversight of any further amendments to the chair and vice-chair of the board, and the chairs of the Standards and Complaints & Investigations committees.

Following board approval, the redrafted code was assessed by the Plain English Campaign for [Crystal Mark accreditation](#). The policy team worked with the Plain English Campaign on several rounds of revisions prior to final approval for Crystal Mark accreditation. The changes required for Crystal Mark accreditation were reviewed by Farrer & Co and later approved by the delegated board members prior to publication of the final redrafted code on 28 April 2025.

## Appendices

- [Appendices – 2023](#)
- [Appendices – 2024](#)
- [Call for information](#)