



FUNDRAISING  
REGULATOR

# Documenting your fundraising decisions

Code support guide



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## Documenting your fundraising decisions

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This code support guide is not legal advice. It is advisory, non-exhaustive and is aimed at fundraising charities, their trustees and third-party fundraisers. It may also be of interest to in-aid-of fundraising volunteers and donors to understand more about good practice in charity fundraising.

You should use this guide alongside other sources of guidance, good practice and your reasonable judgement to help you meet the requirements of the Code of Fundraising Practice (the code).

Where we say 'you' or 'your' it means a charitable institution and/or its trustees, and/or a third-party fundraiser, as applicable.

## Introduction

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This is a guide to help you meet the code where it is important to document the decisions you make on behalf of your charitable institution. It applies to all relevant decisions, not only those made by trustees.

It provides examples of situations when you should document your decision making, contains suggested good practice, and links to information and guidance provided by other organisations and regulators.

This guide does not cover the whole code or every situation. You must make sure you consider all parts of the code that apply to you when documenting your fundraising decisions, even if they are not covered in this guide. Failing to adequately document your decisions may mean you are unable to justify your actions. For example, if we conduct an investigation into your institution.

A list of top tips for documenting your fundraising decisions is also provided at the end, to help you in your fundraising activity. You may also find it helpful to read some of our other guides together with this one, including: **Due diligence and fundraising**, and **Monitoring your fundraising partners**.

## Making reasonable decisions

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Trustees have a duty to make reasonable decisions and to show and document how they have been arrived at. If you do not follow the correct procedure, normally set out in your governing document, the decisions you make may not be valid.

### Making reasonable decisions includes:

- Only acting within your decision making powers.
- Using available and relevant information and evidence to inform your decisions.
- Considering issues from different points of view.
- Identifying areas of risk and taking steps to manage them.
- Taking professional advice, where needed.
- Acting in good faith.
- Undertaking due diligence.
- Keeping an accurate record of your decision making.

It is important to document the fundraising decisions you have made by keeping accurate, accessible and up to date records. These should be documented at the time you make the decision.

You should keep your fundraising decision making records in accordance with your governing document and the statutory and regulatory requirements that apply. Where possible follow good practice in record keeping.

### Failing to document decisions

If you have not adequately documented your fundraising decisions you may not be compliant with the code. This could arise, for example, because your original records are incomplete, inaccurate or they have been lost, damaged or accidentally, intentionally or maliciously destroyed and there is no back up copy.

## Decision making records

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There are many decisions relating to your fundraising activity that it is important to document and keep, including any relevant supporting material. The decisions you need to record will depend on the context and the significance of them on your fundraising activity. See more in our guide [Due diligence and fundraising](#).

Some decision making records must be retained because there is a legal or regulatory requirement. There are others where it is important to document your decisions and keep supporting material. This will help you to show how and why you made certain decisions, when you need to. For example, if someone makes a complaint about your fundraising activity, to you or to us, it will help you to retain your decision making records so you can evidence the reasons why and how you came to your decision.

Among others, you should keep a written record of the following:

- Decisions you make that are relevant and important to your fundraising activity.
- Conflicts of interest relating to the decisions you make about fundraising.
- Risk assessments relating to your potential or actual fundraising activity.
- Professional advice you have received to inform your fundraising decisions.
- Due diligence checks you conduct relating to your fundraising activity.

The retention periods for your various decision making records will normally be determined by any legal requirements where they apply, your governing document, and/or your data retention policy.

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### See more:

[Retention and destruction of information](#) from the Information Commissioner's Office

In England and Wales: [Decision-making for charity trustees](#) from the Charity Commission for England and Wales

[Charities and risk management](#) from the Charity Commission for England and Wales

In Northern Ireland: [Running your charity](#) from the Charity Commission for Northern Ireland.

[Fundraising for charities](#) from the Charity Commission for Northern Ireland

## Minutes of meetings

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**See more:**

**Minute taking guidance note** from the Chartered Governance Institute, UK and Ireland

In England and Wales: **Charities meetings** from the Charity Commission for England and Wales

In Northern Ireland: **Running your charity** from the Charity Commission for Northern Ireland.

A main source of your decision making records will normally be minutes of meetings or another formal meeting record. Minutes of meetings typically include:

- The date and time, attendance and apologies for absence, and confirmation any meeting was quorate.
- Disclosures of actual or perceived conflicts of interest and actions taken to manage or mitigate them.
- Key points of discussion, factors taken into account in making decisions, including where any alternative opinions were voiced and areas of risk.
- The reason(s) for making the decision, a record of the decisions made during the meeting, including the outcome of any vote and any abstentions.
- Details of any aspect of your decision making authority delegated to others.

Make sure you keep a clear and thorough record that will still make sense to you and others in the future.

## Acting in good faith

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**See more:**

In England and Wales: **Decision-making for charity trustees** from the Charity Commission for England and Wales

In Northern Ireland: **Running your charity** from the Charity Commission for Northern Ireland

Acting in 'good faith' means doing the right thing, making proper decisions, and having genuine, honest intentions and motives in relation to the interests of your institution, including when complying with the code. To help you to demonstrate to us and others (when required) that you have acted in good faith, you should keep a written record of the information and points of view you have considered and the reasons for arriving at your decision.

See more  
in the code at 2.1.4

## Conflicts of interest

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You must act only in the best interests of your charity and not put yourself in a situation where other interests could get in the way. Conflicts of interest can prevent reasonable decisions being made and may damage the reputation of your institution and of fundraising. Even when a conflict does not actually arise, there may be situations where others perceive there to be one.

It is recommended that you follow a three-step process to manage actual and perceived conflicts of interest:

1. Identify the conflict.
2. Prevent it from affecting decision making, by agreeing how it should be managed.
3. Record the conflict in writing, who and what it related to, and how it was managed.

If you are uncertain whether an interest presents an actual or perceived conflict, you should err on the side of caution and record it. You should obtain professional specialist or regulatory advice in complex situations. It is not sufficient just to record a conflict of interest, you must manage it appropriately. Failing to declare, record and appropriately manage a conflict of interest could mean you are not compliant with the code.

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### See more:

In England and Wales:  
**Conflicts of interest: a guide for charity trustees** from the Charity Commission for England and Wales

In Northern Ireland:  
**Conflicts of Interest** from the Northern Ireland Council for Voluntary Action

**See more**

in the code at 1.1.1, 1.2.1,  
1.2.2 and 1.2.3

## **Evidence for fundraising claims**

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It is important to be legal, open, honest and respectful in your fundraising communication about the direct and indirect impact of your fundraising activity, including:

- Who the beneficiaries will be.
- The intended impact of your fundraising activity.
- The data you use to describe how you will generate and use donations.
- The scope of your appeals and any secondary purpose for donations.

You should keep a record of the sources of data and information you use to support your fundraising so you can back up your claims, if required.

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**See more:**

**Charity fundraising appeals: appeal wording and record keeping** from the Charity Commission for England and Wales

**See more**

in the code at 2.2.1,  
2.2.3 and 5.2.4

## Accepting, refusing and returning donations

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You should define your fundraising appeals in a way that explains clearly and up front to donors what will happen to their donation if too much or not enough money is raised, or if you are unable to use the donations as originally intended.

Where donations are to be used beyond the main purpose of a specific appeal, known as a secondary purpose, you must set this out clearly in your appeal marketing and terms and conditions. You must follow the relevant legal procedure for agreeing new purposes for donations. You should also keep a record of any information or evidence that you have used to make your decisions about new purposes to enable you to justify your actions.

Normally donations should be accepted unless there is a good reason not to. Your decisions about donations should ideally be informed by a written donations policy. This should set out the circumstances in which donations will be accepted, refused or returned, in accordance with your governing document. In considering whether to accept a donation or not, you should evaluate the risks to your institution of accepting, refusing or returning it, before making your final decision. This includes checking that you have the power to return a donation, if this is what you decide. Keep a record of the decisions you have made about refusing or returning donations.

If you accept a donation that is made with conditions or restrictions that are legal, you must follow them and document how you have done so.

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**See more:**

In England and Wales: [Accepting, refusing and returning donations to your charity](#) from the Charity Commission for England and Wales

[Charity fundraising appeals for specific purposes](#) from the Charity Commission for England and Wales

[Accepting, refusing and returning donations](#) from the Chartered Institute of Fundraising

In Northern Ireland: [Fundraising for charities - A guide for charity trustees and the public](#) from the Charity Commission for Northern Ireland

**See more**

in the code at 2.3.1,  
2.3.2, and 2.3.3

## Concerns and complaints

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When you receive concerns and complaints, the written records you keep should include the following:

- Details of the concern or complaint.
- The actions you take to respond, in accordance with your complaints handling policy and procedures.
- The lessons you have learned from the matter.
- How you will prevent the situation occurring again where applicable, in accordance with the code.

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**See more:**

**Complaints handling guidance for charities and third-party fundraising organisations** from the Fundraising Regulator

**Cause for complaint? How charities manage complaints about their services** from the Charity Commission for England and Wales

See more  
in the code at 2.1.6 and  
Section 8

## Fundraising-related direct marketing and data protection

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Some data protection obligations may require or recommend that you keep written records. This includes if you are relying on 'legitimate interests' as a lawful basis to process personal data for the purposes of fundraising-related direct marketing by email, live phone call or by post.

When keeping a record of your decision to rely on legitimate interests, you should be able to show that you:

- Have identified a legitimate interest.
- Need to process the personal data to achieve that interest.
- Have balanced your interest in processing the data against the person's rights and interests to make sure that your use of their personal data is not unfair.

If you are relying on the legitimate interest condition as the lawful basis to process personal data for the purpose of direct marketing by live phone calls or postal communications (or other activities such as creating and analysing a database), your privacy notice must:

- Explain what you will use the personal data for (purpose test).
- Explain your legitimate interests (necessity test).
- Offer, in the privacy notice and in any other direct marketing communication you send, a clear and simple way for the person to tell you that they do not want to receive direct marketing in future (interest test).

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### See more:

[Right to be informed](#),  
[Legitimate interests](#)  
and [Legitimate  
interests in practice](#),  
and [Consent](#) from  
the Information  
Commissioner's Office  
[GDPR Guidance \(1-6\)](#)  
from the Fundraising  
Regulator

**These top tips are not legal advice.** They are advisory and non-exhaustive. You must follow all parts of the code that apply to you.

# Top tips for documenting your fundraising decisions

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1. Make sure you make valid decisions by following the process in your governing document and the statutory and regulatory requirements that apply.
2. Adequately document your decisions, so they are a complete and accurate record.
3. Keep your records safe to avoid them getting lost, damaged, or accidentally or maliciously destroyed.
4. Record the details of the decisions you make in minutes of meetings or another type of permanent record.
5. Show you have acted in good faith by keeping a written record of the information and points of view you considered when making a decision.
6. Identify and manage or prevent any conflicts of interest and keep a written record.
7. Keep a record of the information used to back up your funding claims.
8. Keep a record of the decisions you make about refusing or returning donations.
9. If you receive any concerns and complaints keep a record of them and the actions you take to resolve them.
10. If you rely on 'legitimate interests' to process personal data for fundraising direct marketing by email, live phone call or by post keep a record to back up your reasons for doing so.