

Engaging with the Fundraising Regulator

This is not legal advice. It is advisory and non-exhaustive. It should be read alongside further information on our [website](#) including our [investigation summaries](#). You are responsible for making sure that you get the advice you need to meet any regulatory or legal requirements. If there is a difference between the code and the law, you must follow the law.

We have published a range of [guidance](#) to help you continuously improve and meet the requirements of the Code of Fundraising Practice ('the code'). For answers to other questions about the code and how it applies to specific fundraising activity, contact our [Code Advice Service](#) by email or telephone.

For more information about the Fundraising Regulator visit our [website](#) or contact us at: admin@fundraisingregulator.org.uk.

Introduction

This guide is for charitable institutions including Trustees and third-party fundraisers. It explains how we engage with fundraisers over concerns that have come to our attention about possible non-compliance with the code and what is expected in terms of timely and constructive engagement from such fundraisers.

Background

Timely constructive engagement with us is a requirement of the code. Rule 2.1.3 provides:

You must respond constructively and within an appropriate time to any enquiries you receive from us or the Scottish Fundraising Adjudication Panel relating to keeping to the code. You must also make sure your fundraising partners do the same.

This rule reflects the principle that fundraisers are accountable for their performance in complying with the code to the Fundraising Regulator, as the independent regulator. They should therefore cooperate with us in answering our questions and providing information about their compliance with the code. It also reflects the need for full responses to be provided as quickly as reasonably possible to enable the regulatory process to work effectively. Frustrating or impeding our regulatory enquiries by failing to respond fully and in a timely way will be a breach of the code for which organisations may be held to account.

Constructive engagement relies on mutual co-operation between the Fundraising Regulator and fundraising organisations. We will support fundraising organisations to comply with the code and to thrive. Where we are able to, we will engage with organisations to resolve concerns about compliance with the code in the most

straightforward and proportionate way. We will provide advice and guidance where necessary.

Concerns, including complaints, about charitable fundraising carried out by organisations and their fundraising partners and potential code breaches can come to us from members of the public or other parties, such as other regulators, statutory bodies or the media. Sometimes we identify concerns ourselves. Fundraising organisations may also self-report.

Outlined below are the main ways in which we will seek to engage constructively with organisations about such concerns and ensure compliance with the code. It sets out how organisations are expected to respond to our enquiries.

Engagement with organisations

Where a concern about you falls within our remit, we may engage with you in one or more of the following ways:

- Ask you to investigate a complaint.
- Contact you about a compliance enquiry.
- Contact you to say we are opening an investigation.

Contact from us about compliance concerns

- When we have valid concerns about your compliance with the code, we will contact you to explore these.
- We will ask you about the areas where we think you may not be complying with the code. We may seek further information from you. We will give you a deadline for when we expect to meet with you or hear from you. You should provide us with any relevant information or considerations that would help us complete our enquiries, whether or not specifically requested.
- Where appropriate we will provide advice and will work constructively with you and support you to achieve compliance within a reasonable timeframe. For example, this could include discussion and advice on improving your processes, training or monitoring.
- Once we are satisfied that you are complying with the code, we will let you know in writing. We may check in with you at a later date to confirm that you remain compliant with the code.
- If you do not engage constructively and in a timely manner with us, and there is no good reason to indicate why you have not engaged or co-operated, you may be found in breach of code rule 2.1.3.

Compliance with investigation recommendations

- If we make any recommendations to achieve compliance with the code, we will continue to engage with you, to support you to deliver the recommendations within a reasonable timeframe.

- If you do not engage constructively with us about whether and how you are implementing our recommendations, you may be in breach of code rule 2.1.3. We may also have a reasonable basis for continuing concerns about your wider code compliance.

In such circumstances we may:

- Refer the case to a relevant statutory regulator e.g. Charity Commission for England and Wales, Information Commissioners Office.
- Where you are registered with us:
 - highlight your non-compliance on your entry in our [public Fundraising Directory](#) or remove you from the Directory entirely;
 - suspend your use of the Fundraising Badge; or
 - terminate your registration with us.
- Publicise your failure to comply e.g. by updating the case summary on our website to show that you have not complied with our investigation recommendations, and any sanctions we have used.