



MEMORANDUM OF UNDERSTANDING

FUNDRAISING REGULATOR AND INSTITUTE OF FUNDRAISING

Agreed date: October 2016

Section 1 - Purpose of Memorandum

1.1 This Memorandum provides a framework for closer working between the Fundraising Regulator (“the Regulator”) and the Institute of Fundraising (“the IoF”) to assist in their respective functions in the following ways:

- to promote a common understanding of the Regulator and the IoF’s responsibilities and working procedures.
- to promote co-operation between the Regulator and the IoF’s staff at a strategic and operational level;
- to facilitate effective investigation and the disclosure of information with the objective of preventing, detecting and remedying poor fundraising practice within fundraising organisations; and
- to ensure appropriate consultation on matters of relevant and significant policy initiatives to ensure that fundraisers comply fully with their legal obligations and adopt best practice in fundraising.

Section 2 - The Role and Function of the Fundraising Regulator

2.1 The Fundraising Regulator was established in February 2016 as the voluntary regulatory body for all charitable fundraising in the UK undertaken by charities registered in England and Wales¹.

2.2 The mission of the Regulator is to carry out an independent and non-statutory regulatory role in a way that –

- protects the public, donors and potential donors, not least those who may be vulnerable, from unacceptable fundraising practices.
- sustains and enhances public confidence in the charitable sector.
- supports the sector to understand and carry out its responsibilities in engaging with the public, creating a positive donor experience.
- ensures consistent fundraising standards across the UK.

2.3 The Regulator’s general functions are:

¹ For further information on the regulation of Charities registered in Scotland and Northern Ireland, see <https://www.fundraisingregulator.org.uk/about/regulation-in-scotland-and-northern-ireland/>

- owning the Code of Fundraising Practice and the Rulebooks on Street Fundraising and Door-to-door Fundraising.
- investigating and taking action in cases where fundraising practices have led to significant public concern.
- adjudicating complaints from the public about fundraising practice, where these cannot be resolved by the charities themselves.
- operating a fundraising preference service to enable individuals to opt out of further contact from charities.
- providing support and advice to the sector on good practice in relation to fundraising.

Section 3 - The Role and Function of the Institute of Fundraising

- 3.1 The Institute of Fundraising is the professional membership organisation for UK fundraising. It operates across the UK through a network of national, regional and special interest groups and has offices in Cardiff, Edinburgh and London.
- 3.2 The IoF's vision is *Excellent fundraising for a better world*, and its mission is to support fundraisers, through leadership, representation, advice and educations, and by championing and promoting the fundraising profession.
- 3.3 The IoF seeks to improve the environment for fundraisers through policy and support. It increases understanding by providing insight and resources for fundraisers and the general public, and it enables fundraisers to be the best they can be by providing training, skills development and qualifications.

Section 4 – The Code of Fundraising Practice

Historical context for the transfer of the Code of Fundraising Practice

- 4.1 The Code of Fundraising Practice and its associated rule books for street and door fundraising outline the standards expected of all charitable fundraising organisations across the UK. The standards were developed by the fundraising community through the work of the Institute of Fundraising (IoF) and Public Fundraising Association (PFRA).
- 4.2 In 2015, a Review of Fundraising Regulation chaired by Sir Stuart Etherington identified a need for responsibility for the Code and the rule books to be transferred to a new Fundraising Regulator to safeguard the independence of fundraising regulation.

- 4.3 The Code and the rule books were formally transferred to the Fundraising Regulator at its launch on 7th July 2016.
- 4.4 The Fundraising Regulator's Standards Committee oversees the development of the Code of Fundraising Practice and its associated rule books.

Credit

- 4.5 The FR shall use its reasonable endeavours to ensure that the FR's website from which the Code is made available, and the printed version of the Code produced by the FR include the following credit appearing, as written/ printed text in a visible and prominent position: "The Fundraising Regulator recognises the important contribution made by the Institute of Fundraising in developing the Code of Fundraising Practice (or any alternative name that is given to the Code)". The FR shall comply with this Condition for a period of ten years following signature of this Deed or until the Code ceases to reproduce a substantial part of the IoF Code, whichever period is longer.

Consultation

- 4.6 Where there are consultations on proposed changes to the Code, the FR shall consult the IoF on such proposals in good time before engaging in any wider consultation and shall then also include the IoF in such wider consultation.

Guidance on the Code

- 4.7 The IoF shall be the exclusive partner to produce official non-legal guidance for fundraisers on the Code ("Guidance") and shall be publically referred to as the 'Official Partner' in relation to producing the Guidance. The IoF hereby grants a non-exclusive licence to the FR to use Guidance (and any other official guidance for fundraisers, produced by the IoF, on the IoF Code that exists as at the date of this deed) provided that use of such guidance by the FR shall not be misleading and the IoF shall have the right to revoke this licence if in the IoF's reasonable opinion use of such guidance by the FR is misleading. For the avoidance of doubt, the FR shall not acquire any proprietary or exclusive rights in such guidance as a result of this clause 0 and the FR hereby assigns (including by present assignment of future rights) all goodwill in such guidance that may accrue to the FR as a result of its use of such guidance following signature of this deed.

Licence to use extracts from the Code

- 4.8 The FR grants a non-exclusive licence to the IoF to include a reasonable number of extracts from the Code in the Guidance as is agreed with the FR in writing in advance, provided that extracts from the Code made or authorised by the IoF shall not be misleading and the FR shall have the right to revoke

this licence in such circumstances. The Guidance may be published by the IoF, including on the IoF's website.

- 4.9 For the avoidance of doubt, the IoF shall not acquire any proprietary or exclusive rights in the Code as a result of this clause and the IoF hereby assigns (including by present assignment of future rights) all goodwill in the Code that may accrue to the IoF as a result of its use of the Code in the Guidance following the signature of this deed.

Liaison over development of the Code and Face-to-Face rulebooks

- 4.10 An IoF observer will attend each meeting of the Standards Committee. The role of the observer will be to:
- provide historical knowledge and context for developments to the Code of Fundraising Practice and the Face-to-Face rulebooks prior to their transfer on 7th July 2016.
 - provide current knowledge to help ensure that the code and rulebooks continues to reflect and be informed by contemporary fundraising practices.
 - act as an official point of contact for the IoF membership in stakeholder consultations on Code and rulebook changes.
- 4.11 The FR shall give the IoF five business days' notice of any proposed changes to the Code and /or rulebooks prior to publication of such proposals, unless exceptional circumstances require shorter notice.

Section 5 - Liaison over adjudications

The Fundraising Regulator

- 5.1 Where an investigation is carried out on a fundraising organisation that is also a member of the Institute and a report is published, the Fundraising Regulator will (subject to the Regulator obtaining the necessary consent of the parties concerned) send a draft copy to the Institute in advance of the report being made public to give the Institute an opportunity to provide feedback.

The Institute of Fundraising

- 5.2 To enable the Fundraising Regulator to be aware of when a fundraising organisation is a member of the IoF, the IoF will send the Fundraising Regulator a quarterly organisational and corporate membership update.
- 5.3 When an allegation is made that an organisational or corporate member of the IoF has breached the Code of Fundraising Practice, the Fundraising

Regulator will assess the complaint according to its complaints procedures to determine whether an investigation is warranted.

- 5.4 Allegations of breaches of the Code of Fundraising Practice shall be investigated by the Regulator following the process as set out in the Regulator's Complaints, Investigation and Remedies Policy.
- 5.5 The FR shall give the IoF five business days' notice of the results of any adjudications conducted by the FR prior to publication, unless exceptional circumstances require shorter notice.

Section 6 – Compliance

- 6.1 The Regulator and the Institute will work to support fundraiser compliance with the Fundraising Regulator's Code of Practice and associated rulebooks.
- 6.2 This includes:
- Sharing information where evidence of new fundraising practices or compliance issues may require additional support to the sector
 - Collaborating on compliance campaigns to raise awareness where poor fundraising practice poses a risk to the public or to the reputation of charities
 - Advancing compliance knowledge and skills through events, workshops, guidance and other sector engagement tools

Section 7 – Collaboration and support

Policy

- 7.1 The Regulator and the IoF are committed to appropriate liaison on policy matters which are likely to have an impact upon the work of the other such as any new legislation, development of any new policy or relevant guidance, or policy arising in the context of novel or complex cases.

Training

- 7.2 As part of their respective staff training programmes, both the Regulator and the IoF will ensure that staff are made aware of the differing organisational, operational and legal frameworks.
- 7.3 In order to support outreach and promote the highest standards in fundraising, the Regulator and the IoF will explore opportunities to co-operate on

presentations and seminars that aim to raise the profile of the work of the Regulator and the role the IoF plays in supporting fundraisers and fundraising organisations to comply with standards.

Research and communication

7.4 The Regulator and the IoF will inform each other of emerging trends identified in their research, and will agree strategies for the dissemination of advice and best practice. Where appropriate we will also consider collaboration to produce research relating to fundraising that are of a mutual interest and of wide public and sectoral interest.

7.5 Where appropriate we will collaborate on external communications or handling external media interest where there is a matter of mutual interest. We will also consider working jointly in order to raise awareness of fundraising issues and matters of interest to the general public.

Section 8 - Liaison

8.1 In order to ensure that matters are handled at the appropriate level, contact between the Regulator and the Institute should be established between designated points of contact. Where they consider it appropriate, designated points of contact may delegate ongoing liaison to other members of staff.

Area of Liaison	Fundraising Regulator	Institute of Fundraising
Development of strategic policy	Chief Executive	Chief Executive
Development of operational policy	Head of Policy & Communications	Director of Policy & Communications
Issues specific to Scotland	Head of Policy & Communications	Director of Policy & Communications
Issues specific to Wales	Head of Policy & Communications	Director of Policy & Communications
All operational liaison	Head of Policy & Communications	Director of Policy & Communications
Legal issues	Head of Policy & Communications	Director of Policy & Communications
Compliance issues	Head of Policy & Communications	Director of Compliance

Adjudications issues	Head of Casework & Adjudications	Director of Policy & Communications
Communications and media	Communications Officer	Head of Media and Public Affairs

Section 9 - External enquiries

- 9.1 In order to ensure that enquiries are handled by the appropriate organisation, enquirers will, where relevant, be redirected according to the type of information requested.
- 9.2 The following table indicates how those enquiries will be dealt with between the Fundraising Regulator, the Institute of Fundraising and the Charity Commission.

Fundraising Regulator	Institute of Fundraising	Charity Commission
Information and advice about fundraising rules (the Code of Fundraising Practice), and other regulations	Information and advice on how to support a cause or the fundraising techniques of charities	Information and advice about setting up a charity
Information and advice on giving safely	Information and advice on how to fundraise, fundraising tips/ideas, advice, or information about research	Information and advice on running a charity
Concerns about fundraising practice	Information about fundraising more effectively	Information and advice on charity governance

Information on how to support good fundraising practice	Information and advice on charity law
---	---------------------------------------

Section 10 - Operation of the MoU and review

- 10.1 Both organisations are committed to the principles of continuous improvement and therefore will monitor the working arrangements contained in this agreement.
- 10.2 The Fundraising Regulator and the Institute will monitor the operation of this memorandum and will review it, initially after 1 year from the date of this document, and subsequently at intervals no longer than every five years, examining all aspects of the agreement in order to identify areas for improvement and best practice. Representatives of the Fundraising Regulator and the IoF will meet when necessary, and there will be at least one formal policy meeting per year. Any changes to this memorandum identified between reviews may be agreed in writing between the parties.
- 10.3 Whilst it is intended that the arrangements in this agreement should apply generally, it is recognised that some circumstances will require special handling. Nothing in this agreement prevents the making of arrangements to meet specific exceptional needs.
- 10.4 Any disagreement arising from the interpretation of this agreement will be referred to the Chief Executives of the Fundraising Regulator and the Institute of Fundraising, who will endeavour to resolve it within the spirit implicit in the co-operation arrangements. The agreement will be amended if necessary to reflect the agreed outcome of the referral.

Stephen Dunmore
Chief Executive
Fundraising Regulator

Peter Lewis
Chief Executive
Institute of Fundraising