

Fundraising Preference Service: Summary of Feedback Responses

The Fundraising Preference Service Working Group recommendations accepted by the Board of the Fundraising Regulator were issued on 24 August 2016 for feedback. This paper summarises key points made in the 131 responses to the paper. A list of organisations which responded is included at **Appendix 1**.

As is our usual practice, comments are not attributed to particular organisations.

Improvements on previous recommendations

Several respondents acknowledged the changes to the FPS model as improvements on the previous recommendations and the desire expressed by FR to avoid unintended consequences as evidence of listening and responding to advice received from previous feedback. In particular, a majority welcomed the proposals that:

- **A ‘small reset’ should be included as an additional option for individuals** to be able to choose any specific charity(s) that they no longer want to hear from without recourse to the more drastic option of stopping all contact.
- The **definition of ‘Vulnerable Adult(s)’ should be limited to people with a power of attorney**.
- There is **clear communication of the limitations of the FPS** for those registering.
- **FPS registration should be applicable to individuals as opposed to households**. This was seen as important to ensure that, within any given household, each individual is able to select different preferences. It would also guard against others in the same household from being cut off from contacts when this was not their intention. However, some questioned how this would work in cases where joint communications were requested and sent (e.g. to couples).
- **Social media should not be included within the scope of the FPS**, due to its status as broadcast, rather than direct communication.
- **FPS registration should be time-limited to 24 months**, after which fundraising contacts can be made again if an individual does not renew their registration.
- The **definition of a “Fundraising Communication” should be clarified for the purposes of FPS**. There could be a dichotomy between what the sector understands as direct marketing and what the public understand as direct marketing and other fundraising communications. Several respondents agreed with the proposal that fundraising communications should be defined as messages whose main purpose is to ask for a financial gift. However, some sought to create a distinction between financial asks and communications which sought to develop a relationship with supporters.

The “big red button”

A large number of respondents commented that under the ‘total reset’ model proposed, there was a high **risk that some individuals would unwittingly block charities that they would have been otherwise happy to support.**

Particular concern was expressed about how to avoid the **unintended consequence of the FPS inadvertently disconnecting donors from alumni mailings and emergency appeals** that they may still want to receive. For this reason, several respondents advocated that the donor should be explicitly reminded in advance of executing this option of the full range of implications, including that doing so would affect their access to emergency appeals and University alumni communications.

Some respondents also argued that the “big red button” should not override **supporters’ existing relationships with charities.**

A few organisations suggested that **individuals should be prompted to indicate why they wished to stop all contact** as this could provide important feedback for charities to help them improve their approach.

Even after pressing the big red button, it was emphasised that an individual could still be contacted by either a small charity or a larger charity engaging in door knocking, street fundraising or social media activity. **Expectations would need to be carefully managed to ensure that the donor understood that pressing the “no fundraising” button would not result in a complete end to fundraising approaches.**

Cost

Given the estimates on the FPS annual cost, several respondents sought greater **clarity on how the estimated annual subscription charge of £3,000-£4,000 is calculated.** This included how the one off and continuing operating costs would be met, how the subscription charge would be calculated, and whether the fee structure would be able to accommodate organisations with a variable fundraising spend which would be eligible to subscribe in some years, but in other years would not qualify.

The **affordability of implementing the system, particularly for smaller organisations** was also questioned (see below).

Understanding where FPS applies

Other than stressing the need to define a fundraising communication in the context of FPS (see above), a number of situations were cited where it was envisaged that further clarity may be required to indicate whether charities would be required to screen their contacts against the FPS suppression list. These included inviting individuals to attend events, inviting individuals to register their interest in completing sports events to raise money for charities, e.g. London Marathon and Great South Runs and links to donations or appeals sent in the signatures of emails.

Some respondents requested that the fee structure and policies for FPS take varying annual fundraising spend into account in cases like emergency appeals.

Checking back with the individual

While several respondents welcomed the added opportunity for charities with prior consent to check back with an individual following their decision to opt-out of all communications, many respondents noted that giving some charities the could result in the FPS causing an individual to receive multiple communications from different charities over a short period. There was concern expressed by some that this **check back could be counterproductive to improving the relationship between charities and their donors** and at worst risk causing the harm that the FR seeks to prevent.

Some respondents questioned **what would constitute an 'existing relationship'** in the context of the charity's right to check back with donor. Areas such as major gift fundraising were cited as examples where contact is established through less formal mechanisms such as peer-to-peer relationships and informal meetings. Some felt that clearer boundaries needed to be established regarding what would constitute a legitimate reason to contact someone and what would happen if the individual was already registered on the FPS.

Further **clarification was also sought on 'checking in', including whether it was limited to contacting an individual once, and what these communications could entail.** It was highlighted that donors opting out of all communications may still want to receive some appeals but may inadvertently miss a single follow up communication where the charity requests their opt-in. To reduce this risk, some respondents recommended allowing for two contacts within that period, rather than one – an initial contact and then a follow up reminder communication. They argued that this would limit the number of people who inadvertently miss the confirmation request or forget to respond.

Data transfer and operational practicalities

In the absence of operational detail relating to the way FPS would work with existing data systems, several respondents sought to ensure that these issues were taken account of at the development stage. Issues included:

Resource implications for checking lists

- Several respondents emphasised that under the current proposals, charities would have to check their donor list against the FPS at least every fortnight. They questioned the practicality of this expectation and the **impact this would have on staff resources.**
- The length of time required for checking suppression lists by the charity was also highlighted as an issue. Some respondents suggested that screening large mail outs against the list could take days and prove costly, leaving them open to the risk of being sanctioned if the suppression list changed during that period of time. One respondent recommended a longer window of 56-60 days for confirming continued opt-in to mitigate this issue.

- In the context of emergency appeals, it was anticipated that the FPS screening process could add hours or days to the launch process, resulting in significantly fewer funds raised. Some respondents sought assurances that the processing time would be as fast as possible, and that it could be expedited in times of emergency.

Data security and detail

- Some respondents highlighted the risks of storing data about individuals who chose to register with the Fundraising Regulator. They sought more detail from FR about what steps it will take to mitigate **risks relating to data security**.
- At the same time, it was highlighted that the **level of information collected upon registration would need to be sufficiently robust and detailed to ensure every individual can be identified uniquely**. Some respondents felt that the onus should be placed on the individual to provide appropriate levels of information. Without adequate information to make the necessary systems changes, fundraisers could open to violating the FPS rules.
- Some charities highlighted a risk that without a foolproof means of **verifying registrant identity**, individuals could pose as other people (such as vulnerable relatives) and de-register them without their consent.
- Instead of **accessing the data through file transfers**, some asked if consideration could be given to building a central repository that can be accessed by registered users and searched using defined parameters.

TPS / MPS

Several respondents welcomed the proposal that the current regulatory system would build on existing systems with clear signposting to the Mail Preference Service and Telephone Preference Service. However, others expressed concern that the **FPS risked clashing with and duplicating existing services**. It was suggested that how the FPS, TPS and MPS interact would need to be clarified for users to ensure that they fully understand how the FPS fits in with the pre-existing services and protections. Some respondents urged a further review to incorporate the three systems into one.

These respondents felt that the proposals needed to make a **stronger case that such a service was needed, over and above the existing Telephone Preference Service the Mailing Preference Service (MPS) and e-Mailing Preference Service (eMPS)** – all of which are already available to individuals who do not wish to receive unsolicited fundraising communications.

Impact research

Several respondents suggested that a cost-benefit and wider impact analysis was needed on how the FPS would affect charities and their beneficiaries (IoF) to ensure it was a proportionate means of addressing the issue of unwanted communications.

GDPR / Consent regulations

Existing and forthcoming regulations on consent were recognised to already put significant new controls on charities' communications with donors. In light of these new requirements, some respondents urged the Fundraising Regulator to be clear on how the FPS will give supporters better control over contact and what future it has when GDPR takes effect.

Universities

Some Universities represented in the responses advocated the use of terminology which specifically refers to 'universities' as opposed to 'higher education institutions', arguing that HEIs may not be a term the general public are as familiar with and that registrants may not recognise that this refers to the university they attended.

Several University representatives emphasised the importance of the public being adequately informed regarding the organisations which will fall under the scope of the FPS. While welcoming the proposal that the status of universities as charities would be flagged to people as they register, some felt that there was an imbalance towards opting out as there is no simple way for individuals to register that they do wish to stay in touch about fundraising with their *alma mater*.

Extra provisions for small charities

Several respondents sought to reduce the impact on smaller charities in FPS. While larger charities were seen to be better able to absorb FPS costs, it was anticipated that for many smaller institutions, a subscription rate of £3-4K would be a significant annual cost from fundraising budgets. An appropriate means of ensuring that costs are not too burdensome on charities needs to be found.

Suggestions for mitigating this issue included more direct consultation with small charities to assess impact and establish a means of ensuring costs were not too burdensome was advocated, in advance of developing the new system.

Other suggestions

Some respondents suggested that a phased approach to introducing the FPS, beginning with signposting and the small option reset, might be a more proportionate means of gauging public need and impact on charities than introducing the big red button at the outset.

Some argued that FPS should be nuanced further, with the capacity to allow individuals to register not to receive fundraising approaches through specific communication channels (email, text, post, and phone) rather than an "all or nothing" approach.

Appendix 1

List of organisations which responded to revised FPS proposals

ACEVO

Acorns Children's Hospice

Action Aid

Action Medical Research

Action on Hearing Loss

Addenbrooke's Charitable Trust

Air Ambulance

Alzheimer Research UK

Amnesty International

Anthony Nolan trust

Anti-Slavery International

Arthritis Research

Barnardo's

Bates Wells Braithwaite

Battersea Dogs and Cats Home

Berks, Bucks & Oxon Wildlife Trust

Bible Reading Fellowship

Blackbaud

Blue Cross

Brain Tumour Research

Breast Cancer Now

British Heart Foundation

British Red Cross

Buffalo Fundraising Consultants

CAFOD

Cambridge University

Cancer Research UK

Care International

CASE

Cats Protection

Chapel-York

Children in Need

Christian Aid

Crohns and Colitis UK

Church Army

Clic Sargent

Compassion in World Farming

Concern

CPRE

Crisis

DEC

Dementia UK

Dignity in Dying

Directory of Social Change

Diverse Abilities

Dogs Trust

Embrace Middle East

FAW

Fitzwilliam College Cambridge

Geffrye Museum of the Home

Goldsmiths

GOSH

Guide Dogs for the Blind

Guild HE

Headington School

Health Poverty Action

HEFCE

Hospice Lottery Association

Hospice UK

IDPE

IOF

Just Giving

Lepra

Leprosy Mission

LOROS

Macular Society

MAF

Marie-Curie

Meningitis Research Foundation

Mental Health Foundation

MHA

Milliways

Motor Neurone Disease Association

Mousetrap Theatre Projects

My Letterbox

National Autistic Society

National Deaf Children's Society

Natural History Museum

NICHHS

One Advanced

Overgate Hospice

Oxfam GB

Parkinson's UK

Plan International UK

Princes Trust

RNLI

Royal Bournemouth and Christchurch Hospitals NHS

Foundation Trust

Royal British Legion

Royal Marsden

Royal Opera House

RSPB

Russell Group

Rux Burton Associates

Salvation Army

Save the Children

SBA Solicitors Charity

Scotts and Co
Severn Hospice
Small Charities coalition
SPANNA
St Barnabas Hospices
St Catherine's Hospice
St Christopher's Hospice
St Cuthbert's Hospice
St David's Hospice
St Francis Hospice
St John's Hospice
St Peter and St James Hospice
St Wilfrid's Hospice
Strathclyde AC
Stroke Association
Sustrans
Tearfund
Tenovus Cancer Care
Thames Hospice
Together for Short Lives
Toybox
UCL
Universities UK
University of Birmingham
University of Brighton

University of Bristol

University of Leeds

University of Manchester

Water Aid

Woodland Trust

World Animal Protection

World Horse Welfare

Worldvision

WWF UK

Zorva Consulting

A further 6 responses were received from individuals.