

Frequently Asked Questions A Guide for Fundraisers

Why does the *Statement of Guiding Principles for Fundraising* exist?

The *Statement of Guiding Principles for Fundraising* was drawn up in the context of the publication of the Charities Bill 2007 (now Charities Act 2009). The Act sets out that the operational and administrative aspects of fundraising will be regulated by agreed Codes of Practice to be developed with the sector. A feasibility study and public consultation was undertaken by ICTR in 2006/2007 to explore how the operational aspects of charitable fundraising could be effectively regulated through Codes of Practice for charitable fundraising.

In July 2007 a Working Group, the profile of which reflected the findings of the feasibility study, was convened to draft such a *Statement*. The Working Group initially reviewed Codes from other jurisdictions and from other sectors, considered best practice guidelines on regulation and took into account the feedback already received from the earlier consultations. An initial draft *Statement* was made available for public consultation in October/November 2007. Based on the feedback received from the consultation a final *Statement* was completed in January 2008.

This initiative is funded by the Department of Community, Rural and Gaeltacht Affairs in the context of the Charities Act 2009.

How will the Charities Act help charities be accountable and transparent?

The Act provides for a new Charities Regulatory Authority. When the Authority is established, it will set up and maintain a public register of charities. Any organisation that wishes to operate as a charity in Ireland will be legally obliged to be on the Register of Charities. The Register will be accessible by the general public, thus enabling the public to determine the charitable *bona fides* of the organisations they are considering supporting. If an organisation is not on the register, it will not be a charity in law. It will be an offence for an organisation that is not on the register to describe itself in such terms as to cause a member of the public to reasonably believe that it is a charity. Every charity will have to keep proper books of accounts and (with some exceptions e.g. charities with total income and expenditure of less than €10,000 in a financial year) will be required to have these audited or examined. Every charity will also have to provide an annual report on its charitable activities to the new Charity Regulatory Authority, and this will be available to the public. This improved transparency and accountability is intended to increase public confidence in charities, and to help people to make more informed choices about their charitable donations.

Who does the *Statement of Guiding Principles for Fundraising* apply to?

All registered charities that fundraise from the public are expected to apply the standards proposed in the *Statement*. This will be overseen by a Monitoring Group. If monitoring reveals that this approach is not working then the Act makes provision for statutory regulation to be introduced by the Minister.

The *Statement* can however be applied by any fundraising organisation that has an interest in meeting these standards of accountability and transparency, whether or not it is a charity.

What is the start date for implementing the Fundraising Principles?

Charities should begin implementing the Guiding Principles immediately with the help of the resource materials provided. Sufficient time is being given to charities to get their systems in place before independent monitoring begins towards the end of 2010. Charities will be notified in advance of the exact timescale involved.

Is this *Statement* the same as a Code of Practice?

The *Statement* is not a detailed operational Code; rather it presents a set of overarching principles and guidelines for fundraising in Ireland. More detailed Codes of Practice are in place for specific fundraising situations, such as the *Code of Practice* of the Irish Fundraising Forum for Direct Recruitment ([link](#)), Dóchas' *Code of Conduct on Images and Messages* ([link](#)) and Dóchas' *Irish Development NGOs Code of Corporate Governance* ([link](#)). Requirements for other detailed Codes may emerge through the process of implementing and monitoring this *Statement*. If that is the case then such Codes can be provided for through an agreed process with the Monitoring Group and the Charities Regulator.

When does adherence to the *Statement* commence?

The board of the charity should formally commit that the organisation will comply with the *Statement*. A start date should be agreed and the organisation should plan to report on compliance on an annual basis, as part of the Annual Report. The Checklist ([link](#)) provides further practical help in planning for implementation.

We only fundraise through our volunteer network; does the *Statement* apply to us?

The *Statement* applies whether you carry out fundraising with paid staff, contracted fundraisers, third party agents or volunteers.

We are not a charity; does the *Statement* apply to us?

If your organisation is not a charity you are not obliged to comply with the *Statement*. However the *Statement* can be voluntarily applied by any fundraising organisation with an interest in meeting standards of accountability and transparency, whether or not it is a charity.

Do the Fundraising Principles apply to formalised groups (e.g. Parents' Associations; Friends of a charity etc.) fundraising on behalf of charities?

Yes. The charity should make sure that any groups (e.g. Parents' Associations; Friends of the charity etc.) formally linked to them apply the Guidelines to their fundraising.

Do the Fundraising Principles cover European/International Fundraising?

Irish charities should apply the principles consistently to all of their fundraising whilst also complying with local legal requirements.

I am employed to be responsible for fundraising in my charity, what do I need to do to comply with the *Statement*?

The Checklist and other resources are provided on this site to help you ensure your organisation meets the standard of the *Statement*.

I am a board member of a charity that fundraises from the public, what do I need to do in relation to the *Statement*?

As a board member or trustee you are ultimately responsible to ensure that the organisation complies with the *Statement*. The Checklist and other resources are provided on this site to help you ensure that your organisation meets the standard of the *Statement*.

My charity doesn't comply with the *Statement* and I don't know how to change that, what can I do?

The board of your organisation is ultimately responsible for the organisation meeting these standards and the issue of non-compliance should be raised with it through the organisation's normal channels. If this does not elicit a change in practice you can address your query to the Monitoring Group (link to be provided when available).

Does the *Statement* apply to fundraising on the Internet?

All charities fundraising in Ireland must register with the Charities Regulatory Authority and are expected to apply these standards. If such an organisation fundraises via the internet then they should apply these standards to that form of fundraising as well as all other forms of fundraising they engage in.

Are unsolicited donations (i.e. gifts of cash or by cheque) subject to the Guiding Principles?

Yes.

What happens if a charity doesn't comply with the *Statement*?

Charities will be required to include a record in their Annual Report regarding their application of the *Statement*. If it is the case that aspects of the *Statement* are not applicable this should be noted (on the basis of the 'comply or explain' guideline).

The Guiding Principles refer to "organisational independence"(on page 16), what is meant by this?

That the charity is careful to ensure that no one single large gift or donation exerts undue influence on the organisation.

The Monitoring Group will be responsible for regularly assessing application of the *Statement* by charities. Where non adherence is found, the Monitoring Group will take appropriate action.