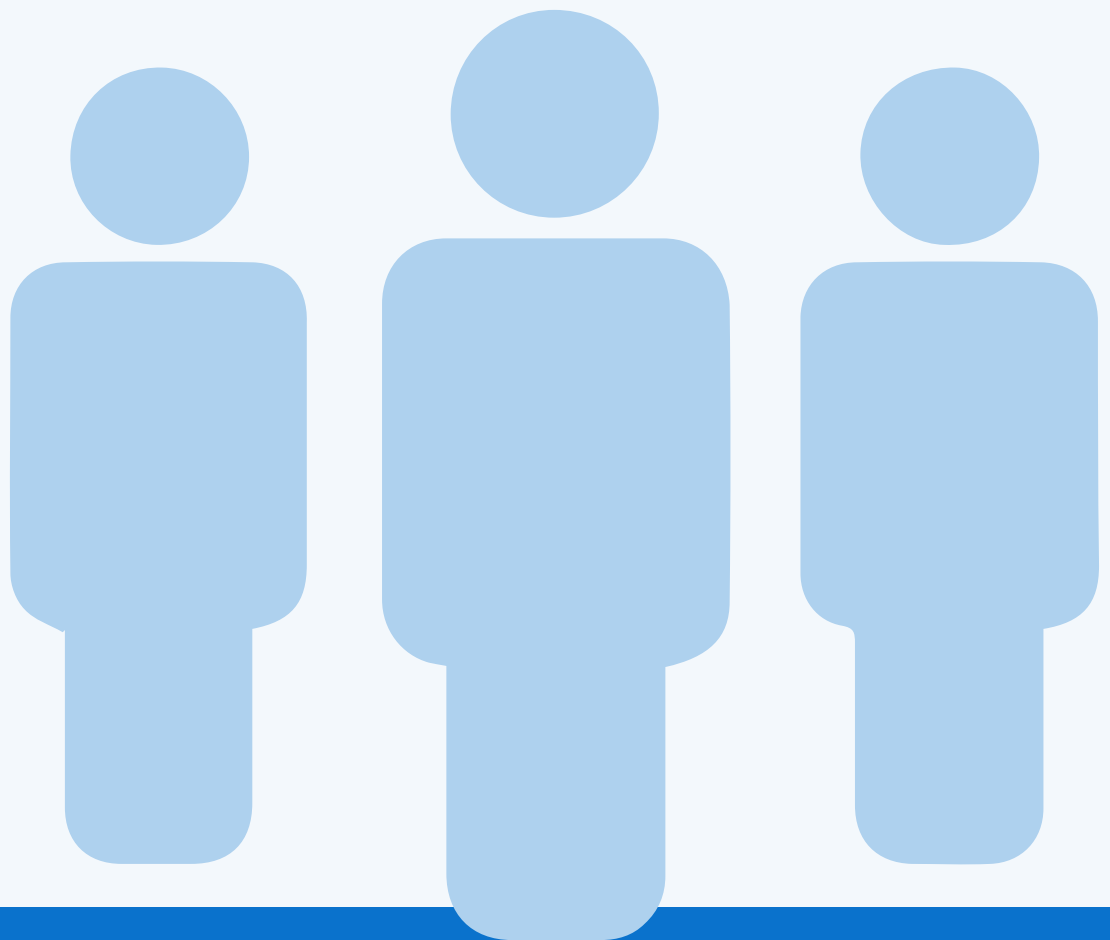




FUNDRAISING
REGULATOR

Monitoring your fundraising partners

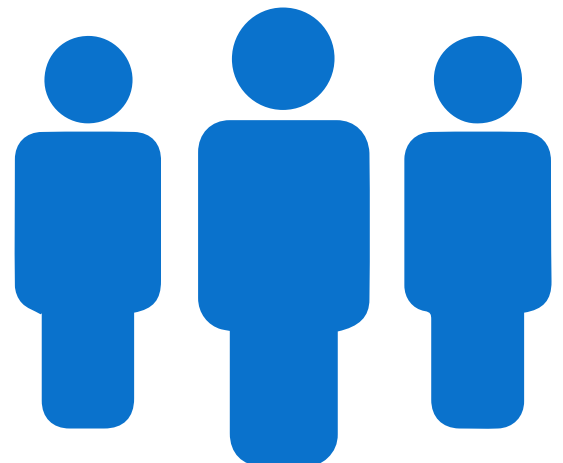
Code support guide



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Monitoring your fundraising partners

This code support guide is not legal advice. It is advisory, non-exhaustive and is aimed at fundraising charities and their trustees. It may also be of interest to third-party fundraisers, in-aid-of fundraising volunteers, others you work with 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.

Introduction

This guide relates to monitoring your fundraising partners. Fundraising partners are defined in the code as:

An organisation or person who has a formal agreement with a charitable institution to fundraise on its behalf. Fundraising partners may be “professional fundraisers” or “commercial participators”.

The term “fundraising partner” includes subcontractors of fundraising partners and people employed by a fundraising partner (or a subcontractor).

Embedding effective processes to monitor fundraising activity carried out on your behalf by fundraising partners helps you to find out if they are meeting the following:

- The requirements of the code.
- Their legal obligations and duties.
- Appropriate quality and safety standards.
- Your values and purposes.
- Your agreed expectations.

If you do not monitor your fundraising partners, you may not be compliant with the code and you may not be meeting your legal obligations to monitor where they apply.

A list of top tips for monitoring those you work with is also provided at the end of this guide to help you in your fundraising activity. You may also find it helpful to read some of our other publications together with this one, including: **Documenting your fundraising decisions**, **Due diligence and fundraising**, **Guidance for charitable institutions working with professional fundraisers**, and **Guidance for charitable institutions working with commercial participators**.

See more

in the code at 6.1.1, 6.2
and 6.3

Shared values

Before entering into an agreement with a fundraising partner you should assure yourself they are appropriate to work with by giving consideration to a range of factors, including their:

- values
- objectives
- performance indicators and incentives
- policies
- ways of working
- standards and quality assurance.

If the values, policies, activities and behaviour of a potential or actual fundraising partner compromises yours, it could introduce increased risks of working together. It could also damage the reputation of your institution and of charitable fundraising. See more in our guide to **Due diligence and fundraising**.

See more
in the code at 2.1.1

Risk management and monitoring

Certain circumstances may introduce greater risk to your fundraising activity, such as when:

- You have entered into an agreement with a new fundraising partner.
- The type of fundraising activity is new to you or to your fundraising partner.
- Your fundraising activity is complex or being delivered on a large scale.
- Your agreement with any fundraising partner involves sub-contracting arrangements, particularly when there is a long or complex fundraising supply chain (i.e., with multiple sub-contractors).
- You have concerns your fundraising partner is not delivering in accordance with your agreement.
- You have concerns about the reliability of your fundraising partner's governance systems, or internal or financial controls.
- You identify a pattern of adverse feedback, concerns or complaints relating to the fundraising activity being delivered by a fundraising partner on your behalf.
- You have identified that your fundraising partner is not or may not meet the requirements of the code.
- Your charity works in, and with organisations in, non-UK jurisdictions.

This list is not exhaustive. Where you have assessed the risk is higher, you should carry out more frequent and thorough monitoring. Also see our guide to [Due diligence and fundraising](#) and [Documenting your fundraising decisions](#).

See more:

In England and Wales:
[Charities and risk management](#) and [Charities: how to manage risks when working internationally](#) from the Charity Commission for England and Wales

[Guidance - Charity fundraising: a guide to trustee duties](#) from the Charity Commission for England and Wales

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

See more
in the code at section 6

Agreement between you and your fundraising partner

In the agreement you make with your fundraising partner, you should be clear how you will manage their performance. You should also be clear how any sub-contractors (throughout your fundraising supply chain) will be managed and monitored.

Failing to monitor your fundraising partners could mean you do not know whether they are meeting the code, where it applies. Where there has been a breach of the code, your monitoring activity will help you to understand what has gone wrong and quickly correct the situation. If you do not monitor your fundraising partners, you may not be compliant with the code.

You should designate a named person from your charitable institution who will have lead responsibility for monitoring your fundraising partner and that the requirements of the code and the law are being met.

In addition to all other relevant requirements in the code, you should be clear about the following in any agreement you make with a fundraising partner:

- The fundraising activity they will carry out for you, including the methods to be used.
- Key milestones and performance indicators you expect to be met.
- Whether sub-contracting is permitted and the requirements and obligations of sub-contractors.
- How you will monitor the work of your fundraising partner and any sub-contractors.
- The grounds for termination and suspension of the agreement.

Where your fundraising partner is a professional fundraiser or a commercial participator, the agreement you make must include the following:

- Any voluntary regulatory fundraising scheme or standard that the professional fundraiser or commercial participator has agreed to maintain.
- How that organisation will protect the public from unreasonable intrusion on a person's privacy, unreasonably persistent approaches or undue pressure to donate.
- How you will monitor the professional fundraiser or commercial participator to make sure it is keeping to your agreement, as set out in **section 59 of the Charities Act 1992 as amended**.

See more
in the code at 6.3

Approaches to monitoring

You can carry out your monitoring activity in many ways and you may decide to use a mix of methods appropriate to your fundraising activity. You should decide how you will carry out monitoring, including how often, based on an assessment of the risk posed by your fundraising activity. Your approach may vary throughout your agreement in proportion to the scale and nature of your fundraising activity and the risks you have identified.

You must always follow data protection legislation and guidance in carrying out your monitoring activity, and any other legislation and regulation that applies.

You should make sure the appropriate knowledge, skills and experience is available to carry out your chosen monitoring activity correctly, fairly and legally. Your monitoring methods could include some of the following, for example:

- call monitoring/listening
- mystery shopping
- site visits
- shadowing fundraisers
- periodic written reports
- data sharing
- internal and external complaints logs
- incident logs (such as, health and safety or safeguarding concerns)
- donor feedback
- staff feedback
- media and social media monitoring.

If your fundraising partner is a professional fundraiser or commercial participator, when asked they must allow you to inspect their books, documents and records relating to your charitable institution.

See more in our guide to **Documenting your fundraising decisions**.

See more:

Compliance toolkit: protecting charities from harm (Chapter 2: Due diligence, monitoring and verifying the end use of charitable fund)

September 2016 from the Charity Commission for England and Wales

Successful partnerships for sustainable fundraising: a practical guide for charities working with agencies

August 2016 from the Chartered Institute of Fundraising

See more
in the code at 6.2.3
and 6.3.2

Training your fundraising partners

Agree upfront how you will be involved in any training that your fundraising partners deliver to those who support or carry out fundraising on your behalf. This could include, for example:

- authorising their training content and materials
- periodically observing their training as it is being delivered; or
- delivering the training yourself.

These approaches can help you to assure yourself that the training your fundraising partners deliver, as part of your agreement with them, is relevant, appropriate and of the quality you expect.

If any of your fundraising partners carry out face-to-face fundraising, see more in our **Market inquiry report: subcontracting in face-to-face fundraising**.

See more
in the code at 2.3.1,
2.3.2 and 2.3.3

Concerns and complaints

You and your fundraising partner should have a clear policy in place for **raising concerns and handling complaints** in accordance with the code that includes:

- Available channels for providing and responding to feedback.
- A procedure for raising concerns and making and investigating complaints that is proportionate, timely and fair.
- Reasonable time frames for acknowledging and responding to concerns and complaints.
- Procedures for members of staff and volunteers to report any concerns they have about their organisation's fundraising practice, in the public interest (known as whistleblowing).
- Efficient procedures for transferring information between your charitable institution and partner organisation relating to feedback, concerns and complaints.

Information about your complaints policy and those of your fundraising partners should be accessible and publicly available, for example on your respective websites.

See more:

Complaints handling guidance for charities and third-party fundraising organisations 22

August 2018 from the Fundraising Regulator

Cause for complaint? How charities manage complaints about their services 2006 the Charity Commission for England and Wales

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 monitoring fundraising partners

1. Before entering into an agreement with a fundraising partner you should assure yourself they are appropriate to work with.
2. Ensure you, your fundraising partners and any sub-contractors have effective monitoring processes in place.
3. Carry out more frequent and thorough monitoring when the risk is higher.
4. You should be clear with your fundraising partner how you will manage their performance during your agreement and how any sub-contractors will be managed and monitored.
5. Designate a named person to have lead responsibility for monitoring your fundraising partner to ensure the requirements of the law and the code are being met.
6. Ensure your fundraising partner agreement includes any mandatory elements and is clear and comprehensive for your purposes.
7. Decide how you will carry out monitoring based on an assessment of the risk posed by your agreement and fundraising activity.
8. Make sure you have the appropriate knowledge, skills and experience to carry out your chosen monitoring activity correctly, fairly and legally.
9. Agree upfront how you will be involved in the training your fundraising partners deliver to those who support or carry out fundraising on your behalf.
10. Regularly review and learn the lessons from any feedback, concerns and complaints received by you, your partner and sub-contractors to improve your fundraising activity, in accordance with the code.