

More

How the Fundraising Preference Service will actually work: a briefing following the Regulator's final decision on the service.

Context

1. On 1st December 2016, the Fundraising Regulator for England and Wales announced the final decision of its board in respect of the Fundraising Preference Service (FPS). The decision substantially changes the way in which FPS was proposed to work, and removes one entire section from the recommendation of its own FPS Working Group.

How it will now work

2. There will be no blanket option to opt-out of fundraising communications from all charities as previously proposed. (This was sometimes called the “big Red Button”.)
3. Instead, if someone doesn't want to hear from a charity, they will register on the FPS and name the specific charity. The Fundraising Regulator will then inform the charity.
4. The charity will then have to stop any form of fundraising and any other direct marketing communication with that person.
5. This notification will have the same effect as if the person had contacted the charity or charities directly to ask for no further direct marketing contact. It will have the same effect as serving a notice to prevent processing for Direct Marketing purposes under the Data Protection Act. The Regulator and the Information Commissioner's Office will be entitled to regard this request as one which has statutory force.
6. It will cover all Direct Marketing communications (i.e. any personally addressed communication designed to promote the organisation), not just fundraising ones.
7. A person will be able to register with the FPS in respect of any charity based in England and Wales irrespective of whether or not it is liable for, or has or has not paid, the Fundraising Regulator's levy.
8. FPS will not apply to charities based in Scotland. Northern Ireland has yet to decide if it wishes to adopt FPS. Thus any supporter of an English charity can register on FPS regardless of their own domicile, whereas a London based supporter of a Scottish charity will not be able to use FPS to suppress communication from charities in Scotland.
9. It will be largely a web based system with telephone backup for those unable to use internet technology.
10. The Regulator's decision makes no mention of a time limit during which this suppression will apply.

The good news

11. The significant risk of some of the unintended consequences of FPS registration is removed. In particular, the risk that registration would stop desired communication from charities a supporter wishes to stay in touch with.
12. There will be no need to screen lists on a regular basis – instead the charity will be informed by the Regulator that it should no longer contact a person.
13. This mode of FPS will be substantially cheaper to operate since no screening facility will be needed. This means that the Regulator hopes to operate FPS within the bounds of its main budget without having to charge separately for FPS (although perhaps with an increased levy and a charge for non-levy-payers).

The less good news

14. Under the original proposal, non-fundraising communication from a charity whose supporter had registered on FPS would still be permissible. The final system is very clear that it is intended to stop all personally addressed communication which promote the named organisation or its services. This appears to include campaigning, invitations to events and performances whether paid for or not, and in principle includes anything that the charity offers, including, for example care services for someone in need of those services.
15. Charities below the levy limit, or those who choose not to engage with the Regulator, will still be required to cease processing for Direct Marketing purposes when they receive notification that someone has joined FPS and has named that charity.

The uncertain news

16. It is not clear how the Regulator will ensure that one charity is differentiated from another in the sign-up process (e.g. there are eight registered charities called St John's College and more than sixty with the phrase "Breast Cancer" in their names).
17. It is not yet clear whether there will be a fixed period for an FPS registration or whether it will last until someone cancels it or dies. Nor is there clarity yet over how someone might withdraw their registration, and whether they will be prompted by the Regulator at any point to do so.

What should you do?

18. Fundamentally, any charity should treat its donors and other supporters in such a way that those supporters are never tempted to name that charity if they choose to sign up to FPS.
19. More specifically, charities should:
 - Allow supporters as much control as possible over the nature and mode of communications they receive;
 - Provide clear and easy to use channels of communication for changes to the detail and mode of contact information, addresses etc. as well for complaints;
 - Treat changes and any complaints respectfully and promptly;
 - Encourage their supporters to view the FPS as a last resort if requests to the charity itself have failed to produce the desired action, or if the number of individual charities which are contacting the person is overwhelming.

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