

## What's new in fundraising?

**Charity fundraising is far from simple, with recent high-profile cases raising the prospect for charity leaders of needing or wanting to refuse donations from certain sources.**

**Rachael Southern** reports on the issues raised by recent developments at the Fundraising Regulator and the Charity Commission.



**Rachael Southern**  
Solicitor

T: 020 7551 7894  
r.southern@bateswells.co.uk

Rachael advises charities, non-profits and social enterprises on a wide range of legal and commercial issues. As a former secondary school teacher, she has a particular interest in working on safeguarding issues and advising charities working with children and young people.

### Revised Code of Fundraising Practice in effect from October 2019

As we reported in our Summer 2019 Update, the Fundraising Regulator's revised Code of Fundraising Practice is due to come into force in October 2019. The revised code is the result of a 'plain English' review by the regulator to make the code more accessible.

It should not be necessary for your charity to make any significant changes to its policies and procedures as a result of the revised code taking effect, because the regulator has been clear that the updates are aimed at aiding clarity rather than making substantive changes to the standards. However, the code looks rather different so you should take time to familiarise yourself with the new layout. You may need to tweak your policies, procedures and training materials to update the provisions of the code to which they cross refer. The regulator has published guidance on 'Mapping the new Code' on its website to help you work out where you can find specific standards in the new code.

Updating the code was a huge undertaking and it is understandably possible that there may be teething problems. If you spot any instances where the new code appears to conflict with the previous version, the Institute of Fundraising is collecting examples that it intends to share with the regulator. If the provision is relevant to your organisation's fundraising activities, we recommend contacting the Fundraising Regulator directly.

#### FIND OUT MORE

The Fundraising Regulator's guidance on 'Mapping the new Code' is available at: <https://www.fundraisingregulator.org.uk/node/23587>

Our briefing on the new Code is at: <https://bateswells.co.uk/2019/06/reviced-code-of-fundraising-practice/>

### Upcoming Charity Commission toolkit on returning and refusing donations

In the wake of stories such as The Presidents Club Charitable Trust dinner and the negative publicity surrounding the Sackler Trust, the question of when it is appropriate for charities to refuse or return donations has been a hot topic for the sector.

In June 2019, the Charity Commission published a blog titled 'Thanks but no thanks: when should charities refuse donations?' in which it stated that it wants to empower trustees to make decisions in their charities' best interests when they are confronted with the question of whether to refuse or return a donation.

The commission announced that it is working on additional support for trustees when considering these issues. The commission says that it is open to whether this should be in the form of a practical checklist, guidance or a legal policy document. It has asked charities to send their thoughts on what they would find most helpful to [guidanceandpractice@charitycommission.gov.uk](mailto:guidanceandpractice@charitycommission.gov.uk).

We are also putting together some suggestions to send to the commission. If you have any thoughts you'd like to share with us, please contact Christine Rigby at [c.rigby@bateswells.co.uk](mailto:c.rigby@bateswells.co.uk).

#### FIND OUT MORE

The Charity Commission's blog is at <https://charitycommission.blog.gov.uk/2019/06/06/thanks-but-no-thanks-when-should-charities-refuse-donations/>

Our Charities Legacies team blogged for Civil Society on how this issue relates to legacies here: <https://www.civilsociety.co.uk/voices/when-to-look-a-gift-horse-in-the-mouth-legacies-and-ethical-and-reputational-risks.html>