Fundraising Guidance for charity trustees:
Consultation evaluation report

January 2018

Fundraising Guidance for charity trustees:
Consultation evaluation report

1.   Introduction

This report summarises feedback received in response to the consultation on our draft fundraising guidance.

The draft guidance was published on our website and followed a similar format to other recent guidance, including **Guidance and Good Practice for Charity Trustees** and **Meeting the Charity Test**.

The key features include:

- It is web based, providing a flexible, up to date format where different sections can be easily located and accessed.
- It is written in clear non-technical language.
- It provides comprehensive links to sources of information and guidance.

The draft guidance sets out the rules that charity trustees must follow when their charity carries out fundraising activities, as well as the statutory and non-statutory regulatory systems in the UK and how these work together.

The fundraising guidance was published alongside the Technical Guide: Charities and Benevolent Fundraising (Scotland) Regulations 2009 which describes the specific rules set out in these regulations.

2.   Consultation

The 13 week consultation period ran from 7 September to 8 December 2017. Respondents were invited to complete an online survey to provide feedback on the usability of the guidance, or complete a response form which contained sections on usability and content. The consultation questions can be found at **Annex A**.
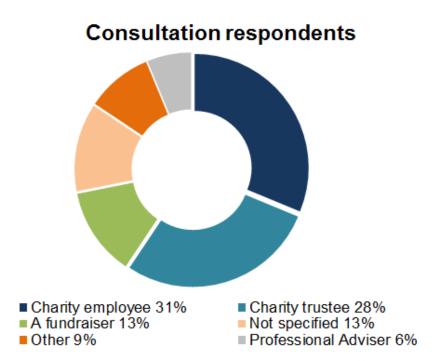
During the consultation period, the main landing page for the draft guidance received 860 views with 1,930 views for the online guidance overall. The pdf of the guidance was downloaded 210 times. In addition to this the technical guide received 360 online views and the pdf was downloaded 45 times.

We would like to thank everyone who viewed the guidance and responded to the consultation.
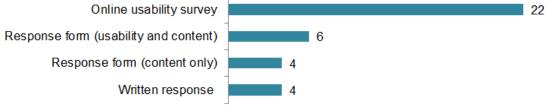
3. Respondents

There were 32 respondents to the consultation. Feedback from those directly involved in running a charity made up the majority of responses, with 31% responding as charity employees and 28% as charity trustees.

Consultation respondents

- Charity employee 31%
- A fundraiser 13%
- Other 9%
- Charity trustee 28%
- Not specified 13%
- Professional Adviser 6%

The format of the responses provided is shown below. Most feedback was provided by completion of the online usability survey. We received six responses which completed both the usability and content sections of the response form, and four responses which provided the response form for content only and had completed the usability section online using the survey. We also received four written responses.

Format of responses

Format	Count
Online usability survey	22
Response form (usability and content)	6
Response form (content only)	4
Written response	4

4.   Analysis

Quantitative analysis of the consultation questions has been carried out alongside identification of key themes from the additional comments and written responses provided. Quotes have been used to provide examples and highlight the details of respondents' views and opinions.
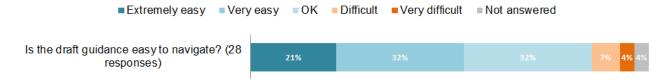
Where quantitative responses have been combined, the combined figure may not equal the sum of the individual percentages due to rounding.

5.   Findings

A.   Usability questions

A.1   Ease of navigation

The majority of respondents (54%) felt that the draft guidance was either extremely easy or very easy to navigate, while a further 32% reported that navigation was OK.
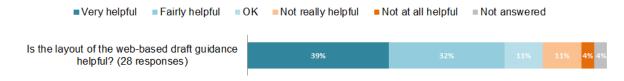

Comments received in response to usability generally appreciated the efforts that had been made to make the guidance as clear as possible.

One respondent mentioned that although the guidance was fairly easy to understand, there was a lot of information and of cross-referencing which made it difficult to absorb and to remember where they were in the process.

A.2   Layout

Positive feedback was also received in response the layout of the draft, with 39% saying it was very helpful and a further 32% saying it was fairly helpful. A very small number of respondents (14%) reported the layout as not really helpful or not at all helpful.
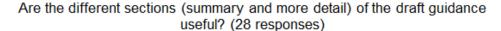

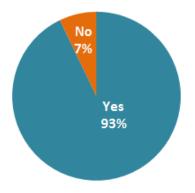The consistency with the format of other OSCR guidance was appreciated:

'The web-based version of the guidance follows the same format as existing guidance on the OSCR website which immediately feels familiar to the user, and consistency with such matters is always a good approach to adopt. The use of purple links to the glossary is helpful, particularly to those new to the topic. The content is generally quite easy to understand; there are points where the language used is potentially too simplistic.' Turcan Connell

A.3 Structure

The draft guidance was structured with different sections showing summary information which could be expanded to show more detail. When asked if this approach to the structure of the guidance was useful, 93% agreed that it was.

Are the different sections (summary and more detail) of the draft guidance useful? (28 responses)

No 7%

Yes 93%

Most respondents' comments reflected this:

'Yes as it breaks it down into manageable sections' Charity employee

'It gives a good overview of what is included which helps people find the bit they need more quickly.' Charity employee

However one of the respondents felt that the content in these sections was not as well suited to this structure:

'We are not convinced that taking that approach (summary section, and then section giving more detail) is helpful in this particular context. As a general point, our view is that there is insufficient detail in each of the detailed sections (see our comments under B below), and the summary sections are therefore even more scanty as regards practical guidance (as distinct from signposting or very high-level statements).' Charity Law sub-committee, Law Society of Scotland

The number of links to external sites included in detailed sections also caused some concern:
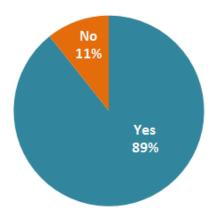
'The summary within the Introduction is confusing because the links listed within the summary to the different sorts of fundraising take you to the Fundraising Regulator Code of Practice site without any warning. It is valid that the links are given but they should be within the body of the guidance under the description of the relevant type of fundraising with a clear indication that you are going to different site. Then later in the section entitled "Self regulation and OSCR's role" the different types of fundraising are listed with large coloured boxes under the Code of Fundraising Practice heading, without any link to the relevant code of practice which would have been the obvious place to put the link rather than in the Introduction.' Catriona Reynolds, Arts and Business Scotland

'While we appreciate the benefit to the use of links generally, many of the links in the guidance take the user to the Code of Fundraising Practice ("the Code"). Rather than pepper the guidance with many links, it may be better to include a paragraph about the Code and endorse its contents to simplify the guidance.'

A.4   Links

The majority of the respondents found the purple links to the explanation of terms useful.

Are the purple links to the explanation of terms helpful? (28 responses)

Some felt that there were too many links, and others reported concern about the way the links would be used by readers, saying they could be a distraction from following the content. Others appreciated the need to provide a comprehensive view of the number of linked sources of guidance in order to provide a full picture of charity trustees' obligations for properly managing fundraising activities.
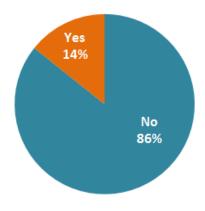
'Yes, as it enables the reader to get more information if they choose, whilst if they only need some basic information it is readily available' Charity employee

A.5   Explanation of terms

Only 4 respondents who completed the usability questions reported additional terms that they would like to have explained in the guidance.

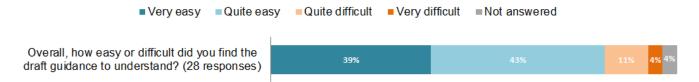**Can you think of any terms that need explanation? (28 responses)**

Suggested terms for further explanation included:

- Third parties
- Public place
- Benevolent and philanthropic purposes
- Benevolent fundraiser
- Professional fundraiser
- Commercial participator

A.6   Overall understanding

Most respondents reported that they found the draft guidance easy to understand with 39% saying it was very easy and 43% saying it was quite easy.

■ Very easy   ■ Quite easy   ■ Quite difficult   ■ Very difficult   ■ Not answered

| Overall, how easy or difficult did you find the draft guidance to understand? (28 responses) | 39% | 43% | 11% | 4% | 4% |

A number of comments reflected positively on the approach taken to ensure that the guidance was easy to understand:

> 'We appreciate the efforts made to ensure that this guidance is as clear as possible, easy for a range of audiences to use and works well as online guidance. This will hopefully encourage a more flexible and familiar approach.' Institute of Fundraising

A.7   Other comments

Some of the feedback highlighted differences in opinion about how complex the guidance might appear for different segments of the intended audience. Some felt that the guidance could be challenging or too complex for charity trustees:

> 'As a charity employee I find the guidance fairly easy to understand but I think it might prove more challenging for a trustee without fundraising and/or legal experience.' Crispin Longden, CrossReach

While others felt that the draft guidance was not sufficiently comprehensive and that it oversimplified the topic.

> 'This overlaps with our comments on content (section B below), but as a general point the look and feel of the guidance is consistent with trying to achieve something that gives charity trustees an easy-read overview of the regulatory framework and the various bodies who are relevant as regulators or sources of further guidance – but it is not appropriate for professional fundraisers or for advisers (who are mentioned in the introductory section as being part of the audience for this guidance). Charity Law sub-committee, Law Society of Scotland

Respondents also stated that the degree of signposting could deter charity trustees from fully engaging with the topic.

> 'Signposting to more detailed sources of advice is fine in principle – but at the end of the day, what then emerges is an intimidating list of bodies; it is probably unrealistic to expect a charity trustee trying to get an overall picture of what the key requirements (and key risks) are, to have to trawl through that number of websites.' Charity Law sub-committee, Law Society of Scotland

Some respondents also felt that the technical guide and the fundraising guidance should be combined:

> 'The draft guidance was issued along with a technical guide to the 2009 Regulations. The guidance introduces a few topics then refers to the technical guide for more details. We would suggest that instead of splitting the guidance over the two documents, the user is referred in the guidance to the technical guide at the outset and duplication should be prevented.' Turcan Connell

B. Content questions

B.1   Language

All ten responses to the content questionnaire agreed that the language in the draft guidance was easy to understand, and many of the comments supported this:

'Yes, it is approachable. Not too jargon-heavy and short sentences.' Crispin Longden, CrossReach

'Yes – We are satisfied that the tone and language used in the Guidance is clear and will be understood by most of the target audience of charity trustees and fundraising staff. We particularly welcome the use of graphics and charts to illustrate a number of points, including some more complex processes.' ENABLE Scotland

The glossary was welcomed and a number of respondents mentioned how helpful it was:
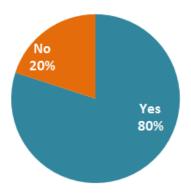
'Yes, we find the language accessible to all especially given that many terms are explained within the glossary.' Scottish Fundraising Standards Panel

One or two specific technical points were also made in relation to the use of language in the draft guidance and there was one suggestion that it would help if the glossary could be attached to the guidance.

B.2   Coverage

When asked if the different sections of the draft guidance covered all of the areas that they expected it to cover, 80% said it did.

Do the different sections of the draft guidance cover all of the areas that you would expect? (10 responses)
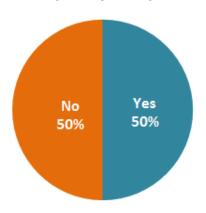
A large number of additional areas were suggested, these included – complaints procedures; fundraising policies; ethical policies; more of the detail around rules relating to lotteries and other types of fundraising; local authority regulation of public collections; national collections; the role of volunteer fundraisers (and volunteer fundraisers under the age of 16) and the remuneration of fundraisers.

B.3   Clarity

From the responses to the content questions, opinion was split as to whether there were sections of the draft guidance could be clearer.

Are there any sections of the draft guidance that you think could be clearer? (10 responses)

Further clarity was requested on the nature of relationships with an exempt promoter and the considerations of becoming an exempt promoter. Local authority regulation was also mentioned, as was the extent of personal liability for trustees when working with professional fundraisers.

The balance between good governance and oversight of staff and activities, and the unnecessary involvement in operational detail was also suggested.

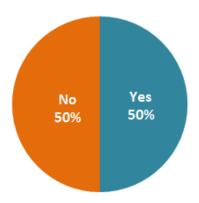A helpful comment was made requesting additional background to set out the basis for the requirements:

> 'I think the explanation of the regulation context could be clearer. The basics of how and why the requirements of the law and fundraising code of practice exist separately but must work together in practice could be helpful. The table on page 6 is useful.' Holly Bryon-Staples, Perth and Kinross Association of Voluntary Services

B.4   Detail

Half of the respondents felt that there were sections of the guidance that should have more detail.

Are there any sections of the draft guidance that you think should have more detail? (10 responses)

No 50%

Yes 50%

The suggestions provided were similar to those made in response to the questions above on coverage and clarity. References were again made to the degree of signposting, stating that it would be helpful to extend the content within the body of the guidance and not refer readers elsewhere.

Specific topics proposed included - further detail on the other laws that apply; complaints procedures; fundraising agreements (a template was specifically requested) and working on project appeals.

Suggestions were made to add references to specific advice on telephone/direct marketing, and also to include references to the National Council for Voluntary Organisations (NCVO) and the Northern Ireland Council for Voluntary Organisations (NICVA).

The importance of setting the context of the guidance was also stressed:

> 'When working with Trustees on complicated areas of compliance like this, I like to explain a bit of context around why it's so important that they manage it well. This is a lot of information and regulation for small charities and very often they can assume that it doesn't apply to them. Spelling out that it is all based on public trust in the 'charity label' and that as soon as that's tarnished by one charity, the whole sector experiences a negative impact, can be helpful in giving them a basis as to why they need to consider these things that in practice can be quite a burden. It means they're able to see it through the lens of 'joe-public' and are often more open to taking such information on board. It might be useful to include some info along the lines of the Charities, Public Trust and Regulation 2016 graphic that was published last year.' Holly Bryon-Staples, Perth and Kinross Association of Voluntary Services

B.5   Case study examples

Respondents agreed that working examples would be beneficial. Requests were made to keep them simple and to consider examples of poor practice as well as good practice.

Specific topics suggested included the governance of fundraising - acting with due care and diligence; managing conflicts of interest and risk management. Examples of dealing with complaints and exempt promoter case studies were also mentioned. A number of the responses also requested sample fundraising agreements.

EQIA

Overall, the responses did not identify any impact of the guidance on the protected characteristics groups. One response suggested that to avoid any negative impact they would encourage the production of an easy ready version of the guidance to be made available at the same time as the final draft.

6.   Key themes

In addition to the specific responses to the consultation questions, a number of overarching themes were identified which will help to inform changes to the draft guidance.

- **Navigation** – there was a strong feeling that the number of links and the extent of cross referencing within the draft guidance was impacting on the ease of navigation. Some felt that the number of bodies readers were signposted to could be intimidating. Others felt that it was unclear when links would take users to external sites and that back navigation was not always easy or consistent.

- **Oversimplification** – a number of the comments suggested that despite its ease of use, the cost of simplification was that the guidance did not provide a complete and accurate picture of the range of legal requirements that apply to fundraising activities. There was some concern that the 'Who regulates fundraising?' diagram did not reflect the full landscape of fundraising regulation, particularly in relation to cross border fundraising and references to self-regulation. It was felt that the draft guidance may be better presented as an introduction to fundraising, or as a reference document.

- **Intended audience** – related to the comments on oversimplification was the feeling that there should be greater clarity over the intended audience. At present the draft states that the guidance is for charity trustees, anyone who fundraises for Scottish charities in a professional capacity and those advising charity trustees. Some respondents felt that the level of detail contained within the

guidance was not sufficient for professional fundraisers or advisers and it should be aimed at charity trustees (and staff). On balance others felt that it should be aimed at anyone with a fundraising role.

- **Tone** – comments suggested emphasising the positive benefits that fundraising can bring in raising awareness and explaining the context of fundraising regulation in terms of public trust. A number of the responses felt that the introduction could contain more upfront information on what is covered and why.

7.   Changes

A number of specific technical points were made by respondents. These have been carefully considered and the final draft will be updated to reflect these as appropriate.

Overall, the consultation responses have informed our thinking. The main changes made as a result of comments received have been summarised below.

Changes made	
1	Change title and introduction to reflect that the main audience are charity trustees.
2	Clarify the scope of the guidance: understanding charity trustee duties in a fundraising context.
3	Clarify OSCR's remit: what we can and can't cover in the guidance.
4	Clarify the non-statutory nature of fundraising regulation and the different organisations involved.
5	Add a definition and examples of 'Benevolent Fundraiser' in section 4.
6	Add a contents list.
7	Clarify the meaning of door to door collections.
8	Change the links navigation and differentiate between OSCR links and external links.

Annex A

Section	Questions	Response options
A. Usability questions (included in the online usability survey and in the response form)	1. Is the draft guidance easy to navigate?	Extremely easy/Very easy/OK/Difficult/ Very difficult
	2. Is the layout of the web-based draft guidance helpful?	Very helpful/Fairly helpful/ OK/Not really helpful/Not at all helpful
	3. Are the different sections (summary and more detail) of the draft guidance useful?	Yes/No/Comments
	4. Are the purple links to the explanation of terms helpful?	Yes/No/Comments
	5. Can you think of any terms that need explanation?	Yes/No/Comments
	6. Overall, how easy or difficult did you find the draft guidance to understand?	Very easy/Quite easy/ Quite difficult/Very difficult/Don't know
	7. Any other comments you wish to make about the overall look and feel of the guidance?	
B. Content questionnaire (included in the response form)	1. Is the language used in the guidance easy to understand?	Yes/No/Comments
	2. Do the different sections of the draft guidance cover all of the areas that you would expect? Please explain if you think there are other areas the guidance should cover.	Yes/No/Comments
	3. Are there any sections of the draft guidance that you think could be clearer?	Yes/No/Comments
	4. Are there any sections of the draft guidance that you think should have more detail?	Yes/No/Comments
	5. We will include case studies and examples in the final	Yes/No/Comments

	guidance. What areas of the charity trustee duties do you think it would be helpful to have examples on?	
Equality Impact Assessment	6. Do you think the draft Guidance will have an impact (positive or negative) on any of the protected characteristic groups listed? If so, how?	- Age - Disability - Gender reassignment - Marriage and civil partnership - Pregnancy and maternity - Race - Religion or belief - Sex - Sexual orientation