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**From:**  
**Sent:** 19 August 2011 14:25  
**To:**  
**Subject:** FW: Gift Fundraising in Dudley

Hi

Please see email below.

Thanks

-----Original Message-----

**From:** [ ]  
**Sent:** 19 August 2011 14:21  
**To:** Donna Baxter  
**Subject:** RE: Gift Fundraising in Dudley

Dear Donna,

I'm the head of policy at the PFRA. I guess from your reference to material Mick has provided in the past in one of the emails below that you are aware of us. One of our members, Gift, has forwarded us this email stream.

We would be very interested in what the committee is considering, exactly? Are you able to provide any more information? Would it be possible for us to see the report? Would it be helpful if we provided any information about face-to-face fundraising?

If we haven't been in touch for a few years, you may be interested in the attached legal opinion that we received from Nigel Owens QC earlier this year. It is far more up to date than previous opinions we have had and, as you will see, unambiguously concludes that the solicitation of Direct Debits does not and cannot fall within the regulatory regime of the Police, Factories etc (Miscellaneous Provisions) Act 1916 or the subsequent 1974 regulations.

This, as I'm sure you are aware, is one of the reasons the PFRA was established – to regulate an activity that is not covered by any statutory regulation. This situation could change, as you have suggested below, but only if or when the remaining elements of the Charities Act 2006 are implemented (this Act is due to be reviewed in November this year). Face-to-face fundraising will not be effected by the new Charities Bill, which is a consolidation Bill, and brings together aspects of charity law, but will not include those parts of Acts that have not been implemented. Further, those parts of the 2006 Act that are consolidated in the Charities Bill will still be subject to the review.

I'm sure you can appreciate that we take a great interest in these matter, so any more information you can provide about the committee process, what it will be considering, when it is due to meet, etc etc, would be very greatly appreciated.

Finally, as I'm sure Mick offered when he was last in contact, we would be more than happy to help you regulate face-to-face fundraising in your area, just as we do with dozens of other local authorities throughout the UK, if this is something you think would be helpful.

With best wishes,

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**From:**  
**Sent:** 19 August 2011 09:30

19/08/2011

account and is secured by the Direct-Debit guarantee. Therefore fraud cannot take place during the sign-up and the donor does not require the protection of a licensed collection. It is also impossible for a face to face collection to honour the terms of the 1916 Act as it would not, for example, be able to provide information on the amount of money collected within each tin (this is required information as part of the returns form). With a direct debit collection obviously there are no tins and no money collected. I have enclosed a copy of our legal opinion on the matter, for your perusal. I would be grateful if you could send this to the council's head of Legal Services. We would also like request, as is our right under the Freedom of Information Act, to see any and all documents relating to any correspondence taken by Dudley Borough Council on the subject of licensing face to face fundraising under the 1916 Act.

The fact that the 1916 statute is not a consistently applicable piece of legislation is evidenced by the Government's repeal in favour of the 2006 Charities Act. The 06 Act has a distinct slant towards facilitation rather than prohibition on the part of local authorities. Indeed Section 60 of the Act makes it absolutely clear that the only grounds for declining permission to collect will be that the applicant is not a bona fide charity or good cause or that the intended frequency of collection events is more than once every 48 hours. The effect of the Act is to "oblige" councils to "facilitate" lawful fundraising in multiple locations, and multiple events per week on each location, within every district in England & Wales.

Gift is a member of the Public Fundraising Regulatory Association. The PFRA is an organisation set up by the member charities to regulate Face To Face activity. They have a strict code of conduct and its members generate pledges of over £200 million for good causes per year. The PFRA is recognised by the Home Office/Cabinet Office, Charity Commission, Institute of Licensing and Association of Town Centre Managers, all of whom occupy observer seats on its board of management. For more information please visit [www.pfra.org.uk](http://www.pfra.org.uk)

A large number of local authorities (including Nottingham, Leicester, Leeds and Manchester, to mention just a few), have entered into site access agreements with the PFRA. I have included some documents on the services the PFRA provide and how they balance the needs of the local authorities, members of the public and street traders etc with the rights of those charities wishing to raise money using face to face.

I am confident in my position having built numerous positive contacts with many local authorities whose initial stance was not dissimilar to your own. I hope to establish a positive working relationship with the council and look forward to hearing from you within the next two weeks. If you have any questions please do not hesitate to contact me on [redacted] or email me at [redacted]

Many Thanks,

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**From:**  
**Sent:** 18 August 2011 15:35  
**To:**  
**Subject:** RE: Gift Fundraising in Dudley

Thank you for your email dated 17th August 2011 regarding Direct Debit collections.

Street Collection Regulations state that a collection means a collection of money or a sale of articles for the benefit of charitable or other purposes. Where organisations or activities which, although not charitable by strict definition, are charitable or non profit making in character, a licence may be granted.

Direct Debit collectors are collecting on the street and appealing to members of the public to donate money for charitable purposes, whether that be by means of cash or by direct debit.

Therefore, any direct debit collections now requested for any area in the Dudley Borough will be required to complete a Street Collection application form and the matter referred to the Licensing and Safety Committee for approval. I have attached an application form for your perusal.

This of course may change with the introduction of the proposed Charities Bill 2011.

Kind Regards

-----Original Message-----

**From:**  
**Sent:** 17 August 2011 16:01  
**To:** Licensing LDS;  
**Cc:**  
**Subject:** RE: Gift Fundraising in Dudley

Hi

Thank you for this information. Can I please ask what you are licensing this under?

Regards,

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**From:** [redacted] **On Behalf Of** Licensing LDS  
**Sent:** 08 August 2011 11:39  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Gift Fundraising in Dudley

Hi

Thank you for your email below.

Unfortunatley, any requests for direct debit collections in Dudley now require the completion of a Street Collection Permit application form which then needs to be approved by the Licensing Committee.

I have attached an application form for completion.

I have checked the schedule and the 26th August has already been taken. Is there another date you would prefer and I can reserve this for you while we wait for your application.

Kind Regards



Public Fundraising *Regulatory* Association

# **PFRA Rule Book (Street F2F)**

Prepared by:  
PFRA standards and policy departments  
August 2011  
info@pfra.org.uk  
020 7401 8452

# 1. How to use the PFRA *Rule Book*

## 1.1 PFRA Rule Book and the IoF Code of Practice

The Institute of Fundraising's *Face-to-Face Activity Code of Fundraising Practice* details the required and recommended best practice for all fundraisers carrying out any type of F2F fundraising. It represents the benchmark against which the Fundraising Standards Board (FRSB) will adjudicate any complaint alleging a breach of the code.

However, many of the terms and concepts in the code – such as 'obstruction' or 'immediately terminating an engagement' – are left undefined.

The purpose of the Rule Book is therefore to provide PFRA interpretation of the terminology contained in the code and create new rules that are binding on PFRA members.

The *Rule Book* therefore should always be read in conjunction with the IoF code of practice: It does NOT replace the code and fundraisers will not be able to gain a full understanding of their responsibilities from reading the *Rule Book* alone. PFRA members must be fully cognisant with the underlying IoF code of practice.

While the *Rule Book* introduces new rules that go beyond the basic code of practice that are binding on PFRA members only – and breaches of which might attract PFRA-imposed sanctions – PFRA members must remember that the final arbiter of breaches of the code of practice is the Fundraising Standards Board (FRSB). So, while we have provided guidance on, for example, 'obstruction' for the purposes of PFRA member discipline, it is always possible that, should a complaint require FRSB adjudication, this adjudication might disagree with the PFRA guidance.

The *Rule Book* follows the same order as the IoF code. Section 3, provides guidance and the PFRA's interpretation of the code using the same section numbers and headings that appear in the code. This is so the code and the *Rule Book* can be read 'side by side', allowing readers to readily locate the related sections in both publications. Section 3 also lists, in code order, any new rules that the PFRA has introduced.

We have introduced three types of new rules.

First, there are those that arise directly out of our interpretation of relevant parts of the code. We have called these 'PFRA-interpreted Rules'.

Second, there are 'Additional Rules' rules. For ease of reference, these been aligned with numbered parts of the code. However, Additional Rues are not interpretations of the code but rules specific to and necessary for the effective running of the PFRA itself.

Finally, there are 'Admin Rules' – principally relating to PFRA's internal diary allocations systems and other logistical issues.

All our new rules are named using the following system: P4.1b, or X5.2a, whereby:

- P or X denotes whether this is a rule arising from the PFRA's interpretation of the Code (P) or an Additional Rule (X). Admin Rules are denoted AS1 etc (or AD1 in the equivalent Rule Book for Doorstep F2F).
- The number indicates the section of the IoF code to which the rule relates
- The suffix letter identifies the rule.

Throughout the *Rule Book*, PFRA adopts the same traffic light system adopted by the Institute of Fundraising in its codes of practice.

MUST denotes a requirement that is mandatory at law.

OUGHT denotes a requirement that is mandatory for PFRA members and their subcontractors.

SHOULD denotes a course of action that is recommended best practice.

## **1.2 Penalties and sanctions regime**

The PFRA rulebook will be enforced through a regime of penalties and sanctions, designed in order to encourage best practice and raise standards within face-to-face fundraising.

Providers will accrue penalty points as discretions occur, in accordance with the rules outlined within this document.

20 point penalty – for a discretion that is considered minor.

50 point penalty – for a discretion that is considered major.

100 point penalty – for a discretion that undermines a PFRA agreed SMA or causes severe public distress or anxiety.

In addition, penalty points will be multiplied for repeat offences. In any given period, every third repeat offence will incur a penalty which is twice the normal sum.

Penalty points will only be issued by the PFRA, in consultation, where applicable, with the following nominated persons:

- PFRA staff
- Mystery Shoppers Limited
- Local Authority partners, specifically signatories to PFRA agreed Site Management Agreements (SMAs).

Where the PFRA makes any finding of fact in relation to imposing a penalty or sanction, it will use the civil standard of proof (i.e. on a balance of probabilities, or "more probable than not that").

Each point accrued has an equivalent value of £1, though providers will only be issued with a monetary bill when and if their annual points total exceeds a 1000 point threshold.

Providers will be billed annually, with statements issued monthly. Once paid, a miscreant's points total will be deleted from the 'running total' for penalties i.e. will not be rolled over cumulatively (a historic record for PFRA purposes will be maintained). Should a provider accrue a yearly total that is less than the 1000 point threshold, their points total will be erased without any such payment being required.

### **1.3 Appeals Process**

Appeals will be heard by special sittings of the Standards and Practices Committee.

### **1.4 PFRA Rule Book and legal requirements**

Obviously, all members must comply with any legal requirements (including employment law), whether they are included in the IoF's *Face-to-face Activity Code of Fundraising Practice* or not.

This stipulation includes, but is not limited to:

- Requirement to make the specified solicitation statement (Charities Act 2006)
- Requirement not to collect cash without a licence to do so (Police, Factories Etc (Miscellaneous Provisions Act 1916)
- Fundraising on the doorstep without the necessary local authority licence or national exemption certificate (House-to-house Collection Act 1939)
- Appropriate care and protection of confidential data (various data protection acts).

As breaches of these legal requirements already carry legal sanction, there is no further PFRA sanction included in the *Rule Book*.

## 2. Glossary

### **Charity**

In this document 'charity' is used as shorthand for any registered charity, not-for-profit organisation, or other 'good cause' that requires fundraising.

### **Fundraiser**

By 'fundraiser' the PFRA means an individual who works to raise money or collect details of members of the public ('prospects') for a charity. The IoF code (s2.2) takes fundraiser to mean only people who solicit donations.

### **On duty**

Throughout this document, PFRA uses the phrase 'on duty'. We take this to mean any occasion in which a fundraiser is identifiable as working for/representing a charity, through wearing branded clothing, proclaiming they work for a charity or any other means that identifies them as a charity representative. Fundraisers can, therefore, be guilty of bringing their charity into disrepute outside of normal working hours, and at times when they are not actually working as a fundraiser, if they fulfil any criteria that identify them as charity representatives.

### **Prospecting**

'Prospecting' is an activity similar to fundraising but where only the contact details of members of the public are collected, for subsequent contact by the charity, rather than the bank details necessary to set up a direct debit mandate (or similar committed gift). Prospecting and prospectors are included where this document refers to fundraising or fundraisers.

### **Provider**

By 'provider' the PFRA means the organisation that provides the fundraising service. This includes professional fundraising organisations (PFOs) as well as charities that employ their own staff as fundraisers ('in-house' operations). Where the code refers to 'project managers', the PFRA takes this to refer to staff employed by providers.

### **Subcontractor**

A company undertaking work according to a secondary contract agreed with the main contractor.

### **Team Leader**

A 'team leader' is the senior member of a team of fundraisers. Team leaders might not always be actively fundraising.



## **User**

By 'user' the PFRA means the charity that is using a fundraising service. A charity that does its own fundraising 'in-house' is, therefore, both a 'user' and a 'provider'. Where the code refers to 'campaign managers', PFRA takes this to refer to staff employed by users.

# 3. Code interpretations and rules

## Pertaining to Section 4.0 Conduct of Fundraisers/Agents

### 4.1 Conduct of approaches

#### “Bringing into disrepute”

The PFRA understands “bringing into disrepute” to mean ‘conduct unbecoming’: i.e. conduct on the part of a fundraiser while on duty that is contrary to the interests of the public served by that person<sup>1</sup>, or that harms the standing of the fundraising profession or the commissioning charity in the eyes of the public. Examples include (but are not limited to):

- smoking and/or drinking alcohol in branded clothing
- being inappropriately dressed
- taking or being under the influence of illegal drugs
- lewd or aggressive behaviour
- exploiting their position for personal gain (for instance soliciting a job offer, propositioning someone for a ‘date’, or seeking a discount on a good or service).

#### **PFRA-INTERPRETED RULE P4.1a: Best Behaviour**

While on duty, fundraisers OUGHT not behave:

- in any way that might reasonably cause members of the public to be or become excessively startled or anxious
- in any way that might reasonably cause other passersby in the immediate vicinity to be or become excessively startled or anxious
- in any other way that a reasonable person might judge brings the charity they are representing into disrepute<sup>2</sup>.

#### **Sanction**

The penalty imposed for breach of this rule is 50 points.

#### “Deliberately”

The PFRA understands “deliberately” to mean considered, studied and intentional. This does not, therefore, refer to breaches of any given rule that are accidental, caused by inexperience (for instance a new trainee), or caused by the actions of others over which the fundraiser has no control (a street trader deliberately moving their stall towards the team thus reducing their operating space, for instance).

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<sup>1</sup> Used here in both the individual and the legal (corporate) sense.

<sup>2</sup> For the purposes of this rule the mere presence of a fundraiser or fundraisers in a location, operating in all other respects in accordance with the code and any other relevant regulations, cannot be construed as ‘bringing into disrepute’.

## **“Obstruct”**

“Obstruction” is a technical and legal term relating to an offence under the *Highways Act 1980* that causes the “permanent or temporary removal of the whole or part of the highway from public use”. As fundraisers are mobile, there is little chance that they would meet this definition and we do not infer this intended use in the code. However, the code is clear that fundraisers should not impede the motion or progress of pedestrians or passersby. PFRA therefore interprets ‘obstruction’ as any deliberate action that causes a person to:

- involuntarily stop
- suddenly change direction in order to get past the fundraiser and continue their journey.

Obstruction does not apply to people who choose to alter their direction of travel (by crossing the road, for instance) so as not to engage with a fundraiser.

## **Sanction**

The penalty imposed for “deliberate obstruction” (see para 4.1 [bullet 1] of the IoF Code) is 50 points.

## **“Prominent display”**

The PFRA takes this to mean that a member of the public should be able to identify:

- the charity – from a reasonable distance
- the fundraiser and their employer (if different from the charity) – on close inspection
- the team leader.

### **PFRA-INTERPRETED RULE P4.1b: Distance Visibility**

An ordinary member of the public should be able to clearly identify a person as a fundraiser working on behalf of a charity from a distance of 5 metres.

Charitable branding **OUGHT** to be visible and identifiable.

Branded clothing **OUGHT** not be tied around waists or covered by unbranded clothing or other property, or in any other way be obscured.

Branded clothing **OUGHT** to be clean and in good condition to facilitate legibility and brand integrity.

## **Sanction**

The penalty imposed for breach of this rule is 20 points per fundraiser.

### **PFRA-INTERPRETED RULE P4.1c: I.D. Visibility**

ID badges **MUST** comply with applicable law. A member of the public should be able to clearly verify the identity of a fundraiser, whom they are working for (the user and,

if applicable, provider) and contact details for the project and/or campaign manager(s), upon inspection of the fundraiser's ID.

In order to facilitate this, ID OUGHT to:

- be in the form of a badge secured about the upper front part of the fundraiser's trunk by clip, chain, or lanyard
- be of not less than credit-card size
- be signed or in some other way authorised (embossing seal etc) by the employing provider and/or commissioning user
- carry a contact phone number via which a member of the public can verify the *bona fides* of the fundraiser during normal office hours
- be robust enough to withstand normal wear and tear and exposure to the elements in the context of outdoor work in busy situations/circumstances

In addition, ID SHOULD conform to best practice guidance on producing print materials for visually impaired people.

### **Sanction**

The penalty imposed for breach of this rule is 20 points per fundraiser, per day.

### **PFRA-INTERPRETED RULE P4.1d: Team Leader Visibility**

So that they can ask a question or make a comment or complaint, a member of the public should be able to clearly identify the team leader in any given fundraising team. To this end the team leader OUGHT to wear a PFRA-approved form of additional visual identification at all times while on duty.

### **Sanction**

The penalty imposed for breach of this rule is 20 points.

## **Pertaining to Section 5.0 Planning a Face-to-Face Campaign**

### **Section 5.1 – General**

#### **“Reasonable and applicable”**

It is the position of the PFRA, backed by the legal opinion of Farrer and Co, that the *Police, Factories etc (Miscellaneous Provisions) Act 1916* (commonly referred to as “1916”), which currently<sup>3</sup> allows local authorities to license charitable collections of cash money, does not in any way or degree apply to F2F (solicitations of promises to pay, whether via direct debits or standing orders). Therefore, by definition, any attempted usage of 1916 by a local authority to substantially restrict or prohibit F2F cannot be reasonable, because it is inapplicable. Similarly, local byelaws regarding

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<sup>3</sup> As at 1<sup>st</sup> April 2011

alleged 'touting', and all street trading legislation, also do not apply, and any attempt to employ them is again – by definition – unreasonable.  
(See also section 6 of the Code for further detail on one's rights and obligations when seeking to access operating locations).

## **Section 5.2 Recruitment and Payment of Fundraisers**

### **The required accuracy of 'Contextualising Information' offered in connection with Solicitation ('Disclosure') Statements**

While the law clearly states that required information (such as the "notifiable amount") MUST be "as accurate as possible", it is technically silent on any additional contextualising information that fundraising organisations may choose to offer donors.

It is the view of the PFRA that if additional information is to be offered at the same time and in the same context as the legally-required information, it OUGHT to be of the same quality – that is, it should be as accurate as possible. Therefore, if users or providers wish to make reference to total net income, anticipated returns on investment, etc., they OUGHT to have regard to all the relevant factors of which a competent operator (and/or member of the PFRA) ought to be aware – such as, but not limited to, attrition, (ir-)recoverable VAT, lifetime value estimates, upgrades etc.

### **PFRA-INTERPRETED RULE P5.2a: Accuracy of Contextualising Information**

If additional information is to be offered at the same time and/or in the same context as the legally-required solicitation statement, it OUGHT to be of the same quality – i.e. as accurate as possible.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points.

### **Disclosures where they not legally required (Prospecting, etc)**

It is best practice to give members of the public sufficient information about relevant costs and returns to allow them to make an informed decision including the fundraiser's paid status. Prospecting and conventional F2F are largely indistinguishable to the casual observer, who, possibly having received a formal disclosure in another interaction, may well be wary or suspicious if they do not receive one.

A disclosure statement MUST be made for any form of prospecting that makes any kind of financial solicitation through any medium – such as, but not limited to, SMS, QR Code, credit cards and near field communication (NFC).

## **Additional PFRA rules aligning with section 5.2 of the IoF code**

### **ADDITIONAL RULE X5.2a: Poaching of Staff**

No agent or member of staff in whatever capacity of one PFRA member **SHOULD** solicit another member's agents/staff to enter the first member's employment, while those other agents/staff are on duty.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points per incident.

### **ADDITIONAL RULE X5.2b: Sub-Contractors**

All provider members that employ sub-contractors to deliver any part of their F2F contractual volumes via subcontractors' interaction with the public **SHOULD** to:

- provide the PFRA with the name and location of each and every such sub-contractor throughout the entire supply-chain, so that the PFRA can reliably confirm their status, and refer matters accordingly, in the event of quality comments or complaints
- include in their contractual arrangements a clear requirement for each and every such sub-contractor throughout the entire supply-chain to comply with the Institute of Fundraising's *Face-to-Face Activity Code of Fundraising Practice*, and any and all PFRA rules, in the same manner as if they were the lead member contracting them.

#### ***Sanction***

The penalty imposed for breach of this rule is 100 points.

## **Section 5.3.1 Basic Training**

### **PFRA-INTERPRETED RULE P5.3.1a: Immediate Termination**

If a person clearly and obviously indicates – by words or gestures – that they do not wish to be engaged by a fundraiser – either at the initial approach or during a conversation/engagement – the fundraiser **SHOULD** to desist from the engagement and make no further attempt to engage that person.

#### ***Sanction***

The penalty imposed for breach of this rule is 50 points.

## **Additional PFRA rules aligning with section 5.3.1 of the IoF code**

### **ADDITIONAL RULE X5.3.1a: The "Three-Step" Rule**

In initiating engagements with passersby fundraisers and agents **SHOULD** take no more than a maximum of three steps towards a member of the public to confirm their

attention and continue with an attempt at an engagement, and no more than three steps backwards where eye-contact has been made but the member of the public has not yet come to a halt, and no more than three steps alongside a member of the public where contact has been made and a negotiation to stop has been initiated.

In no case **SHOULD** any of these “three steps” involve fundraisers placing themselves directly in the path of a member of the public in such a way that they or any casual observer may reasonably construe ‘obstruction’, as set out on p8 of the *Rule Book*.

Similarly, a modest amount of arm-movement or ‘display’ of the clipboard is permissible so long as this never extends to (or appears to be) blocking the donor’s movement.

If the member of the public has not come to a halt within the total number of steps allowed for, the attempted engagement **SHOULD** be discontinued.

This rule does not proscribe (unless otherwise stated in a specific local Site Management Agreement) the practice of fundraisers ‘drifting’ about a location (where physical circumstances allow, such as in a large pedestrianised area) in order to situate themselves in the most advantageous spot *vis-à-vis* the ‘ebb-and-flow’ of passing footfall; however, once a prospective donor has been identified by the fundraiser they are expected to observe the “Three Step” Rule from that point in the engagement onwards, counting additional steps from that moment as if they had previously been stationary.

***Sanction***

The penalty imposed for breach of this rule is 50 points per offender per day.

**ADDITIONAL RULE X5.3.1b: Proximity to Cashpoints**

No fundraiser should work or locate themselves within 3 metres of a cashpoint machine.

***Sanction***

The penalty imposed for breach of this rule is 20 points per offender per day.

**ADDITIONAL RULE X5.3.1c: Committed Giving**

No fundraiser **SHOULD** to proactively suggest to any member of the public that the engagement they are attempting to initiate is ‘without commitment’. By definition all engagements covered by the code are ultimately ‘about long-term commitment’ and to suggest otherwise would be a contravention of the FRSB Fundraising Promise.

***Sanction***

The penalty imposed for breach of this rule is 50 points.

### **ADDITIONAL RULE X5.3.1d: Financial Ask Transparency**

No fundraiser **SHOULD** to suggest to any member of the public that the engagement they are attempting to initiate is “not about money”. Similarly they should not claim to not be fundraising and should clearly explain the next steps in the donor journey. By definition all engagements covered by the F2F Code are likely to be ultimately ‘about money’, and to suggest otherwise would be a contravention of the FRSB Fundraising Promise.

#### ***Sanction***

The penalty imposed for breach of this rule is 50 points per offender per day.

### **ADDITIONAL RULE X5.3.1e: Managing Vulnerability**

No fundraiser **SHOULD** knowingly sign up any person under 18 years of age, except with the express consent of a parent, guardian or carer physically present at the time. (The code of practice (s5.3.1) says fundraisers should employ “all best efforts” not to sign up anyone under 18. This PFRA rule therefore strengthens that prohibition.)

No agent or fundraiser **SHOULD** knowingly sign up any person at any time whom they ought to reasonably conclude is or may be incapable of informed consent for any reason (including but not exhaustively):

- intoxication through drugs or alcohol
- incapacity due to illness or disability
- dementia (except with the express consent of a close relative, guardian or carer physically present at the time)
- learning disabilities (except with the express consent of a close relative, guardian or carer physically present at the time)

#### ***Sanction***

The penalty imposed for breach of this rule is 50 points.

## **Pertaining to Section 6.0 Location and Management of Operating Locations**

### **Section 6.1 Identifying appropriate sites, and Section 6.2 Accessing Sites in Streets and Places of General Public Access**

#### **“Site agreements”**

The IoF code says that “wherever possible”, a site agreement **SHOULD** to be in place between F2F activity organisers and relevant access authorities.



### **PFRA-INTERPRETED RULE P6.1/6.2a: New Site Testing**

Site Management Agreements (SMAs) describe the specific conditions within which fundraising can take place in a particular location. They can be obtained from the PFRA upon request. In any location where a PFRA SMA is not yet in place and there are no clear customary practices to follow for use of the site (for instance where a local authority has previously or traditionally been restrictive or obstructive) fundraisers are permitted to operate in order to test its productivity, establish its optimum capacity, and establish relationships with the relevant 'gatekeeper' for later PFRA engagement.

Prior to commencing operations in any such location, providers **SHOULD** to make the fullest possible efforts to observe the relevant section (6.2) of the IoF Code, in which, for the purposes of PFRA members, all "SHOULD" are to be read as "OUGHT". In other words, PFRA is making mandatory for PFRA members those parts of s6.2 of the code that the IoF regards as recommended best practice only.

When a location has been identified, and access secured in accordance with code s6.2 and the paragraph above, and prior to activity commencing, providers **OUGHT** to inform the PFRA of the full and precise terms of the access agreement.

For the purposes of PFRA diarising, 'new' sites opened up in this way may be operated by the originating provider(s) with 'test exclusivity' for up to 3 months. This period is calculated as running from the date of the first successful fundraising visit, or from 14 days from the date that access permission was granted, whichever is the sooner. At the conclusion of the 'test period' a full and precise report of the site's viability **OUGHT** to be presented to the PFRA in order that the site can be incorporated into a formal SMA and/or normal diary procedures, and fair and equitable access can be granted to all members in the normal way.

Every part of this rule applies equally to all forms of face-to-face activity including prospecting, etc.

#### ***Sanction***

The penalty imposed for breach of this rule is 100 points.

#### **EXTRA GUIDANCE: Exclusivity for new site testing**

"Exclusivity" for the purposes of establishing new capacity by 'testing' means that the PFRA will not broadcast the existence of operations in a relevant site or offer use of that site to other providers, nor is the provider obliged to publicly declare such operations, unless and until any of these criteria are satisfied:

- the test period is concluded

- the test operations engender a formal complaint from the gatekeeper that requires the intervention of the PFRA<sup>4</sup>
- another member becomes aware of the activities in the course of their own operations
- for any other reason the activity becomes public (including but not exclusively media interest, critical blogging etc.) to a degree which, in the absolute discretion of the PFRA, the matter requires PFRA intervention.

### **ADDITIONAL RULE X6.1a: Optimal Site Use**

Where a PFRA SMA or any other form of site access agreement is in place, face-to-face activity **SHOULD** not take place more frequently than that agreement allows for, unless special circumstances/exceptions have been negotiated and confirmed in advance with the PFRA or the site access controller.

#### ***Sanction***

The penalty imposed for breach of this rule is 100 points.

Providers **SHOULD** never book, reserve or retain capacity which they knowingly do not intend to use (or come to know they will not be able to use before the time and date concerned), in such a way that another provider is deprived of a viable fundraising opportunity. Such capacity **SHOULD** always be returned to the PFRA or other relevant site access controller for redistribution at their absolute discretion, in as timely a manner as possible to allow for such redistribution, unless special circumstances/exceptions have been negotiated and confirmed in advance with the PFRA or the site access controller.

#### ***Sanction***

The penalty imposed for breach of this rule is 100 points.

### **PFRA-INTERPRETED RULE P6.2a: Confirmed Access**

Where a PFRA SMA is in place fundraisers **SHOULD** always comply with its conditions scrupulously and without reservation or deviation.

In any location where a PFRA SMA is not yet in place fundraisers **SHOULD** to make the fullest possible efforts to observe the relevant section (6.2) of the Code, in which, for the purposes of PFRA members, all "SHOULD" are to be read as "SHOULD". In other words, PFRA is making mandatory for PFRA members those parts of s6.2 of the code that the IoF regards as recommended best practice only.

This rule applies equally to all forms of face-to-face activity including prospecting.

#### ***Sanction***

The penalty imposed for breach of this rule is 100 points per infringement.

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<sup>4</sup> By definition all complaints from viable and authorised gatekeepers 'require' the intervention of the PFRA

**Additional PFRA rules aligning with sections 6.2 and 6.3 of the IoF code**

**ADDITIONAL RULE x6.2/6.3a: Standard Operating Hours**

No form of initial F2F activity normally commence before 9am Monday-Saturday or 10am Sunday and public holidays, or after 9pm, any day or date; or as otherwise provided for in a Site Management Agreement.

***Sanction***

The penalty imposed for breach of this rule is 50 points.

## **4 Rules pertaining to PFRA activities and administration**

### **ADMIN RULE AS1**

All levy submissions deadline dates for the year are included on the levy return form, which is sent by email at the beginning of the year (if you are a current member). All levy submissions must be made by the stipulated deadline and time as prescribed.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points.

### **ADMIN RULE AS2**

Accreditation forms must be returned by the agreed deadline.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points.

### **ADMIN RULE AS3**

Bids for NSDs, LSM and LSM Pool diary must be made before the relevant deadlines.

#### ***Sanction***

The penalty imposed for breach of this rule is loss of fundraising capacity.

### **ADMIN RULE AS4**

All changes to on-line diaries must be made by the agreed deadline.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points.

### **ADMIN RULE AS5**

All changes to non-LSM visits must be notified before the agreed deadline.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points.

### **ADMIN RULE AS6**

All NSD deadlines must be complied with.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points.

