

## Documenting Your Fundraising Decisions (CCG01)

**This Code Compliance Guide (CCG01) is not legal advice. It is advisory and non-exhaustive and is aimed at fundraising charities, their Trustees and third-party fundraisers. It may also be of interest to in-aid-of fundraising volunteers 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, and/or a third-party fundraiser, as applicable.**

### Introduction

This is a short guide to help you meet the code where it is important to document the decisions you make on behalf of your charitable institution. It provides examples of situations when you should document your decision making, contains suggested good practice, and links to information and guidance provided by other organisations and regulators.

It does not cover the whole code or every situation. You must make sure you consider all parts of the code that apply to you when documenting your fundraising decisions, even if they are not covered in this guide.

A handy list of top tips for documenting your fundraising decisions is also provided at the end, to help you in your fundraising activity. You may also find it helpful to read some of our other guides together with this one, including ‘Due Diligence and Fundraising’ and ‘Monitoring Paid and Third-Party Fundraisers and Commercial Partners’.

### Making reasonable decisions

Trustees have a duty to make reasonable decisions and to show and document how they have been arrived at. If you do not follow the correct procedure, normally set out in your governing document, the decisions you make may not be valid. Making reasonable decisions includes:

- Only acting within your decision making powers
- Using available information and evidence to inform your decisions
- Considering issues from different points of view
- Identifying areas of risk and taking steps to manage them
- Taking professional advice where needed
- Acting in good faith
- Undertaking due diligence
- Keeping an accurate record of your decision making

You should keep your decision making records in accordance with your governing document and the statutory and regulatory requirements that apply. Where possible follow good practice in record keeping.

## Failing to document decisions

It is important to document the decisions you have made by keeping accurate, accessible and up to date records. These should be documented at the time you make the decision.

If you have not adequately documented your decisions, for example because your original records are incomplete, inaccurate or they have been lost, damaged, or accidentally, intentionally, or maliciously destroyed and there is no back up copy, you may not be compliant with the code.

## Decisions that should be documented

The decisions that you document should include:

*What was agreed:* Including a summary of the discussion and the information used to decide, the pros and cons, and your final decision, including the outcome of any vote and any abstentions.

Make sure you keep a clear and thorough record that will still make sense to you and others in the future.

*Conflicts of interest:* Including any actual or perceived conflict, who the conflict relates to, what it is, and the steps taken to manage or remove it.

*Identifying and managing risk:* Keep a record of risks that you have identified and the measures you have put in place to reduce or remove them.

*Use of professional advice:* Keep a record when you have sought and received advice, the source and nature of it, and how it has informed your decisions. Keep a written original version of any professional advice, where received.

*Delegated decision making:* Keep a record of the decisions you delegate to others, together with the terms of delegation.

**See more:**

**In England and Wales:** [It's your decision: charity trustees and decision making](#) from The Charity Commission for England and Wales

[Charities and risk management](#) from The Charity Commission for England and Wales

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

[Fundraising for charities](#) from The Charity Commission for Northern Ireland

## Keeping decision making records

The main source of your decision making records should be minutes of meetings or another formal record. They should typically include:

- the date and time, attendance and apologies for absence, and confirmation any meeting was quorate
- disclosures of actual or perceived conflicts of interest and actions taken to manage or mitigate them
- key points of discussion, factors taken into account in making decisions, including where any alternative opinions were voiced and areas of risk
- the reason(s) for making the decision
- a record of the decisions made during the meeting
- details of any aspect of your decision making authority delegated to others

**See more:**

**In England and Wales:** [Charities and meetings](#) from The Charity Commission for England and Wales

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

## Acting in good faith

Acting in 'good faith' means doing the right thing, making proper decisions, and having genuine, honest intentions and motives in relation to the interests of your institution, including when complying with the code. To help you to demonstrate to us and others when required that you have acted in good faith, you should keep a written record of the information and points of view you have considered and the reasons for arriving at your decision.

**See more:**

**In England and Wales:** [It's your decision: Charity trustees and decision making](#) from The Charity Commission for England and Wales

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

## Conflicts of interest

*See more in the code at 7.1.2*

You must act only in the best interests of your charity and not put yourself in a situation where other interests could get in the way. Conflicts of interest can prevent reasonable decisions being made and may damage the reputation of your institution and of fundraising. Even when a conflict does not actually arise, there may be situations where others perceive there to be one.

It is recommended that you follow a three-step process to manage actual and perceived conflicts of interest:

1. Identify the conflict
2. Prevent it from affecting decision making, by agreeing how it should be managed
3. Record the conflict in writing, who and what it related to, and how it was managed

If you are uncertain whether an interest presents an actual or perceived conflict, you should err on the side of caution and record it. You should obtain professional specialist or regulatory advice in complex situations. It is not sufficient just to record a conflict of interest, you must manage it appropriately. Failing to declare, record and appropriately manage a conflict of interest could mean you are not compliant with the code.

**See more:**

**In England and Wales:** [Conflicts of interest: a guide for charity trustees](#) from The Charity Commission for England and Wales

**In Northern Ireland:** [Conflicts of Interest](#) from the Northern Ireland Council for Voluntary Action

## Evidence for fundraising claims

*See more in the code at 1.2.1 and 1.2.3*

You should keep a record of the sources of data and information you use to support your fundraising so you can back up your claims, if required.

**See more:**

[Charity fundraising appeals: appeal wording and record keeping](#) from The Charity Commission for England and Wales

## Accepting, refusing and returning donations

*See more in the code at 1.2.7, 2.1.4, 2.2.1 and 2.2.3*

You should define your fundraising appeals in a way that explains clearly and up front to donors what will happen to their donation if too much or not enough money is raised, or if you are unable to use the donations as originally intended.

Where donations are to be used beyond the main purpose of a specific appeal, known as a secondary purpose, you must set this out clearly in your appeal marketing and terms and conditions. You must follow the relevant legal procedure for agreeing new purposes for donations. You should also keep a record of any information or evidence that you have used to make your decisions about new purposes to enable you to justify your actions.

Normally donations should be accepted unless there is a good reason not to. Your decisions about donations should ideally be informed by a written donations policy. This should set out the circumstances in which donations will be accepted, refused or returned, in accordance with your governing document. In considering whether to accept a donation or not, you should evaluate the risks to your institution of accepting, refusing or returning it, before making your final decision. This includes checking that you have the power to return a donation, if this is what you decide.

Keep a record of the decisions you have made about refusing or returning donations.

If you accept a donation that is made with conditions or restrictions that are legal, you must follow them and document how you have done so.

**See more:**

**In England and Wales:** [Accepting, refusing and returning donations to your charity](#) from the Charity Commission for England and Wales

[Charity fundraising appeals for specific purposes](#) from the Charity Commission for England and Wales

[Accepting, refusing and returning donations](#) from the Chartered Institute of Fundraising

**In Northern Ireland:** [Fundraising for charities - A guide for charity trustees and the public](#) from the Charity Commission for Northern Ireland

## Concerns and complaints

*See more in the code at 2.3.1, 2.3.2, and 2.3.3*

When you receive concerns and complaints, the written records you keep should include the following:

- details of the concern or complaint
- the actions you take to respond, in accordance with your complaints handling policy and procedures
- the lessons you have learned from the matter
- how you will prevent the situation occurring again where applicable, in accordance with the code

**See more:**

[Complaints handling guidance for charities and third-party fundraising organisations](#) from the Fundraising Regulator

[Cause for complaint? How charities manage complaints about their services](#) from The Charity Commission for England and Wales

## Fundraising direct marketing and data protection

*See more in the code at 3.1.4*

Some data protection obligations may require you to keep written records. This includes if you are relying on 'legitimate interests' as a basis to process personal data for the purposes of fundraising direct marketing by live phone call or by post.

You must keep a record of your decision making showing that you:

- have identified a legitimate interest
- need to process the data to achieve that interest  
and
- have balanced your interest in processing the data against the person's rights and expectations to make sure your interests are not overridden by theirs

If you are relying on the legitimate interest condition as the lawful basis to process personal data for the purpose of direct marketing by live phone calls or postal communications (or other activities such as creating and analysing a database), your privacy notice must:

- explain what you will use the personal data for
- explain your legitimate interests  
and
- offer, in the privacy notice and in any other direct marketing communication you send, a clear and simple way for the person to tell you that they do not want to receive direct marketing in future

**See more:**

[Right to be informed](#), [Legitimate interests](#), and [Consent](#) from the Information Commissioner's Office

[GDPR Guidance \(1-6\)](#) from the Fundraising Regulator

## Top tips for documenting your fundraising decisions

*These top tips are not legal advice. They are advisory and non-exhaustive. You must follow all parts of the Code of Fundraising Practice that apply to you.*

1. Make sure you make valid decisions by following the process in your governing document.
2. Adequately document your decisions, so they are a complete and accurate record.
3. Keep your records safe to avoid them getting lost, damaged, or accidentally or maliciously destroyed.
4. Record the details of the decisions you make in minutes of meetings or another type of permanent record.
5. Show you have acted in good faith by keeping a written record of the information and points of view you considered when making a decision.
6. Identify and manage or prevent any conflicts of interest and keep a written record.
7. Keep a record of the information used to back up your funding claims.
8. Keep a record of the decisions you make about refusing or returning donations.
9. If you receive any concerns and complaints keep a record of them and the actions you take to resolve them.
10. If you rely on 'legitimate interests' to process personal data for fundraising direct marketing by live phone call or by post, keep a record to back up your reasons for doing so.