

Monitoring paid third-party fundraisers and commercial partners (CCG03)

This Code Compliance Guide (CCG03) is not legal advice. It is advisory and non-exhaustive and is aimed at fundraising charities, their Trustees, 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.

Where we say ‘you’ or ‘your’ it means a charitable institution and/or its Trustees, a paid third-party fundraiser or commercial partner. Where we specifically mean ‘professional fundraisers’ or ‘commercial participators’ only, as defined in law, we will use those terms.

Introduction

Embedding effective processes to monitor fundraising activity carried out on your behalf helps you to find out if your partners and any sub-contractors are meeting the following:

- the requirements of the code
- their legal obligations and duties
- appropriate quality and safety standards
- your values and purposes
- your agreed expectations

If you do not monitor your partners, you may not be compliant with the code and you may not be meeting your legal obligations to monitor where they apply.

A handy list of top tips for monitoring those you work with 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’.

Shared values

See more in the code at 7.1.1, 7.1.2, and 7.3.1

Before entering into an agreement with a fundraising partner you should make sure you are mutually compatible, including your:

- Values
- objectives
- performance indicators and incentives
- policies
- ways of working

- standards and quality assurance

If the values, activities and behaviour of your fundraising partner compromises yours, it could introduce increased risks of working together. It could also damage the reputation of your institution and of charitable fundraising.

Risk management and monitoring

See more in the code at 2.1.1

Certain circumstances may introduce greater risk to your fundraising activity, such as when:

- you have entered into an agreement with a new partner organisation
- the type of fundraising activity is new to you or to your partner
- your fundraising activity is complex or being delivered on a large scale
- your agreement involves sub-contracting arrangements, particularly when there is a long or complex fundraising supply chain (i.e., with multiple sub-contractors)
- you have concerns your partner is not delivering in accordance with your agreement
- you have concerns about the reliability of your partner's governance systems, or internal or financial controls
- you identify a pattern of adverse feedback, concerns or complaints relating to the fundraising activity being delivered on your behalf
- you have identified that your partner is not or may not meet the requirements of the code

Where you have assessed the risk is higher, you should carry out more frequent and thorough monitoring.

See more:

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

[Guidance - Charity fundraising: a guide to trustee duties](#) from The Charity Commission for England and Wales

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

Agreement between you and your fundraising partner

See more in the code at 7.2.1, 7.2.3, and 7.3.1

In the agreement you make with your fundraising partner, you should be clear how you will manage their performance. You should also be clear how any sub-contractors, throughout your fundraising supply chain, will be managed and monitored.

You should designate a named person from your charitable institution will have lead responsibility for monitoring your fundraising partner and that the requirements of the code and the law are being met.

You should also be clear about the following in any agreement you make with a fundraising partner:

- the fundraising activity they will carry out for you, including the methods to be used
- key milestones and performance indicators you expect to be met
- whether sub-contracting is permitted and the requirements and obligations of sub-contractors
- how you will monitor the work of your fundraising partner and any sub-contractors
- the grounds for termination and suspension of the agreement

Where your partner is a professional fundraiser, the agreement you make must include the following:

- any voluntary regulatory fundraising scheme or standard that the professional fundraiser has agreed to maintain
- how the commercial organisation will protect the public from unreasonable intrusion on a person's privacy, unreasonably persistent approaches or undue pressure to donate
- how you will monitor the professional fundraiser to make sure it is keeping to your agreement, as set out in [section 59 of the Charities Act 1992 as amended](#)

Approaches to monitoring

See more in the code at 7.3.2

You can carry out your monitoring activity in many ways and you may decide to use a mix of methods appropriate to your fundraising activity. You should decide how you will carry out monitoring, including how often, based on an assessment of the risk posed by your fundraising activity. Your approach may vary throughout your agreement in proportion to the scale and nature of your fundraising and the risks you have identified.

You must always follow data protection legislation and guidance in carrying out your monitoring activity, and any other legislation and regulation that applies.

You should make sure the appropriate knowledge, skills and experience is available to carry out your chosen monitoring activity correctly, fairly and legally. Your monitoring methods could include some of the following, for example:

- Call monitoring/listening
- Mystery shopping
- Site visits
- Shadowing fundraisers
- Periodic written reports
- Data sharing
- Internal and external complaints logs
- Incident logs (e.g., health and safety, safeguarding concerns)
- Donor feedback
- Staff feedback
- Media and social media monitoring

A professional fundraiser or commercial participator who has an agreement with you must, when asked, allow you to inspect their books, documents and records relating to your charitable institution.

See more:

[Compliance Toolkit: Protecting Charities From Harm \(Chapter 2: Due diligence, monitoring and verifying the end use of charitable fund\)](#) September 2016 from the Charity Commission for England and Wales

[Successful Partnerships For Sustainable Fundraising: A Practical Guide For Charities](#) August 2016 from the Chartered Institute of Fundraising

Training your fundraising partners

See more in the code at 7.3.2

Agree upfront how you will be involved in the training of those who fundraise on your behalf. You may be directly involved with the training delivered by your partner but rely on them to uphold the same level of training quality provided by sub-contractors. This includes making sure the same standards of training are applied to any sub-contractors throughout your fundraising supply chain. Although it may not always be feasible, it is good practice to be directly involved in the training of your partners and sub-contractors, such as authorising content and materials used for training and periodically observing training as it is being delivered to assure yourself it is appropriate.

Concerns and complaints

See more in the code at 2.3.1, 2.3.2 and 2.3.3

You, your partner and any sub-contractors should have a clear policy in place for [raising concerns and handling complaints](#) in accordance with the code that includes:

- available channels for providing and responding to feedback
- a procedure for raising concerns and making and investigating complaints that is proportionate, timely and fair
- reasonable time frames for acknowledging and responding to concerns and complaints
- procedures for members of staff and volunteers to report any concerns they have about their organisation's fundraising practice, in the public interest (known as whistleblowing)
- efficient procedures for transferring information between your charitable institution and partner organisation relating to feedback, concerns and complaints

Information about your complaints policy and those of your partners and any sub-contractors should be accessible and publicly available, for example on your respective websites.

See more:

[Complaints handling guidance for charities and third-party fundraising organisations](#) 22 August 2018 from the Fundraising Regulator

[Cause for complaint? How charities manage complaints about their services](#) 2006 Charity Commission for England and Wales

Top tips for monitoring fundraising partners

*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. Before entering into an agreement with a partner you should make sure you are mutually compatible.
2. Ensure you, your partners and any sub-contractors have effective monitoring processes in place.
3. Carry out more frequent and thorough monitoring when the risk is higher.
4. You should be clear with your partner how you will manage their performance during your agreement and how any sub-contractors will be managed and monitored.
5. Designate a named person to have lead responsibility for monitoring your partner to ensure the requirements of the law and the code are being met.
6. Ensure your partner agreement includes any mandatory elements and is clear and comprehensive for your purposes.
7. Decide how you will carry out monitoring based on an assessment of the risk posed by your agreement and fundraising activity.
8. Make sure you have the appropriate knowledge, skills and experience to carry out your chosen monitoring activity correctly, fairly and legally.
9. Agree upfront how you will be involved in the training of those who fundraise on your behalf.
10. Regularly review and learn the lessons from any feedback, concerns and complaints received by you, your partner and sub-contractors to improve your fundraising activity, in accordance with the code.