Policy Guidelines for Fundraising within Operation Smile

Members of Operation Smile Ireland's team resolve to adopt the Guidelines for Charitable Organisations on Fundraising from the Public and confirms that **Operation Smile Ireland** is committed to complying with the Guidelines and will endeavour to:

1. **Adhere to the core principles of respect, honesty and integrity, transparency and accountability by:**
   1.1 Respecting the rights, dignity and privacy of supporters, clients and beneficiaries.
   1.2 Answering reasonable questions about fundraising activity and fundraising costs honestly.
   1.3 Making information about our purpose, activities and governance available to the public.

2. Demonstrate our commitment to donors by:
   2.1 Agreeing and making known a **Donor's Charter** consistent with the Guidelines for Charitable Organisations on Fundraising from the Public containing commitments regarding the causes for which the charity is fundraising, the use of donations, and disclosures regarding the status and authority of those soliciting donations.
   2.2 Operating a complaints / feedback procedure. (Complaints Policy).

3. Ensure high standards of fundraising practices by:
   3.1 Ensuring our fundraisers and Fundraising efforts are committed to the highest standards of good practice by providing information and training on the Guidelines for Charitable Organisations on Fundraising from the Public.
   3.2 Ensuring that fundraising activities are respectful, honest, open and legal and in accordance with the Guidelines for Charitable Organisations on Fundraising from the Public; and that images and messages are chosen and used in keeping with best practice.
   3.3 Having a policy in place regarding the management of volunteer fundraisers.

4. Be financially accountable by:
   4.1 Publishing an annual report and statement of annual accounts, which includes a statement on compliance with the Guidelines for Charitable Organisations on Fundraising from the Public.
   4.2 Making sure that there are appropriate internal financial and management controls in place.
   4.3 Making sure that all donations are recorded and that both financial records and personal data records comply with data protection legislation.

5. Ensure that I take responsibility for implementing and adhering to the Guidelines for Charitable Organisations on Fundraising from the Public by:
   5.1 Identifying any risks that may arise and ensuring appropriate mechanisms are in place given the size and complexity of our organisation to manage and deal with those risks.

Staff Name _____

Dated: _____

Printed Name _____

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Charity trustees have overall responsibility and accountability for this charity and this includes fundraising activities of our charity.
This means that our Board has full oversight of the fundraising activities our organization is undertaking.
Trustees will ensure that all key people within our charity who are involved in fundraising, implement the approaches and practices set out.
Equally, management and those working in fundraising within a charity need to ensure that their trustees take on their responsibilities to oversee fundraising. The guidelines are there to be read for those who need to manage fundraising within our organization.

Principles

The principles that underpin the Charity's guidelines and therefore underpin our charities fundraising are common sense and consist of:

- Respect
- Honesty & Integrity
- Transparency & Accountability.

See Appendix 1.

Responsibilities of Management

Charity trustees may delegate certain responsibilities to management, including the responsibility for organising or managing fundraising campaigns. Those responsible for organising and managing fundraising campaigns and activities have a range of responsibilities in order to meet the commitment to donors.

The charity's Donor's Charter should be communicated to all fundraisers, whether voluntary, paid or third-party agents. Where events are organised in the charity's name but are not known to the charity until after the fact, the charity should work with the fundraiser concerned to ensure that the fundraiser is aware of the standards expected so that the fundraiser can ensure any future events held meet those standards. Where management has responsibility for fundraising by a charity, they should ensure the following:

1. Funderaisers

2. Suppliers &

3. Contractors

are informed about and contracted to adhere to the Guidelines in their fundraising work for the charity; all paid fundraisers have appropriate contracts, including a clause confirming compliance with the Guidelines and relevant legal requirements relating to fundraising; Where fundraisers are paid, payments are not excessive and are not likely to result in undue pressure being put on the public to donate and that the charity is informed as to whether payments to fundraisers are related to the performance of the fundraiser;

Appropriate training and support is in place to enable fundraisers to effectively carry out their role in an open, honest and respectful manner and in compliance with applicable legal requirements;
4. So far as is reasonably practicable, fundraisers are not exposed to risks to their health and safety;

5. Checks are in place relating to the suitability and credentials of fundraisers to raise funds on behalf of the charity;

6. Checks are in place relating to the suitability and credentials of fundraisers to raise funds on behalf of the charity;

7. Fundraisers are aware of and can generally communicate the charitable purpose of the charity and of the specific fundraising efforts in which they are involved;

8. Fundraisers are aware that they should disclose if they are employees of the charity or third party agents;

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9. Fundraisers provide clear and adequate written or verbal information to donors and the public regarding the nature and type of follow up contact that they can expect from the charity, such as telephone calls, texts and the frequency of planned communications; There is not misleading or ambiguous information in any of the charity's fundraising communications;

10. Procedures are implemented and safeguards are in place to ensure that, to the fullest extent possible, particular caution is exercised when soliciting from people who may be considered vulnerable, including from minors;

11. All public collections have a Garda permit, or where no permit is required, permission from the relevant local or other authority (such as for collections in church grounds).

12 Guidelines for Charitable Organisations on Fundraising from the Public CHARITIES REGULATOR

Responsibilities of Fundraisers

Each charity should ensure that their fundraisers (voluntary, paid or third-party agents) when engaging in fundraising activities on behalf of the charity are respectful, honest, transparent and comply with all applicable legal requirements. It must be always made clear whether fundraising activities are for the charity in general or for a specific purpose. Charities must ensure that fundraising materials do not imply that money fundraised is for a restricted purpose (such as assisting a particular person) when it may be used for different purposes or for general funds. Fundraising activities should not be carried out in a manner which constitutes an unreasonable intrusion on a person's privacy, is unreasonably persistent or places a person under undue pressure to donate. Any information obtained in confidence as part of the fundraising process must not be disclosed without express, informed prior consent of the donor.

All fundraisers should:

1. be trustworthy and conduct themselves at all times with integrity and honesty and should act openly and in such a manner as to ensure that donors are not misled;

2. ensure that their actions enhance the charitable purpose and reputation of the charity that they represent;

3. disclose if they are employees of the charity or third party agents;

4. be able to state the purpose for which funds being collected will be used;

5. have a general knowledge about the aims and objectives of the charity and be able to inform donors of where they can find supplementary information;

6. not knowingly or recklessly disseminate false or misleading information in the course of their professional duties, nor permit others to do so

7. not unreasonably intrude on the privacy of those from whom donations are being solicited;

8. not make unreasonably persistent approaches nor exert undue pressure on people to make donations to the charity concerned;

9. not act in a manner inconsistent with these Guidelines, or cause or permit others to do so;

10. not exploit any relationship with a donor, volunteer or employee for personal benefit or misuse their position for personal gain, and;

11. comply with all legal requirements which relate to their activities and advocate adherence to these within the organisation which employs them or for which they volunteer.

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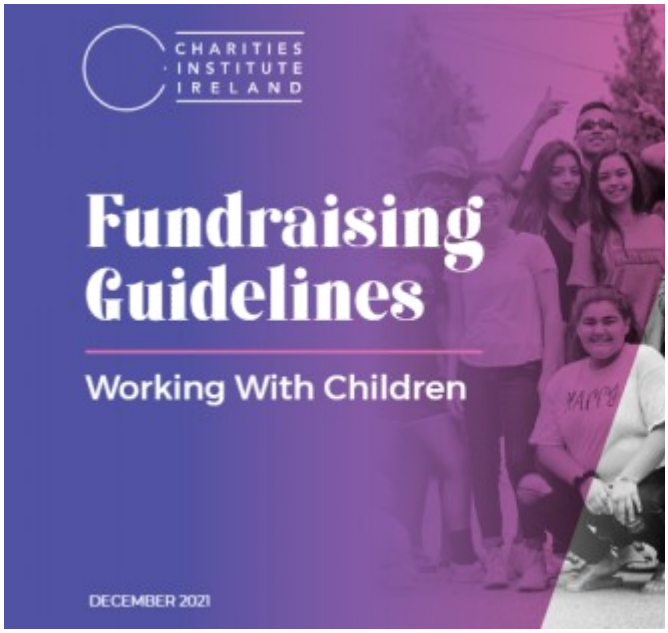
Fundraising Codes



Fundraising Codes - Cash Collections

More...



Fundraising Codes - Working with Children

More...

Show more

Description of Codes of Fundraising and what they are designed for?

The Charities Institute Ireland Fundraising Codes of Good Practice (the **"Codes**") are a resource and set of tools to help individuals at a fundraising level to ensure they are doing the best they can to follow best practice and are operating in as transparent, effective and professional a manner as possible in their roles within their charity.

The **Guidelines for Charitable Organisations on Fundraising from the Public** issued by the Charities Regulatory Authority (the "**Authority Guidance on Fundraising**") are for the organisation as a whole and are aimed at the charity trustees. These Codes have been designed and written to help charities and those who undertake fundraising for charities (referred to collectively throughout these Codes as "**fundraisers**"), to do their job, ensure compliance and complement the other guidelines and legal obligations. Fundraisers should therefore consult both the Authority Guidance on Fundraising and these Codes prior to carrying out their fundraising activities.

Any reference throughout these Codes to "you" or "the charity" is a reference to the person(s) undertaking the fundraising function within the charity.

In 2017 Charities Institute Ireland drafted these Codes with professional assistance from law firm Mason Hayes & Curran and independent fundraising expert Catriona Hogan. In 2021 the Codes were reviewed and updated with the assistance of Hayes Solicitors.

The Codes provide detailed guidance on the standards expected of fundraisers. They are a really practical, user-friendly, "how to" set of resources for fundraisers. The purpose of the Codes is to improve professional standards

amongst fundraisers. They are based on considerable international research on codes of practice for fundraisers and have been drafted to ensure that fundraisers in Ireland are carrying out their duties to the highest levels of international best practice. Members of Cii will be expected to demonstrate their commitment to professional standards by adhering to these Codes.

The Codes cover all forms of fundraising. They set out a graduated approach to rules and standards by restating (1) the legal requirements to be followed by all and (2) appropriate good practice advice which all charities are recommended to implement.

Please note that these Codes take the form of guidance, and should not be used as a substitute for legal advice. Fundraisers should understand that there are certain overarching legal obligations that apply to many fundraising activities, and are therefore not listed in every section of these Codes, including the following:

- Adherence to and compliance with the principle of donor intent, which requires all funds raised to be used for the purposes to which the donor intended;
- Compliance with equality legislation, which prohibits discrimination in the carrying out of fundraising activities;
- Compliance with product safety legislation and health and safety legislation, which provides for certain minimum safety standards to be met;
- Adherence to and compliance with any necessary insurance requirements and obligations; and
- Compliance with the sale of goods and supply of services legislation, which requires goods and services to meet certain basic quality standards.

Further, there are certain fundraising activities that may require specific niche legal advice, depending on the activities that are being undertaken.

The Fundraising Codes of Good Practice are an invaluable tool kit that fundraisers can refer to for guidance and clarity when carrying out their various fundraising activities. These Codes also highlight to the sector, the public, donors and others the high professional standards that fundraisers work to and adhere to in their important roles when raising money for very worthy causes.

This publication contains a practical summary of the law. It should not replace legal advice tailored to your specific circumstances. While every effort has been made to ensure the correctness, accuracy and completeness of the information contained within this publication, Mason Hayes & Curran and the other contributors assume no responsibility and give no warranty in that regard and accept no liability for any loss or damage incurred through the use of, or reliance upon this publication. Readers of this publication should satisfy themselves as to the correctness of the information contained in this publication.

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