

**Voluntary Fundraising Regulator launches scheme to help refine marketing methods used by specific charities**

The much-heralded **Fundraising Preference Service**, to be [introduced on Thursday](#), is not, as some may be misled into believing, further measures to limit nuisance calls, texts and emails.

In common with many similar announcements relating to nuisance calls over the last few years it may sound great, but as soon as one looks into the detail with a degree of understanding, it is nothing new, indeed it may be a step backwards.

This **voluntary** scheme, operated by the **Fundraising Regulator**, of which some charities are members, is less restrictive and carries lesser penalties than statutory regulations already in place.

The provisions of the statutory **Privacy and Electronic Communications Regulations 2003** already require explicit consent to be given for fundraising contact by **email** and **text message**. Assumed consent to contact by **telephone** is removed through registration with the **Telephone Preference Service**. The **Fundraising Regulator** already requires compliance with the terms of the voluntary **Mail Preference Service**, covering communications by **post**.

Breaches of the **PECR**, enforced by the **Office of the Information Commissioner**, carry a penalty of up to £500,000. Whilst an additional penalty of up to £25,000, under this voluntary scheme, may act as a further disincentive to unwelcome contact, it is nothing new.

The **Fundraising Preference Service** could actually be used as a way of obtaining consent to a means of marketing that had not previously been granted.

The **fair telecoms campaign** takes a clear position on these issues. Because the concept of “consent” to “unsolicited” communications is tricky to understand and commonly applied quite wrongly, we believe that all unsolicited direct marketing by telephone call to home phones and personal mobiles should be prohibited see [Banning unsolicited direct marketing telephone calls](#).

A **telephone call** only takes place when the attention of the called party is demanded by the caller and the topic of the call demands an immediate response. We cannot therefore accept that this is an appropriate means for direct marketing activity of any type. This is especially true of charity fundraising, where the generosity of a potential donor will be exploited to the limits of the law.

Contact by **email** and **text message** does not demand immediate attention and response. We therefore believe that, given the explicit consent already required by law, this can be acceptable. The **Fundraising Preference Service** offers charities a ready means of obtaining that consent.

There is a particular problem with charity fundraising, which is not addressed by this scheme.

There are many who would not wish to say “no” to a worthy cause. This includes many who may perhaps overestimate their capacity to resist pressure. Opting-out from fundraising approaches is not dissimilar to simply saying that one does not support the work of a particular charity.

The case of **Olive Cooke** was a classic example of someone with a deeply generous nature, who found it impossible to say “no”, but was led to a state of desperation by the pressure she allowed to fall upon her. Giving further opportunities to say “no”, does nothing to help with this problem. It simply seeks to absolve the charities from their responsibilities. I can already hear them saying **“it was your own fault; you should have used the Fundraising Preference Service to opt-out”**.

That is not good enough!

