

PFRA Standard

Purpose

The purpose of this Standard is to ensure that all face-to-face (F2F) fundraising conducted by member organisations of the Public Fundraising Regulatory Association complies with a standard set of rules and meets a uniform standard of behaviour. All members agree to adhere to the principles and rules of the Standard as set out below.

Scope

This Standard describes the basic standards of behaviour required of all F2F fundraisers and covers requirements for ensuring public and fundraiser safety. This Standard applies to PFRA members and any companies working on their behalf. However, sanctions for non-compliance can only be brought against a PFRA member.

This Standard does not replace nor override any law. PFRA members should note that legislation applying to face-to-face fundraising differs in each State and Territory. For this reason, the Standard's provisions must always be read in conjunction with the relevant State or Territory legislation. If there is any conflict between the provisions of this Standard and legislation, the legislation prevails.

Principles

- 1. To Serve Beneficiaries:** *We fundraise in order to meet the needs of the individuals, communities and causes that our members serve. The money we raise is providing vital support for communities across Australia and the world.*
- 2. Integrity and Honesty:** *Our fundraising will be based on honesty and our actions will be consistent with our stated principles.*
- 3. Transparency:** *We will explain our fundraising clearly and openly to all those who are involved in our work.*
- 4. Respect:** *We will respect our donors, the people we converse with, the public we interact with, the environment we work in, the authorities we work with and the fundraisers who inspire our donors to give.*
- 5. Lawfulness:** *We will act in a lawful manner, ensuring that we are aware of the legal requirements that apply to our work and we will comply with all lawful instructions. We will take all reasonable steps to be aware of and ensure the compliance of fundraising sub-contractors working on our behalf.*

Fundraiser Rules¹

Rule	Section 1: <i>Legislation, Regulation and Other Standards</i>	L1	L2	L3	Contingent
1.1	When conducting fundraising activities, members and all fundraisers must comply with: <ul style="list-style-type: none"> a) All current fundraising legislation and regulations; b) The permit requirements included in any location specific permit to conduct fundraising; c) Any rules that the PFRA may issue; and d) All local, state and commonwealth laws and regulations. 				
Rule	Section 2: <i>Public and Fundraiser Safety</i>	L1	L2	L3	Contingent
2.1	Fundraisers must not operate in a way that creates any risks to public safety or their own safety.				
2.2	Fundraisers must not cause members of the public to enter the road to avoid them.				
2.3	Fundraising locations must be selected to ensure that there is maximum space between the fundraisers and the edge of a kerb, tram or rail track or other serious safety hazard.				
2.4	Door to door fundraisers must not enter a private dwelling.				
Rule	Section 3: <i>Regulations and Disclosure</i>	L1	L2	L3	Contingent
3.1	As a minimum requirement, fundraisers must provide donors with a written disclosure informing them that they are a paid professional fundraiser; the name of the company for whom they work (where applicable); and how that organisation is remunerated by the charity (where applicable). This disclosure must be shown to the donor before completion of a sign-up form and also provided in a format that the donor can retain as a permanent record. Where further disclosures are required by state governments, these must be followed in addition to the above minimum requirement. It is the responsibility of each member to ensure all disclosure statements are both legally compliant and meet the PFRA Standard.				

¹ Refer to 'Appendix A – Definitions' below for an explanation of the different penalty levels -i.e. Level 1, Level 2, Level 3 and Contingent.

3.2	Fundraisers must dress smartly and tidily; and street fundraisers must be clearly identifiable as charity representatives through use of charity-branded clothing.				
3.3	Fundraisers must always wear the prescribed identification badge and have this clearly visible to the public on their torso while working. Unless contradicted by legislation or permit conditions, this badge must contain at least: <ul style="list-style-type: none"> i) A recent photo of the fundraiser; ii) Fundraiser name; iii) Charity name and logo; iv) The words “Paid Collector” displayed prominently; v) Charity contact information; vi) For supplier members’ fundraisers: the supplier member’s name; and vii) The PFRA member logo; and viii) A valid expiry date no longer than a year from issue. 				
3.4	Fundraisers must immediately follow any lawful and reasonable direction given to them by legitimate authority holders, including (but not limited to): officers of the relevant local or state authority, police officers and shopping centre management.				
3.5	Fundraisers must immediately follow any lawful and reasonable direction given to them by authorised representatives of the PFRA, such directions being consistent with the principles of this Standard and the purpose of the PFRA.				
3.6	Fundraisers working in a location that requires a specific permit must have a copy of that permit with them in some form, at all times while working.				

Rule	Section 4: Behaviour	L1	L2	L3	Contingent
4.1	Fundraisers must always use positive, respectful and polite verbal and body language.				
4.2	Fundraisers must not mislead or deceive a member of the public, or use false or inaccurate information when attempting to obtain a donation.				
4.3	Fundraisers must not bring fundraising into disrepute while working, or at any other time while identifiable as representatives of a charity, by such behaviour as (but not limited to): <ul style="list-style-type: none"> i) Smoking and/or drinking alcohol; ii) Being inappropriately or unprofessionally dressed; iii) Taking or being under the influence of illegal drugs; iv) Lewd, unprofessional, inappropriate or aggressive behaviour; v) Exploiting their position for personal gain (for example soliciting a job offer, making sexual advances or seeking a discount on a good or service). 				
4.4	Fundraisers must not engage in any dishonest, deceptive or fraudulent activity in relation to obtaining, recording or in any way using, the personal or financial details of a member of the public.				

4.5	Fundraisers should not approach members of the public in groups of more than one fundraiser. Where necessary however, a trainer, coach or team leader can assist in conversation with a member of the public.	Green		
4.6	Fundraisers must not behave in a way that might be reasonably interpreted as forcing a member of the public to enter a conversation against their will.		Yellow	
4.7	Fundraisers must not initiate physical contact with a member of the public but may reciprocate appropriately.		Yellow	
4.8	Fundraisers must not block the public right of way or move to obstruct a member of the public.		Yellow	
4.9	Fundraisers must immediately end a conversation with a member of the public as soon as they are requested to do so.		Yellow	
4.10	Fundraisers must not attempt to follow or comment to a member of the public once a conversation has ended or if a member of the public has declined to start a conversation.		Yellow	
4.11	Fundraisers must not approach a member of the public who could reasonably appear to be vulnerable or unable to provide informed consent to donate.			Red
4.12	If a fundraiser becomes aware that the person they are talking to is vulnerable, or unable to provide informed consent to donate, they must politely terminate the conversation at the earliest possible opportunity.			Red
4.13	Fundraisers must not approach a member of the public who has, to the fundraiser's knowledge, recently been approached by another face-to-face fundraiser from their own or another organisation.	Green		
4.14	Where there is a disagreement between fundraisers relating to a fundraising location, or any other matter, this must be resolved politely & professionally. If an agreement can't be reached, the disagreement must be resolved by using the relevant PFRA procedure.	Green		
4.15	In the event of a disagreement between fundraisers that is referred to the PFRA for resolution, fundraisers must immediately comply with the directions of the PFRA.		Yellow	
4.16	Fundraisers must not approach other fundraisers during the course of their fundraising with the intention of disrupting their work in any way; this includes seeking to recruit them to work for another fundraising organisation.			Purple
4.17	Fundraisers must notify their Team Leader or Manager within 24 hours of any complaint or incident alleging a breach of this Standard or otherwise likely to bring face to face fundraising in disrepute.			Purple
4.18	Unless specified or contradicted by legislation, regulations, permits or licences, fundraisers must not work outside the following hours: Street Fundraising - Monday to Sunday 8 am to 8 pm - Christmas Day and Good Friday – no fundraising Door-to-Door (D2D) Fundraising - Monday to Friday 10am to 8 pm - Weekends and Public Holidays 10am to 6pm unless by appointment - Christmas Day and Good Friday – no fundraising			Red
4.19	Fundraisers must not approach patrons in the outdoor seating area of a commercial business, members of the public who are seated, or otherwise at rest.		Yellow	

Member Rules

Rule	(Responsibility of Organisational Members to Uphold)	L1	L2	L3	Contingent
1	Training and Understanding – Members must ensure that all fundraisers and persons involved in their F2F fundraising operations understand, and have received training on, this Standard.				
2	Health & Safety – Members must comply with the relevant Workplace Health and Safety Laws in the applicable jurisdiction(s).				
3	Ensuring Safety – Members must take all reasonable steps to ensure the safety of fundraisers and the public.				
4	D2D Fundraiser Safety – Members must ensure that door-to-door fundraisers: a) Have a mapped walk for the day that has been communicated to and understood by them and their immediate supervisor; b) Have a safety plan in place; c) When operating singly, ensure fundraisers make contact with their immediate supervisor at least every sixty minutes.				
5	Site Planning - Members must take reasonable steps to ensure that the number of fundraisers at a location is consistent with the available space at the location.				
6	Fundraising “no-go” zones – Members must not allow fundraisers to work in PFRA-identified “no-go” zones.				
7	Fundraising in “sensitive” locations – Members must not allow fundraisers to work in an area designated by the PFRA as “sensitive” without the required permit or without complying with specific instructions relevant to that area.				
8	Residential Address Flags List – Members must ensure that door-to-door fundraisers do not visit any properties provided on the PFRA Residential Address Flags list.				
9	Failing to provide information to the PFRA – Members must provide information promptly when requested if needed to allow the PFRA to carry out compliance or quality assurance.				
10	Failing to comply with PFRA locations notifications – Members must comply with specific PFRA locations notifications.				
11	Facilitating QA Checks – Members must facilitate a QA check at least once every six months.				
12	Providing false information to the PFRA – Members must not deliberately and knowingly provide false information to the PFRA.				
13	Written Notifications – Charity members must ensure that new donors receive a written notification, which summarises the terms of their agreement and includes the PFRA’s logo and web address.				

ANNEX A – Definitions

“Penalty Levels”

The severity of the breach will usually determine the penalty incurred. PFRA staff may however exercise their discretion at any time for any incident, based on any mitigating evidence or circumstances or professional opinion.

Level One – Incurs a \$50 penalty.

Level Two – Incurs a \$200 penalty.

Level Three – Incurs an \$800 penalty.

Contingent – The PFRA will assign a severity level based on the circumstances of a specific incident (Could incur a L1, L2 or L3 penalty).

“Face-to-face fundraising” or “F2F” means the practice of approaching a member of the public either in the street, at their residence, or at commercial premises with the primary purpose of seeking an ongoing donation through a bank or credit card direct debit.

“Fundraiser” means an individual representing either a PFRA member or a sub-contractor to a PFRA member.

“Fundraising” means face-to-face fundraising.

“Member” means a member organisation of the PFRA.

“Vulnerable Person” means someone who for any of these reasons would seem to a reasonable person to be incapable of providing informed consent to donate or making independent financial decisions:

- i) intoxication through drugs or alcohol;
- ii) incapacity due to illness or disability;
- iii) age-related confusion;
- iv) learning or other intellectual difficulties;
- v) lack of language competence;
- vi) under the age of 18; or
- vii) any other circumstance where their capacity to consent may be in doubt;

ANNEX B – Enforcement of the PFRA Standard

The PFRA Standard is enforced through penalties and sanctions. These are designed to deter breaches of the Standard and to support members in ensuring that their fundraising is undertaken to a high overall standard

Who Can Report a Breach? Breaches of the Standard and its Rules can be reported by:

1. PFRA staff;
2. Sub-contracted quality assurance officers;
3. State government or local authority officers;
4. Private site managers, for example: shopping centre managers;
5. Members of the public; and
6. PFRA members' nominated representatives.

Standard of Evidence Required

In order for there to be fair process, reports of breaches must be based on credible evidence. The more evidence that can be provided, the more effective the PFRA can be in investigating and resolving a report of a breach. Examples of high-quality evidence include: photographic or video evidence, eye-witness written or verbal reports from a credible and trusted source. Reports made will require substantiating evidence. Any report made without sufficient evidence will be subject to further investigation by the PFRA before any breach of the Standard or Rule Book is held to be proven.

Standard of Proof Required

When imposing penalties, the PFRA will apply the civil standard of proof which is “on the balance of probabilities”.

Legal and Regulatory Compliance

In addition to compliance with the PFRA Standard and Rules, it is the duty of individual members to ensure that their fundraising practices and those of any organisations they sub-contract to are also compliant with all applicable legal and regulatory requirements.

Self-Reporting

Where a member self-reports a breach of the Standard or Rule Book, the PFRA may decide to apply discretion and not assign penalty points to such a breach. Members are still required to rectify any such breaches in an acceptable timeline.

Confidentiality

All information supplied to the PFRA in connection with the self-regulation process will be confidential unless otherwise specified. All information will be managed in accordance with the PFRA's Constitution and Privacy Policy, both of which are available for review by members on the PFRA website.

ANNEX C – Penalties for Non-Compliance

Who Receives Penalties?

Penalties are issued to the PFRA member that has responsibility for the breach of the Standard and Rules. In most cases this will mean the member that carries the most responsibility for the actions of the fundraisers or staff members involved in the breach. For example:

1. The actions of a fundraiser contracted to a supplier member will accrue penalty points for the supplier member.
2. The actions of a charity member employee will accrue penalty points for the charity member.
3. Where a supplier member sub-contracts fundraising to a separate company, it is the supplier member that is held responsible for the actions of sub-contractor's fundraisers.
4. If a member is working with a supplier or charity client that is not a member, any penalties incurred by that supplier or charity will apply to the member.

Breaches of Different Rules in a Single Incident

Penalties will be recorded for breaches of different rules. Where a fundraiser breaks multiple rules during a single observation by any nominated person set out in Annex B, each breach will be recorded separately.

Penalties per Breach

The severity of the breach will usually determine the penalty incurred. PFRA staff may however exercise their discretion at any time for any incident, based on any mitigating evidence or circumstances or professional opinion.

Level One – Incurs a \$50 penalty.

Level Two – Incurs a \$200 penalty.

Level Three – Incurs an \$800 penalty.

Contingent – The PFRA will assign a severity level based on the circumstances of a specific incident (Could incur a L1, L2 or L3 penalty).

Issuing of Penalties

Members will be informed about the issuing of penalties (after the PFRA has been satisfied that a breach has occurred) by email to the nominated PFRA contact person. Penalties will be recorded against the names of all members at the date they are issued. Where a supplier member incurs penalties during their representation of a charity member, both the supplier member and the charity member will be informed of the issuing of the Penalty. At the beginning of each reporting period (four weeks), members will be issued with an invoice requiring payment for all penalties incurred in the preceding reporting period. Members shall have 14 days to pay this invoice.

Penalty Reporting

All penalties issued for breaches at Level Two and Level Three will be reported to the PFRA membership in the PFRA website member only section. Details of penalties will be reported, including:

1. The severity level of the breach;
2. The member(s) involved, for example the charity member and where fundraising is contracted, the relevant supplier member;
3. The Standard Clause / Rule breached;

Penalty Appeals Process

Members may appeal against the issuing of penalties. Appeals will be heard by:

1. The PFRA CEO. If he/she is unable to resolve the appeal to the satisfaction of the appellant the appeal will be referred to:
2. Penalty Appeals Panel. The Panel will be convened of three directors of the PFRA, none of whom must have any current contractual relationship with the appellant. The findings of that Panel will remain final.

In cases which are referred to the Panel a deposit of \$250 is required to make that appeal. This covers the administrative cost of making the appeal. In the event that:

1. The appeal is denied, the deposit is forfeited.
2. The appeal is upheld, the deposit is returned.

To ensure timely information gathering and appeal processing, appeals must be made within one week of being notified of the penalty.