

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.*

Rules

Rule	Section 1: <i>Legislation, Regulation and Other Standards</i>
1.1	When conducting fundraising activities, members and fundraisers must comply with all current legislation and regulations; including any rules or policies that the PFRA may issue.

Rule	Section 2: <i>Public and Fundraiser Safety</i>
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>
3.1	Fundraisers must understand the disclosure statement, be able to access it, and refer to it if necessary. This disclosure must be shown to the donor before completion of a sign-up form.
3.2	Fundraisers must dress smartly and tidily and 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"> • A recent photo of the fundraiser; • Fundraiser name; • Charity name and logo; • The words “Paid Collector” displayed prominently; • Charity contact information; • Fundraising Agency name (where applicable); • The PFRA member logo; • The Sales Assured ID number written as “SAL SIDN 0000000” and; • 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): the PFRA, officers of the relevant local or state authority, police officers and shopping centre management.
3.5	Fundraising sites must be professionally presented, and the charity represented must be clearly identifiable in shopping centre sites by use of branded banners, tablecloths, or other marketing materials.

Rule	Section 4: <i>Behaviour</i>
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.

4.3	Fundraisers must not bring fundraising into disrepute, by behaviour such as (but not limited to): <ul style="list-style-type: none"> • Smoking/ vaping and/or drinking alcohol; • Taking or being under the influence of illegal drugs; • Lewd, unprofessional, inappropriate or aggressive behaviour or language; • Exploiting their position for personal gain (for example soliciting a job offer, making sexual or personal 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.
4.6	Fundraisers must not behave in a way that might be reasonably interpreted as forcing a member of the public to enter or continue a conversation against their will.
4.7	Fundraisers must not initiate physical contact with a member of the public.
4.8	Fundraisers must not block the public right of way or move to obstruct a member of the public.
4.9	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.
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 and 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.
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.
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.
4.16	Fundraisers must not approach other fundraisers during the course of their fundraising with the intention of disrupting their work in any way.
4.18	Unless specified or contradicted by legislation, regulations, permits or licences, fundraisers must not work outside the following hours: Street Fundraising <ul style="list-style-type: none"> - Monday to Sunday 8 am to 8 pm - Christmas Day and Good Friday – no fundraising - ANZAC Day – no fundraising Door-to-Door (D2D) Fundraising <ul style="list-style-type: none"> - Monday to Friday 10am to 8 pm - Weekends and Public Holidays 10am to 6pm unless by appointment - Christmas Day and Good Friday – no fundraising - ANZAC Day – no fundraising
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.

Rule	Section 5: <i>Operational</i>
5.1	Members must ensure that all fundraisers and persons involved in their F2F fundraising operations understand, and have received training on, this Standard. Fundraisers must successfully complete the PFRA online training “Module 1 Standard Training for Fundraisers” prior to their first fundraising shift.
5.2	Members must comply with Workplace Health and Safety Laws and take all reasonable steps to ensure the safety of fundraisers and the public. This includes (but is not limited to); <ul style="list-style-type: none"> • having a system in place to know the location of their fundraisers; • having a safety plan in place; • ensuring there is regular communication between fundraisers and their managers throughout the shift.
5.3	Members must take reasonable steps to ensure that the number of fundraisers at a location is consistent with the available space at the location.
5.4	Members must not allow fundraisers to work in PFRA-identified “no-go” zones or “sensitive locations” without complying with specific instruction. Door-to-door fundraisers must not visit any properties listed on the PFRA Residential Address Flags list.
5.5	Members must provide accurate information promptly to allow the PFRA to carry out compliance or quality assurance; this includes sending location information on a weekly basis.
5.6	Members must not deliberately and knowingly provide false information to the PFRA.
5.7	Members must ensure that new donors receive a written notification, which summarises the terms of their agreement including a disclosure statement, in a format that they can retain as a permanent record; and a simple and easily understood method for indicating preferences for communication and use of donors’ personal information.
5.8	Members must not allow a deregistered fundraiser to work on behalf of a charity.
5.9	Members must notify the PFRA as soon as possible of any complaint or incident alleging a breach of this Standard or otherwise likely to bring face-to-face fundraising into disrepute.

ANNEX A – Definitions

“Penalty Levels”

The severity of the breach will determine the penalty incurred. PFRA staff will exercise their discretion at any time for any incident, based on any mitigating evidence or circumstances or professional opinion. An explanation for the potential penalty levels can be found in Annex C.

“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. This definition includes any individual that is fundraising or at any other time while identifiable as a charity representative.

“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
any other circumstance where their capacity to consent may be in doubt;

“**Disclosure Statement**” means PFRA enhanced disclosure statement. Please refer to the PFRA disclosure statement guides for further information.

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.

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 penalties 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 fundraising agency member will accrue penalties for the fundraising agency member.
2. The actions of a charity member employee will accrue penalties for the charity member.
3. Where a fundraising agency member sub-contracts fundraising to a separate company, it is the fundraising agency member that is held responsible for the actions of sub-contractor's fundraisers.
4. If a member is working with a fundraising agency or charity client that is not a member, any penalties incurred by that fundraising agency 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, each breach will be recorded separately.

Penalties per Breach

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

Level One – a breach of rules with a small negative impact on one or more members of the public or other stakeholders and is unlikely to have any significant impact on their perception of face-to-face fundraising; ***Incurs a \$50 penalty.***

Level Two – a breach of rules with a moderate negative impact on one or more members of the public or other stakeholders and is likely to have a moderate impact on their perception of face-to-face fundraising; ***Incurs a \$200 penalty.***

Level Three – a breach of rules with a significant negative impact on one or more members of the public or a critical stakeholder of face-to-face fundraising, likely to have a significant impact on the wider public perception of face-to-face fundraising. ***Incurs an \$800 penalty.***

Issuing of Penalties

Members will be informed about the issuing of penalties by email. Where a fundraising agency member incurs penalties during their representation of a charity member, both the fundraising agency 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 fundraising agency 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 they are 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.