Evaluation of the
Fundraising Preference Service

Report to the
Fundraising Regulator

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1   Introduction

1.1   About the Fundraising Regulator and the Fundraising Preference Service

The Fundraising Regulator is the independent, non-statutory body that regulates all charitable fundraising in England, Wales and Northern Ireland. It was established in January 2016 and sets the standards for fundraising in order to protect donors and support the vital work of fundraisers. The regulator works in partnership with other regulators and the representative bodies in the charitable and fundraising sectors to build public confidence and ensure consistent fundraising standards across the UK.

Since July 2017, the Fundraising Regulator has operated a service that allows members of the public to stop direct marketing communications from any charity that is registered with the Charity Commission of England and Wales and Charity Commission of Northern Ireland. This is called the Fundraising Preference Service (FPS).

The Fundraising Preference Service allows people to control the nature of direct marketing communications that they receive from fundraising organisations registered in England, Wales and Northern Ireland. People can choose to stop receiving emails, telephone calls, addressed post and/or text messages from a selected charity or charities.   This is called a suppression request. Any charitable organisation, higher education institution, museum or gallery that is registered with the Charity Commission for England and Wales or the Charity Commission Northern Ireland can be identified on the Fundraising Preference Service.

1.2   Context in which the FPS was established

In 2015 a number of cases came to public attention through extensive media coverage whereby vulnerable people were feeling overwhelmed by the volume of charity fundraising materials they were receiving.

A Cross-Party Review of Fundraising Regulation was set up in 2015[1], Chaired by Sir Stuart Etherington, then CEO of National Council of Voluntary Organisations (NCVO). The review recommended that the Fundraising Regulator should establish a Fundraising Preference Service whereby individuals can quickly and easily put a stop to direct marketing communications if they no longer wish to be contacted for fundraising purposes, see section 3.1 for further details about how the service was established.

The FPS was launched in July 2017.

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[1]

https://www.ncvo.org.uk/images/documents/policy_and_research/giving_and_philanthropy/fundraising-review-report-2015.pdf

1.3   The evaluation

The FPS has been operating for three years, and since then new data protection legislation has been introduced. The Fundraising Regulator made a commitment to review the service at the time the service was introduced and commissioned Action Planning Consultancy Ltd to undertake an evaluation of the FPS.

1.3.1 Evaluation questions

The evaluation questions, as set by the Fundraising Regulator are:

1. The extent to which the service satisfies the original recommendations for a Fundraising Preference Service set out in the 2015 Cross-Party (Etherington) Review of Fundraising Regulation.

2. The decisions made by the Board of the Fundraising Regulator about the FPS and the extent to which the service reflects these decisions.

3. The value and quality of the service provided, including:
    o Service delivery measures
    o Value for money
    o The particular value the service has for people who are in vulnerable circumstances, whether self-defined or identified by others, usually their family.

4. What the service does well and ways in which the service should change in response to user needs (both the public and charities).

5. How the FPS works with statutory regulation to protect individuals from receiving unwanted communications, particularly the General Data Protection Regulation and Data Protection Act (2018) and whether there continues to be a need for FPS in light of these strengthened data protection rights for individuals.

These five points are considered in chapters 3 and 4 below.

1.3.2 About Action Planning and the report authors

Action Planning is a full-service consultancy working to support the development needs of not-for-profit organisations in the fields of governance and strategy, fundraising and marketing, and people and practice. We have 30 years' experience in providing first class management and fundraising consultancy to a wide range of UK and international not-for-profit charities, public bodies and social enterprises. Throughout that time Action Planning has been at the forefront of practical support and best practice, working with hundreds of diverse organisations across the not-for-profit sector.

Emma Insley is a third sector consultant and evaluator. She has worked in and with the charity sector for 20+ years as a Consultant, CEO, Trustee and Chair, Fundraiser and Grants Assessor. She specialises in helping charities and social enterprises to evaluate services and measure their impact.

Peter Campbell Smith is an IT and management consultant with several decades of experience of working in both the commercial and third sectors. His areas of expertise include system design, data protection, data security, charity governance and finance.

1.3.3 Definitions

The Fundraising Regulator: An independent body that regulates all charitable fundraising in England, Wales and Northern Ireland. It sets the standards for fundraising through the Code of Fundraising Practice and runs the Fundraising Preference Service.

The Fundraising Preference Service (FPS): A telephone and web-based service that enables people to stop receiving direct marketing communication from charities.

Fundraising organisations and charities: Organisations who raise money from the public for a charitable purpose. This includes both charities and other organisations (such as higher education institutions, museums and galleries that may or may not also be registered charities). For ease of reading we refer to fundraising organisations within this report as charities.

FPS user: A member of the public who has used the FPS to stop receiving direct marketing from specific charities.

Suppression request: The act of requesting, via the FPS, that a charity stops sending direct marketing to a person.

Third party: A person who is using the FPS on behalf of someone else, usually for a person in vulnerable circumstances.

2 Methodology

2.1 Methods used

The evaluation was undertaken through a mixed-methods approach, which combined qualitative and quantitative research methods to capture the views of members of the public who have used the FPS, fundraising organisations and other stakeholders (from third sector, government and regulatory organisations).

The evaluation ran from February to July 2020, at a time when the UK was in lockdown due to Coronavirus restrictions. This meant that we consulted with fewer people who have used the service than we would have liked. However, we were able to consult with a wide range of stakeholders through the following methods:

- **Two questionnaires** – one for members of the public who have used the service (FPS user survey, see 2.1.1) and one for charities who have received a suppression request and/or who are registered with the Fundraising Regulator (charity survey – see 2.1.3).

- **30 semi-structured interviews** with a wide range of third sector stakeholders (including NCVO, Department for Culture Media and Sport, The Charity Commission, Information Commissioner's Office, Chartered Institute of Fundraising), nine charities and six members of the public.

- **Focus group** with charities who have received a suppression request.

See Appendix 1 for a list of interviewees and focus group participants and section 2.1.6 for an evaluation of research methods.

FPS users consulted

2.1.1 FPS user survey

After using the FPS and completing a suppression request, FPS users were invited to complete a questionnaire about their experience (see Appendix 2 for a list of questions).

- The questionnaire was completed by 55 FPS users, which is estimated to be around 12% of people who used the service for the 17 weeks that the survey was open. 96% of FPS users surveyed (53) had used the online service.

- 29 (out of 55) FPS users surveyed had used the service for themselves, 22 had used the service on behalf of someone else and four had used it for both themselves and on behalf of someone else.

- 30 (out of 53) users were female and 36 (out of 53) were between the ages of 55-74. Seven (out of 54) said that they consider themselves to have a disability.

2.1.2 FPS user interviews

FPS users who completed the survey were invited to participate in an anonymous semi-structured telephone interview. Six people self-selected for an interview (see Appendix 3 for the topic guide).

Fundraising organisations consulted

2.1.3 Charity survey

Fundraising organisations who have received a suppression request from FPS users and/or who are registered with the Fundraising Regulator, were invited to participate in an anonymous survey to give feedback on their experience of the service and views about its future, detailed below (see Appendix 4 for survey questions):

- We received 172 responses to the survey from fundraising organisations (for ease of reading we refer to the questionnaire completed by charities and other fundraising organisations as the 'charity survey'). This equates to around 9% of the 1,948 fundraising organisations who have onboarded onto the FPS.

- 92% of respondents (158 out of 172) said that their charity is registered with the Charity Commission in England and Wales, five are registered with the Charity Commission for Northern Ireland. The remainder (14) were another type of fundraising organisation (including a higher education institution, museum or gallery).

- 94% of respondents said that their charity is registered with the Fundraising Regulator (154 out of 163). The survey was completed by a range of large and small fundraising organisations. Of those who said they are registered with the Fundraising Regulator, 51% said that they pay a voluntary fundraising levy of £2,500 or above because the charity spends £1 million or more on fundraising (45 out of 88 who answered the question).

- 70% of respondents (113 out of 172) said that their charity has received a suppression request from the FPS, of whom 99% had enrolled and logged on to the charity portal (110 out of 113 who answered the question).

2.1.4 Charity interviews and focus group

We conducted semi-structured interviews with 10 people from nine fundraising organisations, seven of whom are registered with the Fundraising Regulator (see Appendix 5 for topic guide).

Six charities participated in an online focus group, all of whom are registered with the Fundraising Regulator (see Appendix 6 for topic guide).

Charities participating in focus groups and interviews self-selected from the survey. Their responses are reported anonymously within this report. See Appendix 1 for a list of charity representatives who participated in the research.

Other stakeholders consulted

2.1.5 Stakeholder interviews

We conducted semi-structured telephone interviews with 14 other stakeholders (see Appendix 7 for topic guide) including representatives from:

- The Charity Commission
- Chartered Institute of Fundraising
- Fundraising Regulator
- Information Commissioner's Office
- National Council of Voluntary Organisations (NCVO)
- Northern Ireland Council for Voluntary Action (NICVA)
- Office for Civil Society, Department of Culture, Media & Sport (DCMS)
- Syrenis Ltd (FPS developers)
- Wales Council for Voluntary Action (WCVA)

2.1.6 Summary of engagement and evaluation of methods

The evaluation was conducted at a time when the UK was in lockdown due to Coronavirus restrictions, which meant we were able to consult with fewer FPS users than we would ideally have liked (see below for an overview of people consulted). However, responses were generally consistent within stakeholder groups, giving us confidence in the reliability of the research.

Stakeholder type	Survey	Interview	Focus group	Individuals consulted
FPS users (members of the public using the FPS)	55	6*	-	55
Charities	172	10*	6*	172
Other stakeholders	-	14	-	14
Total	**227**	**30**	**6**	**241**

* Self-selected from the survey

3 Findings

3.1 How the service was established

The FPS was established after a Cross-Party Review of Fundraising Regulation (the review), which was chaired by Sir Stuart Etherington, then Chief Executive of NCVO, over the summer of 2015.

The panel took evidence from stakeholders in order to identify what changes were required to rebuild public trust in fundraising by charities, which had been damaged by a number of publicised cases of poor practice.

After consulting a broad range of interested bodies and individuals, the panel concluded that there was a consensus that the then current system of self-regulation was not working. It highlighted that there was a public perception that:

- Individuals lacked control over whether or not they are approached for fundraising requests by charities; and

- It was not transparent how individuals' data was acquired for fundraising approaches.

The review noted that there was no way to 'opt-out' of being approached by fundraisers other than contacting the organisation concerned directly and relying on their good will to unsubscribe an individual.

The review's recommendations included the establishment of the Fundraising Regulator and the FPS.

In October 2015, after the Government had accepted the recommendations made in the review but before the Fundraising Regulator was set up, it was agreed that a working group would be established to develop recommendations on the FPS. Specifically, the working group was tasked with addressing the practical and operational issues of the FPS, such as how it should be set up and operate.

3.1.1 The extent to which the service sets out the original recommendations for a Fundraising Preference Service set out in the 2015 Cross-Party Review of Fundraising Regulation

The review recommended:

"that the Fundraising Regulator should be tasked with the establishment and maintenance of a 'Fundraising Preference Service' (FPS). This will allow individuals to add their name to a 'suppression list', so fundraisers have clear indication they do not wish to be contacted. Fundraisers should have a responsibility to check against the FPS before sending out a campaign. The FPS would provide the public with a 'reset button' for all fundraising communications, completely preventing the receipt of unsolicited contact by charities and other fundraising organisations."

The FPS, as implemented, addresses the underlying goals of the review, but does so in a different, and in some respects partial, manner. Specifically:

- Suppression is a one-off action and there is no enduring list of those requesting suppression.

- There is no 'reset button' or equivalent function allowing suppressing of an individual from all charities' contact lists.

3.1.2 The decisions made by the Board of the Fundraising Regulator about the FPS and the extent to which the service reflects these

The Fundraising Regulator board noted in March 2016 that:

"The ministerial expectation is that the FPS should provide the public with a 'reset button' for all fundraising communications, completely preventing the receipt of unsolicited contact by charities and other fundraising organisations."

This ministerial expectation (that the 'reset button' would enable people to opt-out of *all* communications from *all* charities) was not met for reasons which can be summarised as:

- Careful consideration of its implications, which led to the conclusion that it was not the best solution to the perceived issue for donors or for the charity sector.

- Realisation that it would be very costly to implement and operate and would impose an administrative burden and substantial ongoing costs on charities which could not easily be justified by the perceived public benefit.

The 'reset button', as proposed, would have enabled a member of the public to stop an estimated 160,000 charities from communicating with them, only a small proportion of whom do any direct marketing.

By July 2016 the Fundraising Regulator had set up a working group which analysed the issues in considerable detail and produced a 76-page report setting out 19 core principles. At its meeting in September the board broadly accepted the principles and thus the scope and functions of the proposed FPS.

However, in November the board was asked to consider two options. Option A was the one proposed by the working group, and option B was '*the outcome of our further thinking and analysis of technical issues as well as the feedback received following publication of the FPS Working Group report and the recommendations*.' Significantly, option A included the ministerial reset button, allowing FPS users to opt-out of communications from all charities, and option B did not, although it did suggest that it was an initial solution, not excluding the possibility of adding what would later be called 'the big red button'.

The board decided to implement option B, and in January 2017 a contract to build the FPS as it now exists, was awarded to Syrenis.

The FPS as delivered therefore implemented the board's November 2016 decision.

3.1.1 Appraisal of the regulator's decisions that led to the development of FPS

Gerald Oppenheim, Chief Executive of the Fundraising Regulator, explained the reasoning behind the decision not to implement the 'big red button':

"We couldn't see how implementing a 'big red button' approach - which potentially would wipe out contact with all charities if a person pressed it - was actually the right solution. What it would do is wipe out the contact with charities you did want to hear from as well as those who didn't.... So, we thought it would have actually done a lot more damage to charity fundraising and not have solved the problem."

Gerald Oppenheim noted that Stephen Dunmore, then Chief Executive of the Fundraising Regulator, explained this decision to the Minister for Civil Society at the time, who accepted it, albeit with regret.

Elizabeth Chamberlain, Head of Policy & Public Services from NCVO, reflected on the Fundraising Regulator's decisions that led to the development of the service:

"Whilst the suggestion of having a 'big red button' seemed like a viable option at the time, I think the Fundraising Regulator was right in taking stock … They responded quite a few months after that initial proposal. And a lot happened in those months in terms of charities already changing a lot of their practices."

Another stakeholder interviewed referred to the decision as *"a compromise … that potentially has the same outcome."*

However, 98% of FPS users surveyed through this evaluation thought that people should be able to stop direct marketing communications from all fundraising organisations with a single request to the FPS, see Figure 1.

"I want to support the service by using it, but I would also like it to be extended so it's possible to require all charities to stop bombarding my mother with mail. It really upsets her nowadays and it's a disgraceful practice that preys on the vulnerable." (FPS user survey)

FPS users: Do you think that people should be able to stop direct marketing communications from all fundraising organisations with a single request to the FPS? (54 responses)
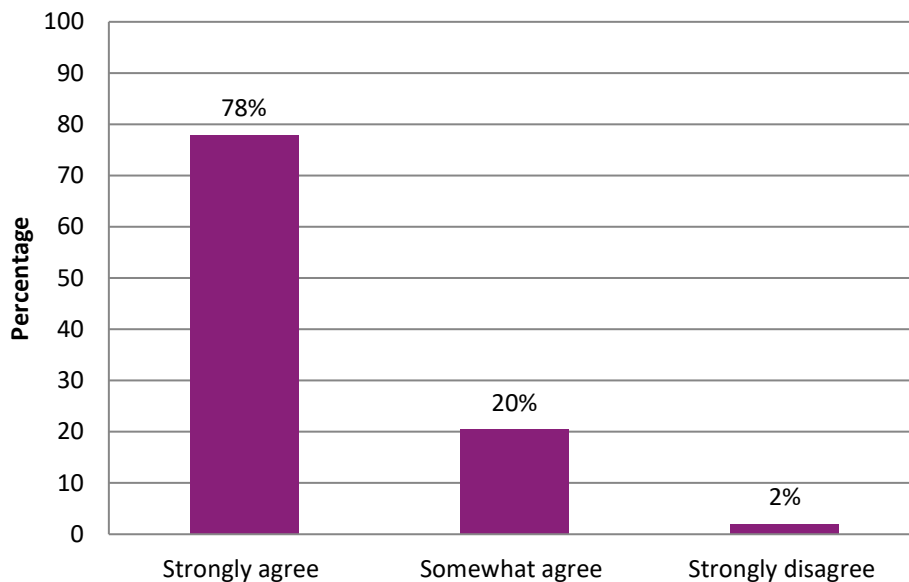
Figure 1 – 'Big red button' (FPS users)

When discussing the issue in more depth during interviews, FPS users thought a more nuanced approach is needed:

> "No, it would be a pity. Charities must have suffered a downturn. I would prefer to make more individual decisions." (FPS user)

> "I think the more nuanced approach is necessary, especially when it's someone like me is doing it on behalf of someone else, because I don't know what his preferred charities are." (FPS user, using the service on behalf of someone else)

In contrast to the majority of FPS users, two thirds of charity respondents (105 out of 160, 66%) thought that the FPS should not offer the ability to stop direct marketing communications from all fundraising organisations with a single request, see Figure 2.

Charities described the administrative burden that would be generated if the FPS included the option to switch off all communications from all fundraising organisations:

> "I think this would be incredibly difficult to action and police. This would significantly increase the administration for many fundraising organisations."

Charities: Some members of the public would like to be able to stop direct marketing communications from all fundraising organisations with a single request to the FPS. This is not currently offered. Do you think that it should be?
(160 responses)
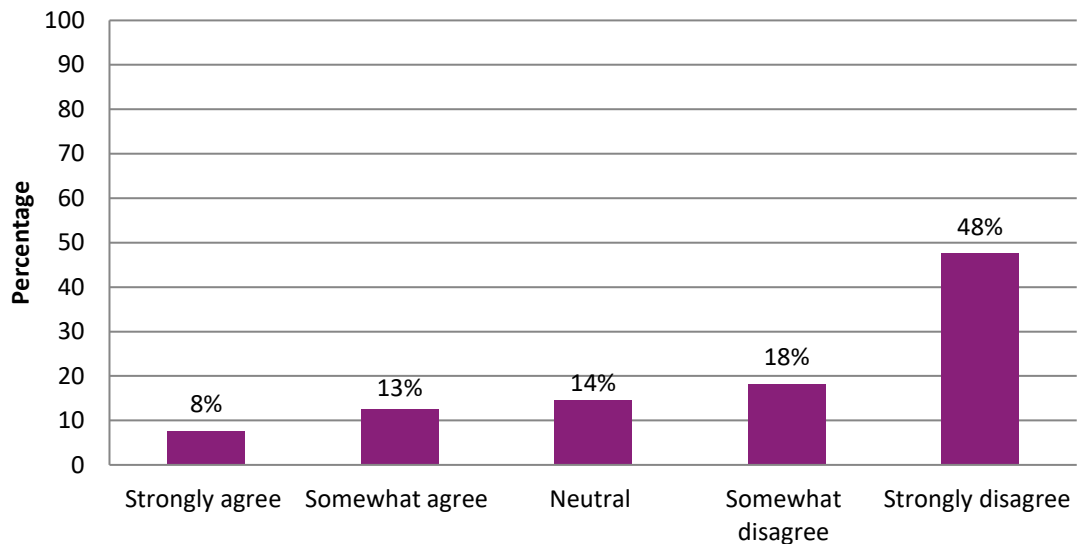
Figure 2 – 'Big red button' (charities)

Peter Lewis (Chief Executive) and Daniel Fluskey (Head of Policy and External Affairs) at the Chartered Institute of Fundraising outlined the wider implications to people if the option was available to opt-out of all charity direct marketing:

> *"It would be disproportionate for the charities and would not provide a good service for members of the public. People might not realise that it would stop communications from the local hospital, gallery, museum, theatre, National Trust membership, etc. You're not just stopping fundraising, but a whole range of information. Is that in their best interests? I think it would cause more problems for people, with no benefit."*

Despite FPS users expressing the desire to have an option to opt-out of all charity direct marketing communications, the regulator's decision to not offer this option is considered to be a workable compromise and we do not recommend that the service be changed to offer a 'big red button' functionality.

3.2   Value and quality of the service provided

The FPS easily meets the performance demands placed on it. It is likely that it could meet a significantly higher demand without noticeably impacting response times.

The FPS is reliable, as would be expected of a professionally developed system that is well beyond its initial bedding-in period.

3.2.1 Benefits to users

The vast majority of supporters choose to contact charities directly to control their communication preferences, which is what most charities prefer. The FPS is a "*backstop*" for those who want another option, particularly to stop communications from multiple charities.

> *"What the FPS can do for members of the public is to make it easier, particularly if there are a number of charities that they want to stop hearing from... It gives them another option and giving our customers more options is important for their relationship with the sector." (Elizabeth Chamberlain, NCVO)*

One charity added that *"the benefit is that it's an independent service, which guarantees results"*.

When asked about the benefits of the FPS, 73% of users said that the service gave them peace of mind, see Figure 3.

Users: Benefits of using the FPS - it gave me peace of mind
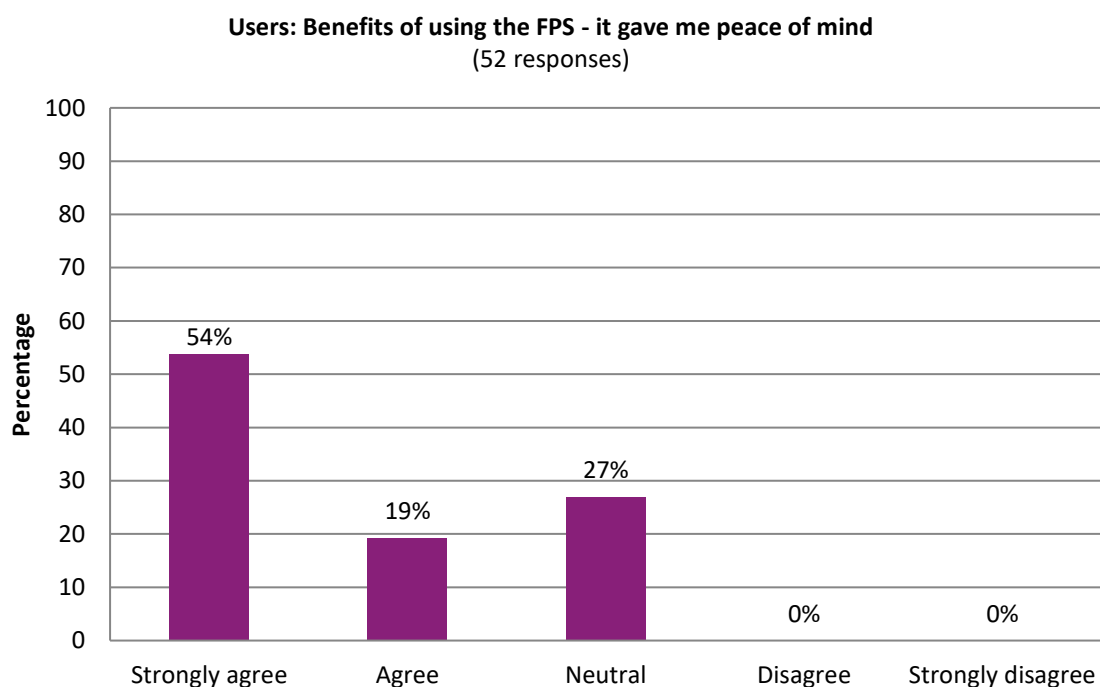(52 responses)

Figure 3 – Benefits: Peace of mind (FPS users)

One person who used the service on behalf of her mother said for her the benefits were:

> *"Ease of access, speed of response, knowing that charities have to take it seriously. The Fundraising Regulator adds to that. It inspires confidence."*

> *Case study:*
>
> **Susan used the FPS telephone and online service after feeling frustrated by the waste of money and paper from the volume of charity mail she received.**
>
> Susan* and her husband donate to several charities and are happy *"to be jogged into remembering to send a cheque"* to their preferred causes, but the amount of charity mail received and the waste this caused was becoming a source of frustration for them: *"I'm not wanting to suggest they're not worthy causes, I'm positive they are. It's just, you know, one can't keep on handing out, handing out."*
>
> Susan contacted one of her preferred charities directly to ask them to write to her once a year at Christmas and regularly gives to another charity. She thought that her name was on a list that charities purchase, a practice she described as "*disappointing*" and "*frustrating*" because of the wasted mail it generates.
>
> Susan found out about the FPS after an online search. She has used the FPS two or three times to stop receiving mail from the causes that she didn't want to hear from, happy that she could pick multiple charities at once. She used the telephone service initially, which she found to be *"helpful and speedy"*, saving time that would otherwise be spent contacting charities individually.

The service is particularly convenient when people have to contact multiple charities:

- 93% of FPS users (50 out of 54) thought that the service saved them time contacting charities individually.

- 60% of FPS users (32 out of 53) said that they didn't want to contact the charities themselves, see Figure 4.

As well as the convenience of stopping communications from multiple charities, some FPS users interviewed said that they would feel guilty about telling a charity that they want to stop hearing from them.

> *"It's a bit of an awkward conversation to have. You're like, 'am I a bad person because I don't want to receive these kinds of things'?" (FPS user)*

Users: Benefits of using FPS - I didn't want to contact charities myself
(53 responses)
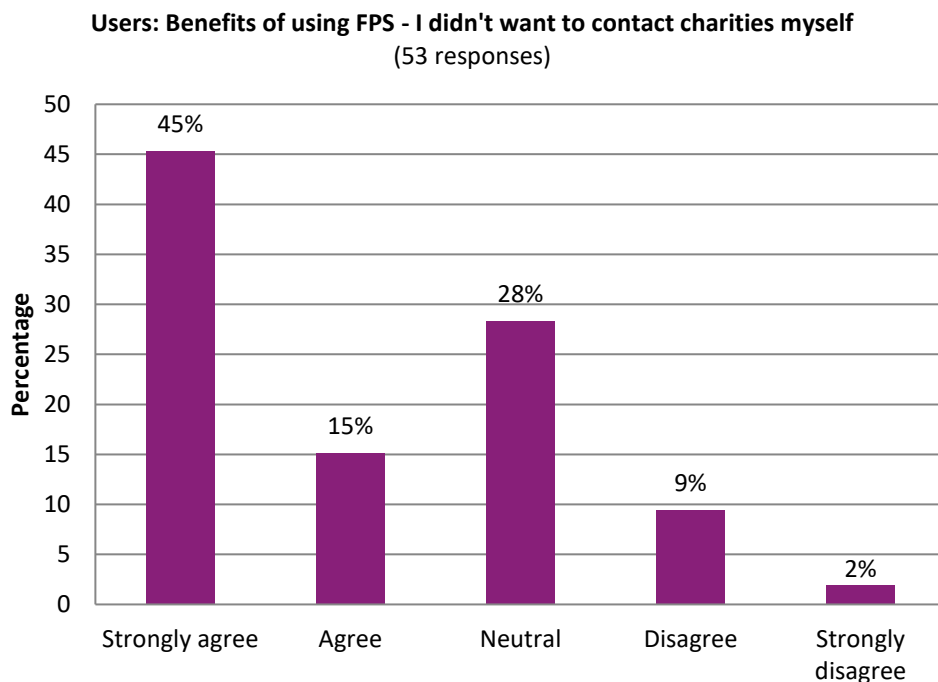
Figure 4 – Benefits: Not wanting to contact charities individually (FPS users)

3.2.2 Benefits to charities

Does the FPS help to maintain public trust?

Several stakeholders with a broad overview of the sector highlighted the value of the service in maintaining and building trust and confidence in charities:

> *"It's a really useful tool for maintaining the public's trust in charities, which is beneficial to every Northern Ireland charity, not just those directly involved in community fundraising." (Lynn Kennedy, Fundraising Advice Officer, NICVA)*

Reflecting on the press attention that was a primary driver for the development of the service, one interviewee described the FPS as *"almost like an insurance policy":*

> *"Hopefully you don't need to use it, but if you do need to use it, it's good that it's there. The benefit is being able to say, as a sector, that we have this mechanism that helps people to stop receiving unwanted fundraising marketing material."*

Elizabeth Chamberlain, Head of Policy & Public Services at NCVO noted that:

> *"I think charities benefit by not getting to the situation whereby people are getting really frustrated and angry, feeling as they're being inundated by requests for donations."*

However, 44% of charities surveyed (47 out of 107) did not agree that the FPS increases public trust in charities, see Figure 5.

Charities: FPS increases public trust in charities (107 responses)
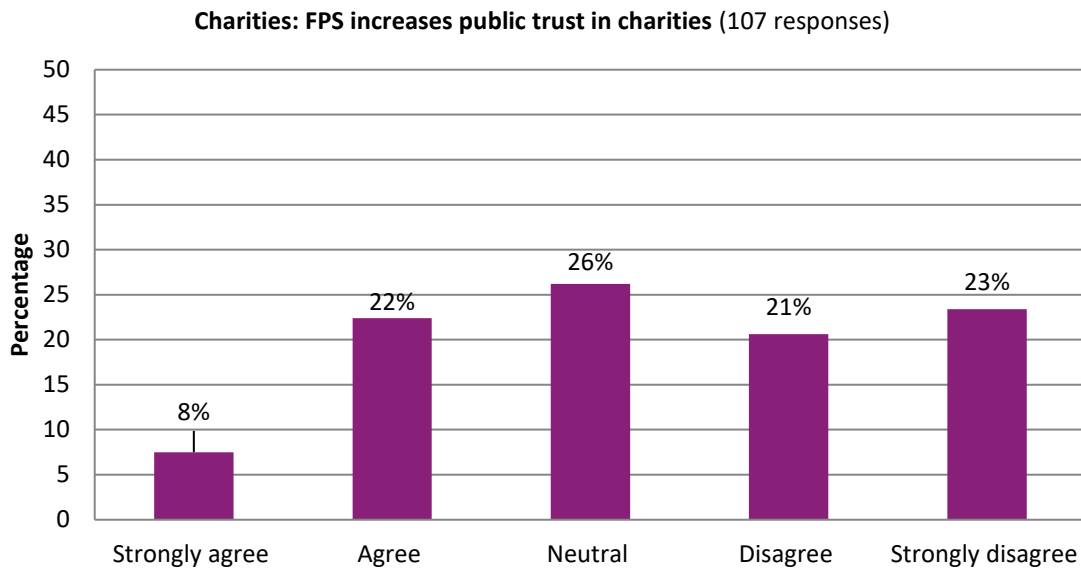
Figure 5 – Benefits: Increasing trust (charities)

Charities who did not think that the FPS helps to increase public trust raised issues such as the cost of the service, limited awareness and take-up, and preferring supporters to speak to them directly. We explore these issues further throughout the remainder of this chapter.

Does the FPS help charities to provide good supporter care?

The vast majority of supporters contact charities directly to manage their communication preferences; only a very small minority of people who wish to stop marketing from a charity do so via the FPS:

> *"We received 99.9% of all requests to come off our database directly to the office via email, form or call." (Very large charity, via survey)*

Eight out of 29 large charities (who were able to provide comparable data[2]) reported that less than 1% of suppression requests to their charity are via FPS; the average was 3%.

Ken Burnett, international author, lecturer and fundraising consultant, supports the principle of the FPS but has reservations about its implementation:

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[2] Several charities noted that the comparisons cannot be made between suppression requests made via the FPS versus directly to their supporter contact centre.

"To me, it's an essential component in a programme of trust and confidence that charities need to be constantly working on... We want to be precisely targeting our fundraising and giving donors continuous choice over their communications … So, I think the idea of a Fundraising Preference Service is 100% right... Unfortunately, I think the way it has been structured hasn't ensured that the FPS is popular or that people really know about it."

Just over a third of charity survey respondents (40 out of 110) thought that the FPS was helpful in providing good supporter care. However, 51% disagreed (56 out of 110), see Figure 6.

Charities: Overall, do you think that the FPS helps your charity to provide good supporter care? (110 responses)
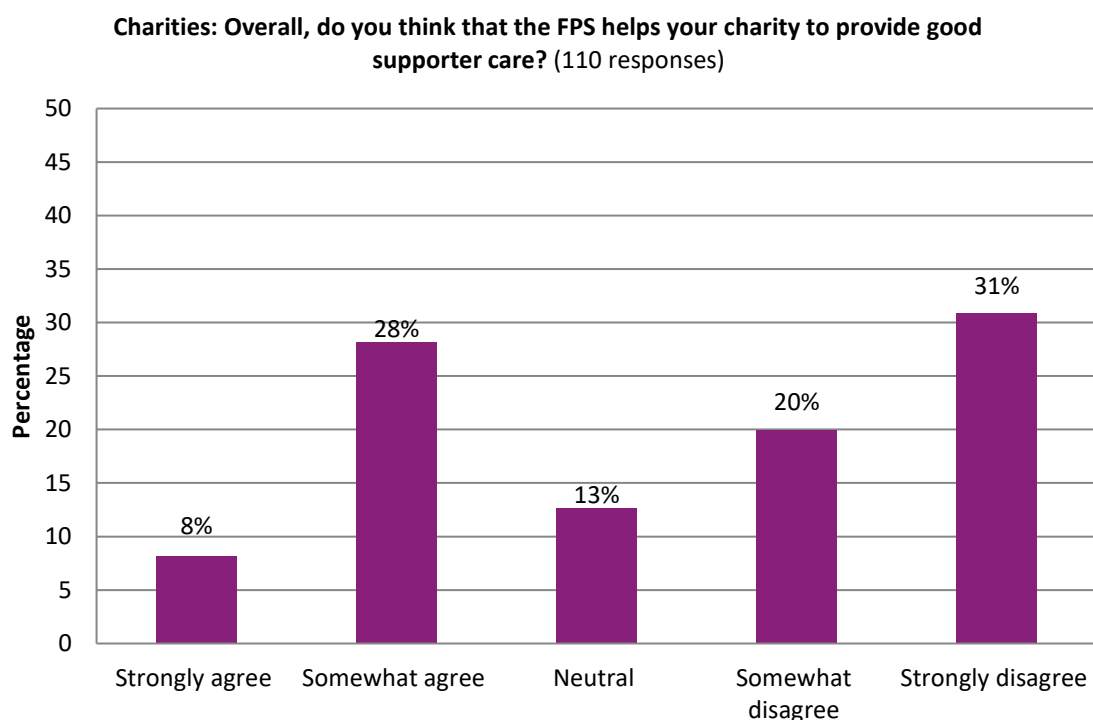
Figure 6 – Benefits: Good supporter care (charities)

Charities noted that speaking to supporters directly enables them to find out why they are opting out, to thank them for their support and to *"end their relationship in a much more positive way"*.

"If they contact us directly, we are able to try to resolve any issue that may cause the supporter to want us to stop contacting them. This can't happen via the FPS, which is final." (Charity questionnaire).

As well as wanting to retain a relationship with supporters after they have opted-out of communications, charities indicated that the information provided by the FPS is frequently insufficient to identify individuals on their database, see section 3.2.3 (Figure 16).

"It is very hard to find individuals on our database who have gone through the FPS, as they provide limited data, and we have no two-way communications with them. Where individuals contact us directly to ask us to remove their data or stop sending

marketing, we are much more able to confirm their record on our database and ensure we comply with their requests. Processing requests via the FPS takes a disproportionate amount of time so it takes time away from ensuring good supporter care."

However, some charities thought that the FPS is a useful supporter care tool, particularly *"when someone calls, opting out of comms and they mention they are doing multiple charities – it is good to signpost to FPS".*

"It is critical for us to be talking with people who actively want to hear from us. And also, from a strategic perspective, try to build long-term relationships with our supporters. We want to communicate with them in a way that is appropriate and salient for them by channel, so actually the FPS has been really very helpful for us." (Charity interviewee)

Does the FPS help charities to save resources?

Saving paper and charities' limited resources was cited by two FPS users as part of their reason for using the FPS:

"I use it because we get an enormous number of begging letters through the mail and they all cost money to send out and I just feel this is an awful waste of the charities' money... I'm sure they do lots of good work, but they've wasted, I don't know how much, from sending this to us." (FPS user)

However, 53% of charity respondents thought that the FPS does not save them resources (57 out of 107), as outlined in Figure 7.

Charities: FPS saves us resources by not sending communications to people that do not wish to be contacted (107 responses)
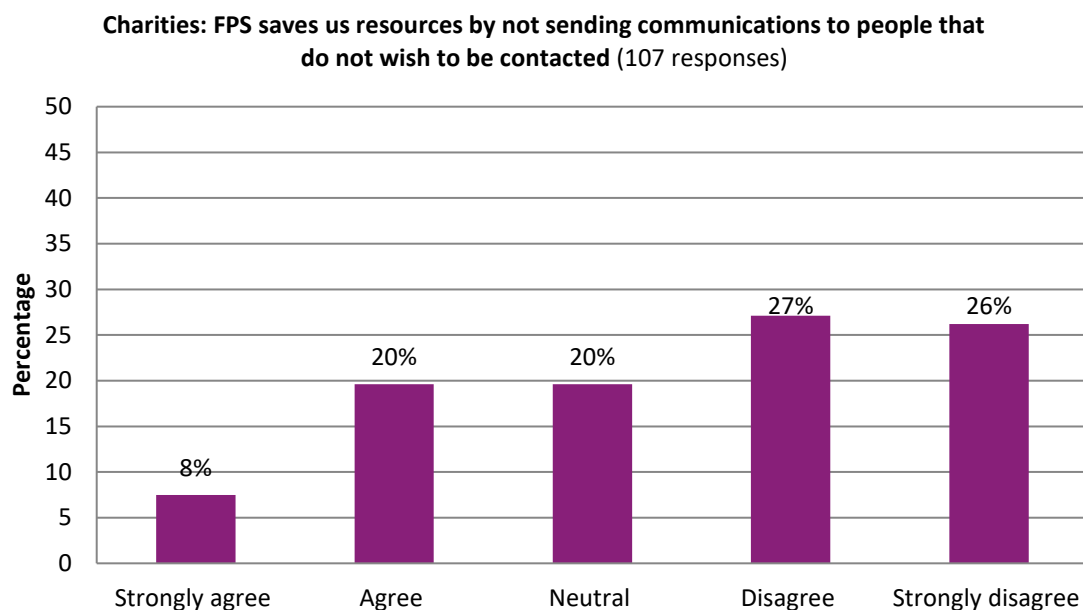
Figure 7 – Benefits: Saving resources (charities)

"You have constant emails about admin costs … [so I tell them] there are costs associated having an audit and paying for the Fundraising Regulator, which is not a cheap thing to do. And universally they are horrified… The FPS has an impact in the sense that we are able to provide less support to beneficiaries as a result of paying for a service that no one wants to use." (Charity interviewee)

56% of charity respondents (59 out of 106) thought that the FPS does not save their charity time from taking calls from supporters who no longer wish to be contacted, see Figure 8. Qualitative responses indicated that this is primarily because the number of requests coming through the FPS is so low and because they would rather supporters contact them directly.

Charities: FPS saves us time taking calls from supporters who no longer wish to be contacted (106 responses)
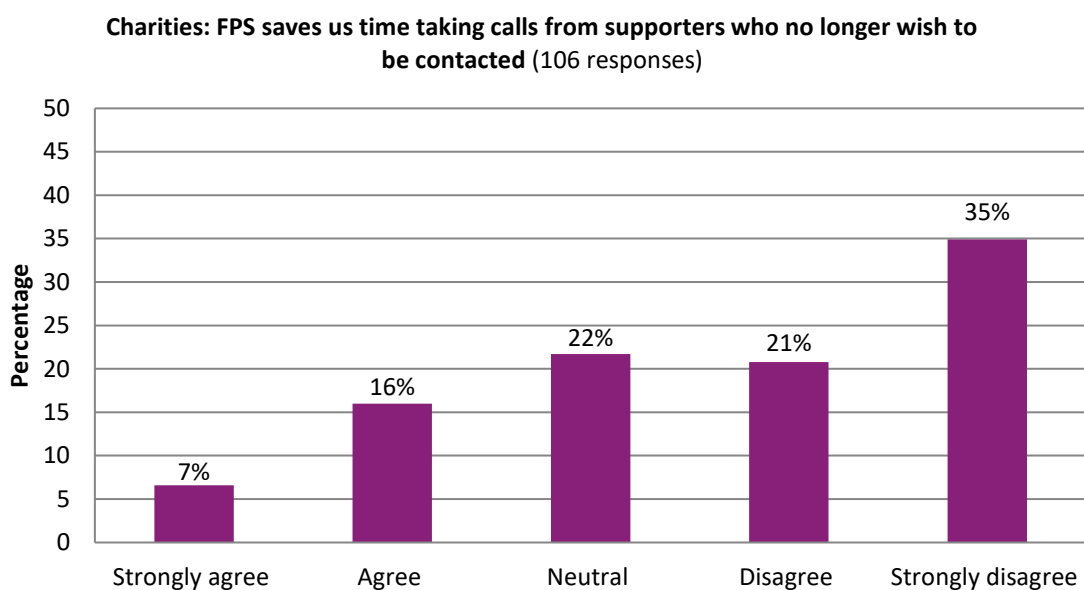
Figure 8 – Benefits: Saving time taking calls (charities)

3.2.3 Service delivery measures

How members of the public use the service

FPS is available to the public via a website or a dedicated phone line. 96% of all requests are made using the website, which allows the user to request suppression of contacts from up to three charities. 4% of requests are made via the phone line, where the user can request suppression from up to 20 charities.

On both channels some users make two or more separate requests to FPS within a short timeframe in order to suppress more than three charities (or 20 for phone calls).

Exceptionally, one person requested 195 suppressions over 14 separate requests to FPS. 19 users have asked for more than 50 charities to be suppressed. The largest number of separate requests to FPS made by one person is 59, resulting in 88 suppressions. These are however extreme and atypical examples.

However, despite the extreme examples mentioned above, the average number of suppressions requested by each user is 3.1. This includes multiple requests which are made within about a month of each other, but not those made at widely differing times. Specifically, in the period from the launch of the service in 2017 to June 2020, a total of around 11,000 users made 34,000 suppression requests.

It seems – although no detailed data is readily available – that some users requesting large numbers of suppressions may be doing so not because they have received communications from all these charities, but rather that they are seeking to pre-empt communications from a particular cause or sub-sector of charities. This is supported by anecdotal evidence from user interviews.

Which channels are suppressed?

FPS allows users to select a number of channels over which they do not wish to receive communications. The substantial majority of users (86%) select all channels, as shown below.

Channel suppressed	No of suppressions	% of suppressions
All	29,417	86%
Postal mail	4,143	12%
Telephone	1,863	5%
SMS	872	3%
Email	322	1%

These total more than 100% because some users choose more than one channel.

How many suppression requests are sent to each charity?

As might be expected, the largest numbers of suppression requests are made to the largest charities, because they send the largest volumes of direct mail. The 10 most frequently requested charities are all well-known national charities, and they have received between 700 – 1,600 suppression requests each since the service began in 2017.

However, even in January to June 2020, an average of 12 charities per month received their first suppression request.

How many suppressions are made on behalf of another person?

FPS allows a user to make a request on behalf of someone else, for example a vulnerable relative. This is a widely used option: 31% of total suppressions since FPS was launched were on behalf of someone else, and in some months, it was over 50%.

27 charities surveyed said that they do not accept requests made directly to them by third parties when the person requesting does not have power of attorney over the supporter's

affairs (18% of charities who answered the question, see section 3.2.5). It may be for this reason that those users turn to the FPS.

Requests which cannot be satisfied by the FPS

The FPS cannot suppress direct marketing communications from all charities in a single request (i.e. the 'big red button'), which is a regular request of people using the telephone service, see section 3.1.1. Users who want to stop all unsolicited direct mail or telephone calls can be signposted to the Mailing Preference Service (MPS) and Telephone Preference Service (TPS).

Additionally, users frequently request to stop unaddressed mail through the FPS, which is not currently possible as it was found by the Fundraising Regulator to be unworkable for charities. Users who want to opt-out of unaddressed mail can be signposted to the Royal Mail 'Door to Door Opt-Out Form'[3] if they want to stop receiving these types of communications.

The member of staff who responds to calls to the FPS telephone service reports that more recently a significant number of calls are made by relatives or executors of deceased persons requesting that their names be removed from charity databases. This is a service which the FPS does not offer, although the regulator has passed on some such requests to the charities by other means. Users who wish to report that a family member has died can be signposted to the Deceased Preference Service[4] or similar services.

As none of these types of request can be handled by the FPS there are no quantitative records of their volume.

Usage over time

The FPS launched in July 2017. After the first three weeks of operation, the FPS has never received more than 400 requests per week, and after six months, the level never exceeded 200 per week. From January to June 2020, the FPS received an average of 36 requests per week from 26 users, see Figure 9, continuing the trend of declining usage. Apart from a drop in the first two weeks of lockdown, Covid-19 does not seem to have had much of an impact on the number of suppressions requested via the FPS.

Gerald Oppenheim, Chief Executive of the Fundraising Regulator, thought that a number of factors has influenced the declining use of the FPS, including *"fundraising going out of the headlines, … charities changing their fundraising practices and respecting people's choices about how they want to hear from them … and the introduction of the data protection consent rule through GDPR"*. He added that he thought many of the people who wanted to opt-out of charity communications had probably already done so.

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[3] https://www.royalmail.com/sites/default/files/D2D-Opt-Out-Application-Form-2015.pdf
[4] https://www.deceasedpreferenceservice.co.uk/
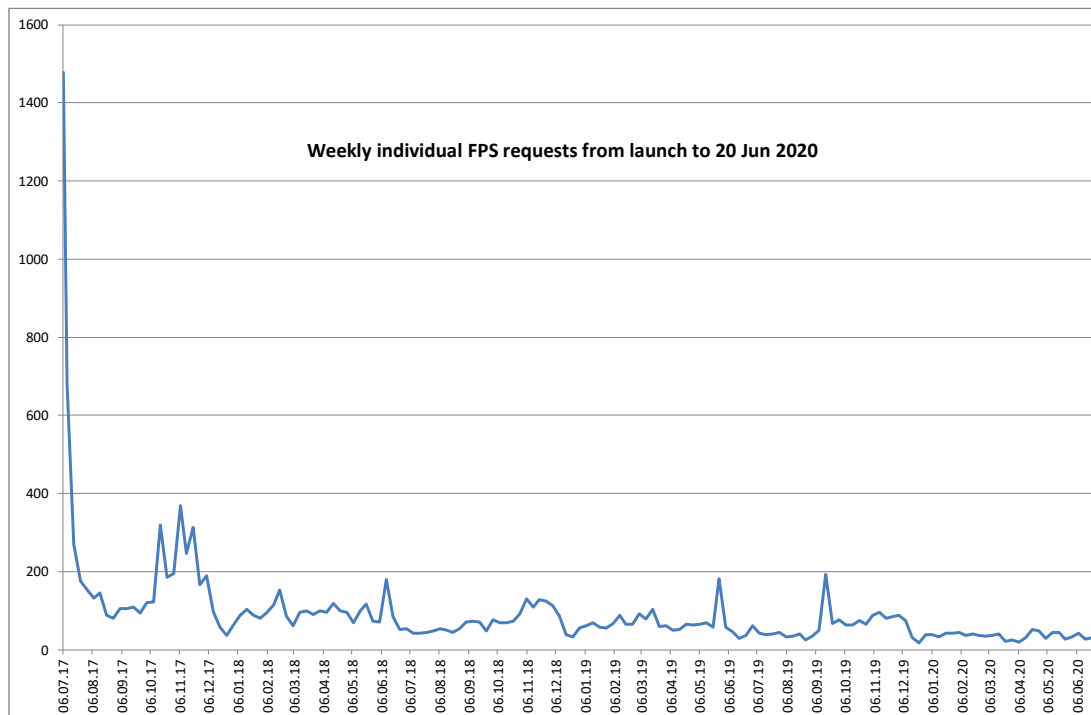
Figure 9 – Weekly individual FPS requests from launch (July 2017) to June 2020

Elizabeth Chamberlain, Head of Policy & Public Services from NCVO, noted that the FPS working group anticipated that numbers would decline:

> *"When we were discussing the FPS, we always thought that at some point the service may no longer be necessary. Because charities themselves would gradually improve their practices and build-in more options for members of the public to deal with these requests directly with the charity. So, in a way, I think it's a good thing that demand for the service is declining." (Elizabeth Chamberlain, NCVO)*

One charity interviewee spoke about how they thought that the low numbers of FPS users is a positive sign, as it signals charities' commitment to adhering to supporters' wishes:

> *"FPS has, as a tool for the sector, demonstrated the sector's commitment to the desires of supporters by giving them an option to effectively stop communication. But what has been interesting is that then the general public haven't done that in the swathes that were initially feared. So, from a sector perspective, I think it's invaluable because it's demonstrating that we take supporters' communications preferences seriously." (Charity interviewee)*

User satisfaction and feedback

People found the FPS generally easy to use – 87% of FPS user respondents (48 out of 55) found the service easy or very easy to use, see Figure 10.

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"You are a very valuable service to the elderly and their carers, saving time and stress for both parties. I was surprised at how easy it is to use. Thank you so much for your good work." (FPS user survey)

From the FPS perspective, 14% of users via the web interface abandoned their attempt after entering their personal details but before completing the process. However, over half of those subsequently returned and made a new, successful attempt.

FPS users: How easy or difficult is it to use the service?
(55 responses)
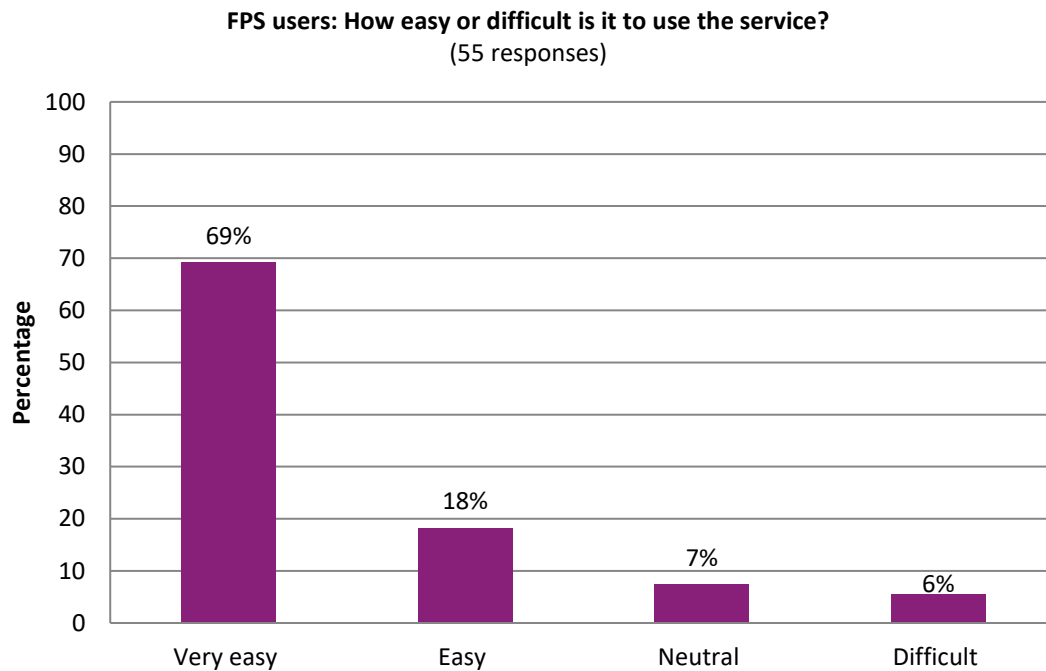
Figure 10 – Ease of use (FPS users)

More than three quarters of FPS users surveyed (42 out of 55) said that they wanted to stop receiving charity direct marketing as they felt that they were being contacted and/or asked for money too often, see Figure 11. More than a third of respondents (20 out of 55) said that they didn't sign up to the charity's mailing list and seven said that they don't support the cause. The environmental impact of wasted materials was of particular concern to two users interviewed.

FPS users: Why did you want to stop receiving charity direct marketing?
(55 responses)
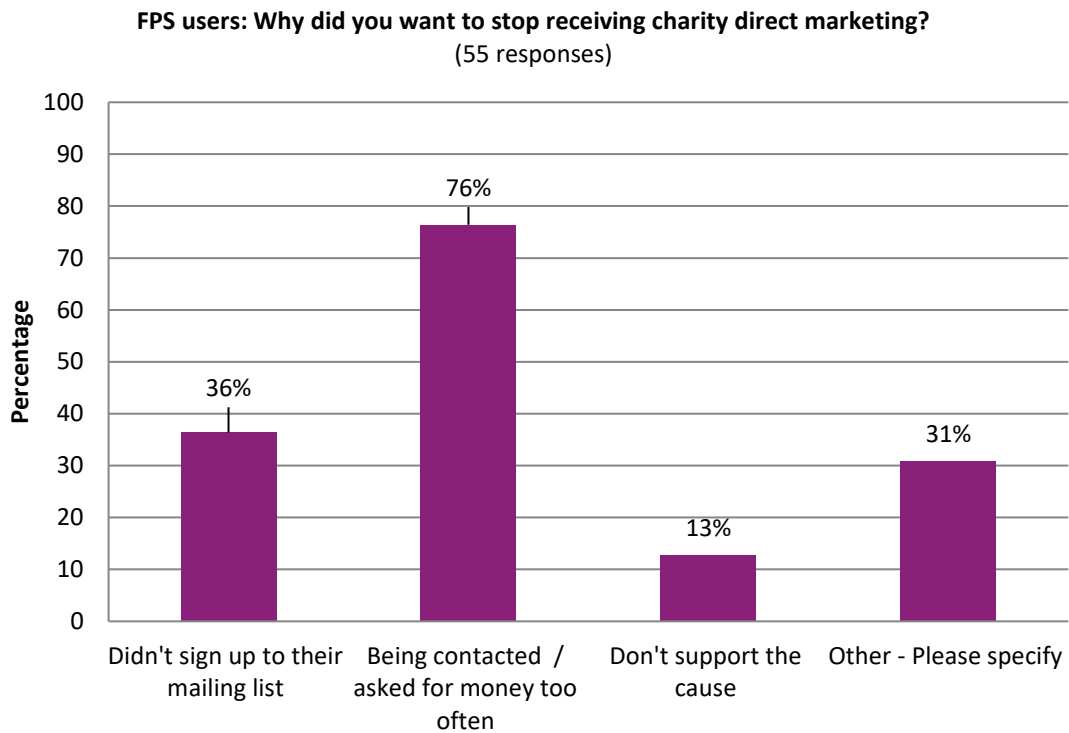
Figure 11 – Reasons for wanting to stop receiving direct marketing (FPS users)

56% of FPS users surveyed (30 out of 54) said that they had not tried to contact the charities directly (see Figure 12), although 32% of respondents did (17 out of 54).

FPS users: Did you try to contact any of the charity(ies) directly to request they stop sending direct marketing? (54 responses)
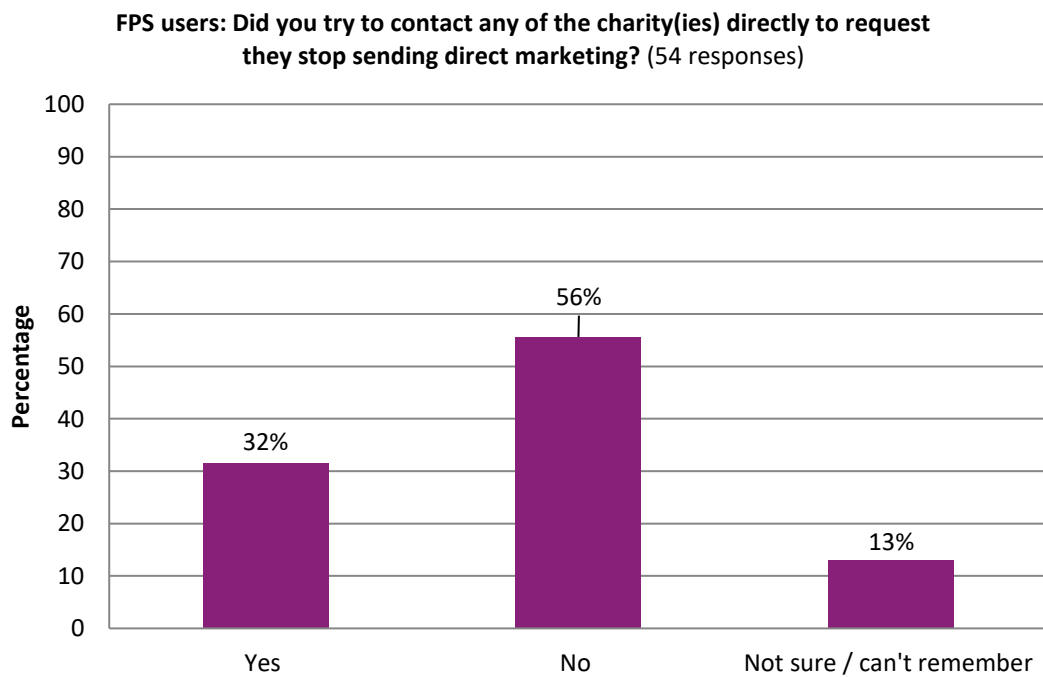
Figure 12 – Contacting charities directly (FPS users)

"I had contacted [charity name] on several occasions and asked them to stop sending mail after terminating my support. They have continued to ignore this request. I was going to complain but found this service instead. It is very simple to use, I hope it stops unsolicited calls and mail, and would definitely use this service again." (FPS user survey)

45% of FPS users surveyed (25 out of 55) had used the service before. Of those, the majority (14 out of 24) said that the charities stopped sending them direct marketing after using the service. Four respondents said that some charities stopped sending direct marketing and one said that the communications didn't stop, see Figure 13.

FPS users who had used the service previously: After using FPS, did the charities stop sending direct marketing? (24 resonses)
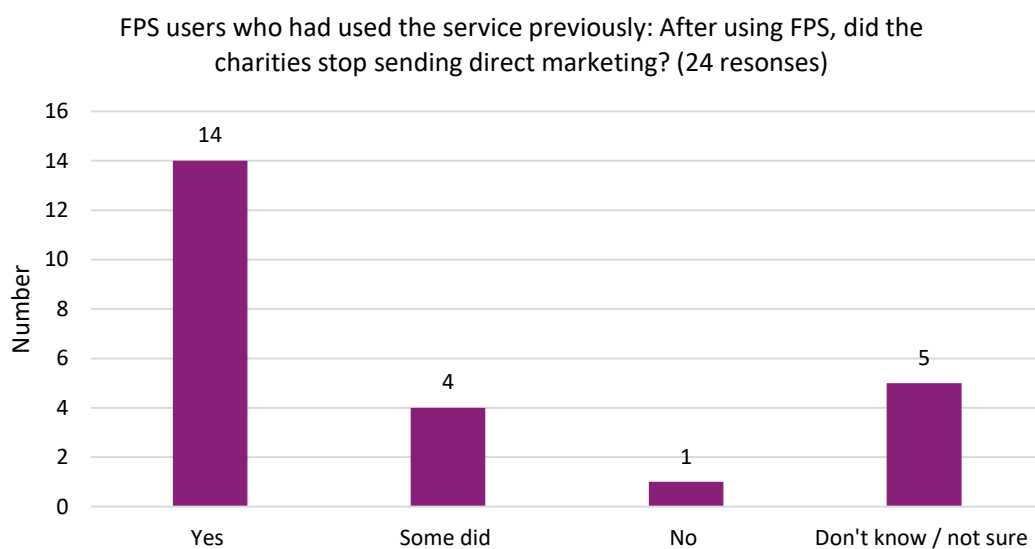
Figure 13 – Did the FPS stop charity marketing? (FPS users)

User satisfaction with the FPS is high, with 86% of respondents being very or somewhat satisfied with the service, see Figure 14.

However, two FPS users were somewhat dissatisfied with the service. One user expressed dissatisfaction because the *"confirmation code took 15 minutes to issue"*. Another described his experience as feeling *"like a service designed to be hard to get to the end of the process of using."*

In our view, usability could be improved, and a number of detailed issues have been identified to the Fundraising Regulator.

FPS users: Overall, how satisfied are you with the FPS?
(55 resonses)
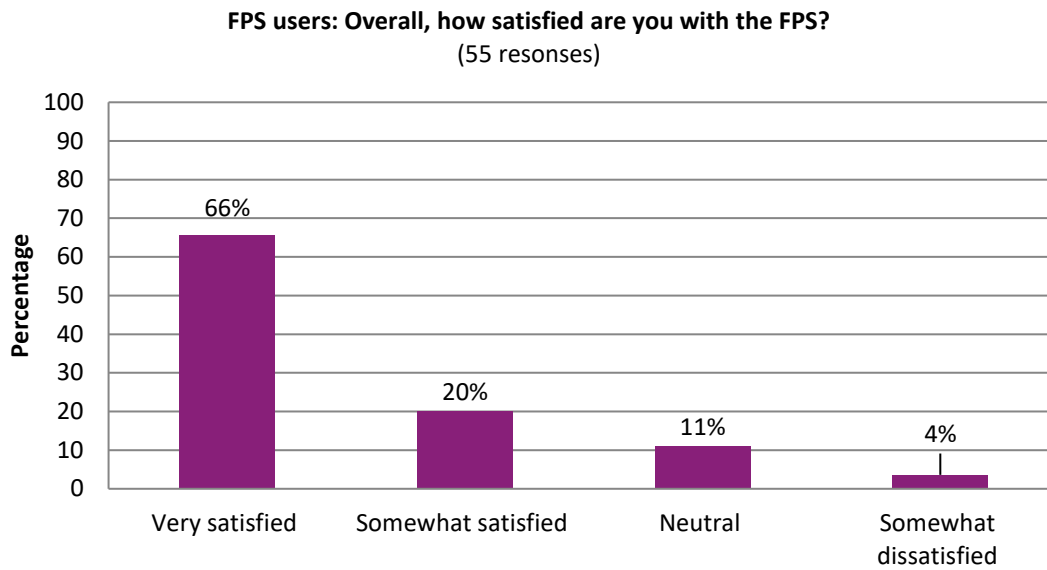
Figure 14 – User satisfaction (FPS users)

Case Study:

Sarah used the FPS on behalf of her father, a generous charity donor who has dementia and Alzheimer's, as she felt her father was being "*bombarded*" by requests for donations.

Sarah's* father, John*, is a retired consultant and surgeon and generous charity donor, who now has vascular dementia and Alzheimer's.

John had planned for his charitable giving through a Charities Aid Foundation (CAF) Account before he became unwell, so had set a budget for charity donations and would send CAF cheques to charities that he wanted to support, with a particular interest in medical and environmental charities.

Whereas previously John was managing his illness well, his health deteriorated rapidly after lockdown. John was not keeping records of his giving and had lost track of which charities he had given to. He also got confused between CAF and regular cheques, so began issuing donations from his main chequebook to the increasing number of charities who were writing to him more and more frequently.

It is likely that John was flagged as a high value and frequent supporter as sometimes he would get letters every week from the same organisation. When he realised what was happening, John became anxious and confused, as he couldn't remember making the donations.

After falling recently, John was moved into a care home as he was no longer able to manage living alone. John needed to reduce his outgoings to pay for his care, so after talking to John about his preferred charities, his daughter used the FPS to reduce the

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number of charities that John receives direct mail from. They are helping him to continue giving through his CAF account and plan to give a lump sum to John's favourite charities when his house is sold.

John's carers told Sarah about the FPS, which she found to be quick and easy to use. She has used the online service numerous times to stop around 20 charities from contacting her father and keeps records of these within a spreadsheet.

The service has successfully stopped most direct marketing, but one charity continues to write to her father after she used the FPS months ago, so Sarah will be raising a complaint with the Fundraising Regulator.

Charity portal: onboarding

Charities receiving their first suppression notice are required to 'onboard' to the FPS, to keep users' personal data secure. This starts by them creating an account on a different FPS interface to one used by the public, known as the charity portal. Once they have created an account, charities can download individual suppression requests and apply them manually to their database of supporters, or larger charities can set up a more automated data feed.

According to the 2019 annual report, a total of 1,729 charities have received at least one suppression request since the service was established and 1,948 charities (97% of those required to) had onboarded to the service. Those who fail to comply are added to a published list of charities who have not logged on to the charity portal.

As a non-statutory body, the Fundraising Regulator is unable to take action against charities if they fail to comply with the request to onboard onto the charity portal after receiving a suppression request. Therefore, in 2019 the Fundraising Regulator asked the Information Commissioner's Office (ICO) to write to charities who weren't onboarding.

The ICO wrote to around 123 charities, some of whom responded that they don't do any direct marketing and/or had received suppression requests from people who weren't on their database. Some charities indicated that they would not be onboarding onto the FPS charity portal. This led to an impasse, with little action that the ICO could take as "*not onboarding onto the FPS's website in itself is not a breach of the GDPR"* (Robert Cole, Investigations Manager at the ICO).

As of 1 June 2020, there were 20 charities who had received a suppression request and not onboarded onto the charity portal of the FPS. Of these:

- Only three charities had a total turnover of £100,000 or more.
- Six reported £0 income to the Charity Commission in their most recent financial year.
- 10 charities had filed their accounts and/or annual return late with the Charity Commission.

Therefore, many of these charities who are currently on the public list of non-onboarded charities are unlikely to be engaging in direct marketing, which raises questions about why they received a suppression request.

The Fundraising Regulator has an automated process for emailing and writing to charities who have received a suppression request but haven't onboarded onto the charity portal. One interviewee felt that the onboarding follow-up process was too automated and didn't reflect the fact that they were separately engaging in correspondence with the regulator:

> *"We kept getting these emails to different people in our organisation and were told that we would be added to the public list of organisations who haven't complied and be referred on to the ICO. I was displeased at this as we are trying to resolve the issue and are in separate correspondence, but that hasn't stopped the automated stuff coming through ... this doesn't help to smooth the relationship."* (Charity interviewee)

They added that the tone of language within automated correspondence makes them think that the Fundraising Regulator *"doesn't feel collaborative and willing to help"* and suggested that *"it needs more human intervention."*

Recommendation: Review the content and system for automated correspondence going to the small number of charities who are receiving suppression requests and who haven't yet onboarded onto the FPS charity portal.

Charity portal: ease of use and functionality

73% of charities said that they found the charity portal easy or very easy to use. Only seven charity respondents (6%) said that they found it difficult or very difficult to use, see Figure 15. Charities reported that they found the portal *"simple and straightforward"*, *"user-friendly"*, *"easy to navigate"*, *"intuitive"* and that they can *"quickly access the information needed"*.

Charities who have received a suppression request: How easy or difficult is it to use the charity portal? (110 responses)
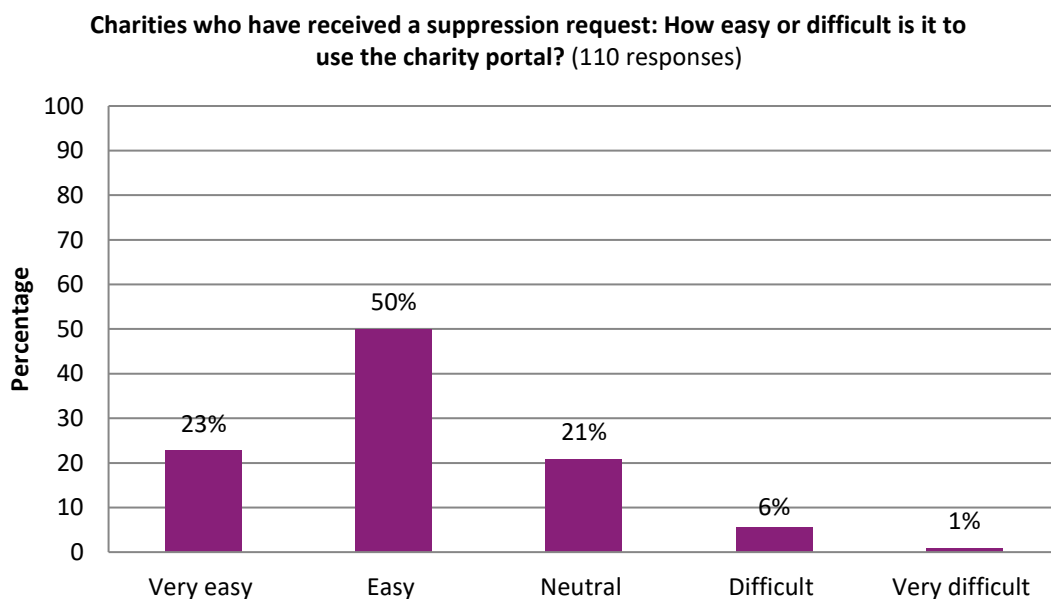
Figure 15 – Ease of use (charities)

Some charities said that the automated import of data works well, whilst others said that they don't use this functionality and manually process requests:

> *"We've got millions of people on our database … and have received something like 135 [requests via FPS] … Originally, we set up a whole process where we were going to do automated matching and load it. And we did that for a couple of months, we realised that the numbers after the first few weeks just dropped massively, and it's just quicker and easier to do it [manually], the old-fashioned way."* (Charity focus group)

Two charity respondents noted that they sometimes receive duplicate data and are processing the suppression requests manually until this is resolved.

A small number of charities highlighted complications when performing less-routine changes including merging charity records, adding new users or changing charity numbers. Another highlighted a frustration with including subsidiary charities under the umbrella charity's record.

Charity portal: processing data on users who cannot be identified

81% of charities surveyed said that the suppression request often or always provides enough information to comply with supporters' wishes (86 out of 107). However, 19% (21 charities) said that it provided less helpful information, as outlined in Figure 16.

**Charities who have received a suppression request:
Does the suppression request from FPS typically provide enough information to comply with supporters' wishes?** (107 responses)

Figure 16 – Quality of information (charities)

One of the common issues raised by charities was that a large proportion of people who have requested for their data to be suppressed by a charity through the FPS are not identifiable on

the charity database. Several charities estimated this to be between a third and half the number of suppression requests.

This results in the counter-intuitive practice of having to create new records to add people to the suppression list on their database, as per ICO guidance[5] (charities then run any future mailings against the suppression list to ensure they are not mailing people who have opted-out of marketing communications).
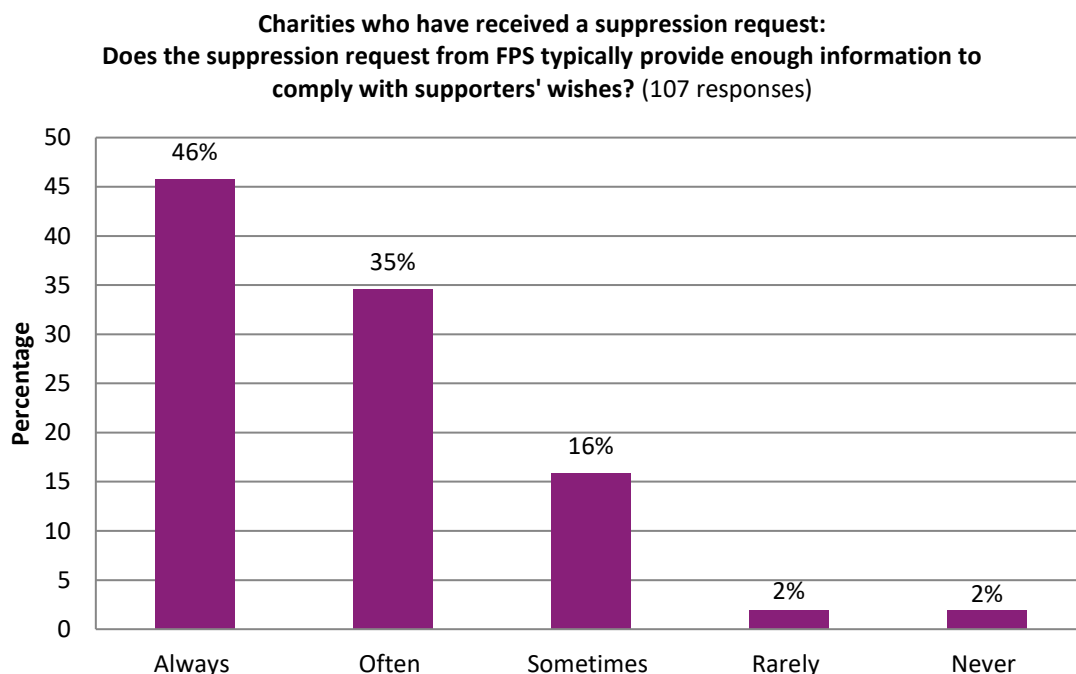
> *"I feel very uncomfortable about having to add someone's data to our database purely so we can suppress it [if] they did a suppression request via FPS, but they were not previously known to us. I think this is an 'unintended consequence' of the service and if it is to continue, I would like a method designed that allows us to have a dialogue with such supporters about what they are trying to achieve."* (Charity survey)

One charity pointed out that having to add people to the database in order to suppress mailing to them *"arguably actually increases the risk of a mistake of the person being contacted by accident [due to human error]."*

From interviews with users we have anecdotal evidence that some people are using the FPS to stop communications from named charities that they do not wish to hear from in future, despite not having received direct marketing from those charities.

Additionally, there are likely to be a large proportion of supporters who cannot be found on charities' databases because they have provided insufficient contact information to be identifiable.

Robert Cole, Investigations Manager at the ICO, explained the data protection challenges that receiving suppression requests from people who are not on a charity database causes:

> *"From a GDPR point of view organisations should limit the amount of data they process, where possible. In a situation where an organisation wasn't already processing an individual's personal data, but then receives a suppression request, they will have personal data that they didn't actually have initially."*

Recommendation: Issue guidance to charities about what to do if they receive a suppression request via FPS from someone who isn't on their database.

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[5] https://ico.org.uk/media/1555/direct-marketing-guidance.pdf

Charity satisfaction and feedback

Charity satisfaction with the FPS is generally low, with only 44% of charities surveyed 'very' or 'somewhat' satisfied with the FPS (48 out of 110). More than a fifth of charity respondents (24 out of 110) are 'somewhat' or 'very' dissatisfied, as outlined in Figure 17.

Several charities described the service as a *"sledgehammer to crack a nut"*.

> *"The FPS is a very blunt instrument that does not take into account nuance of different charities and their methods of operation." (Charity survey)*

Most charity dissatisfaction relates to the cost of the service compared to the relatively small number of users, which we review in the next section.

**Charities who have received a suppression request:
Overall, how satisfied are you with the FPS?** (110 responses)
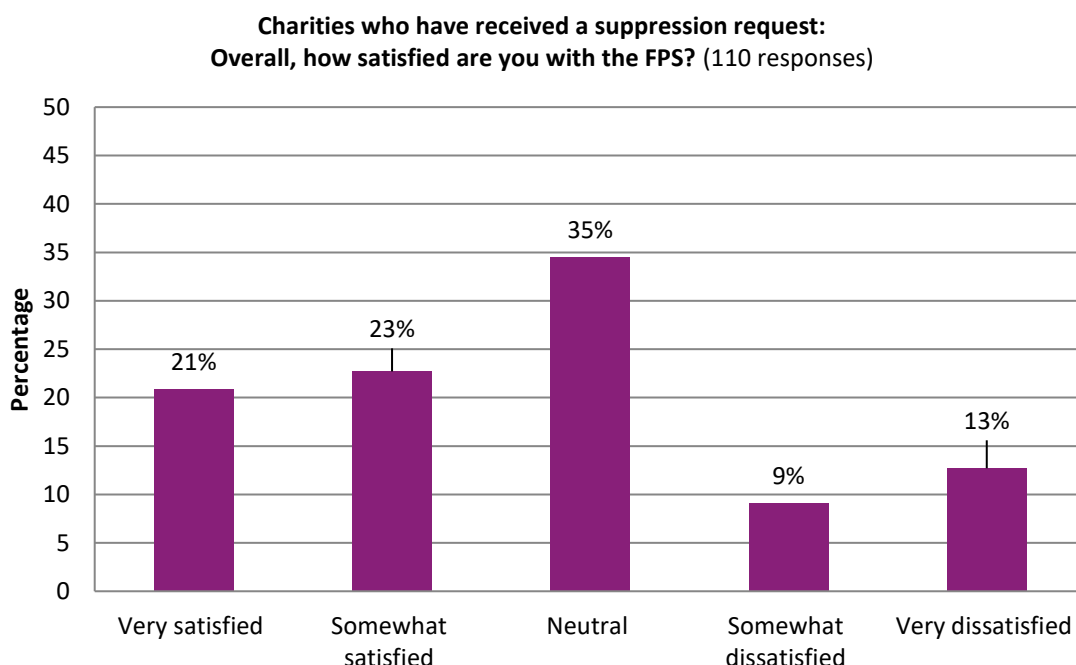
Figure 17 – Satisfaction with FPS (charities)

3.2.4 Value for money

Cost of the service

In its 2018/19 Annual Report and Financial Statements, the Fundraising Regulator reported spending £376,000 on the FPS' running costs, which is 19% of the regulator's budget. This includes the cost of the regulator's staff who help to run the service.

In the same year there were 2,820 members of the public using the service (although some may have been repeat applications), so the running costs that year are around £133 per user.

The cost of the FPS, which is paid for by charities who pay the voluntary fundraising levy was described by one focus group attendee as *"the major bugbear for most charities".* One charity representative described being *"horrified by how expensive that is".*

> *"I think the cost of the service needs to be borne probably by the sector. So, it's probably also fair that it's paid out of the [fundraising levy]. But at the same time, that does seem like quite a lot of money to me." (Charity interviewee)*

Concerns over the cost of the service were raised by almost all charities, large and small, as well as stakeholders we interviewed.

> *"Many charities that NICVA works with in Northern Ireland are small charities run on a shoestring… so it can be difficult for them to see money being spent at that level… I think that the issue is exacerbated by the fact that there may not be great public awareness of the Fundraising Preference Service. However, the more the Fundraising Regulator continues its current concerted effort to raise public awareness, the more the value of the service increases." (Lynn Kennedy, NICVA)*

There are fixed costs involved in running the FPS, so the relatively small number of people using the service means that the 'per user cost', at £133, is high and contributes to levy-paying charities often feeling frustrated that they are paying for a service with limited take-up:

> *"Given the low volume of suppression it's an extremely expensive way to handle suppression requests." (Charity questionnaire)*

However, the 'per user' cost is not a very helpful assessment of value because it doesn't recognise the value of the service being a *"safety net"* to maintain public trust in fundraising, as discussed below. In addition, the regulator has intentionally taken a cautious approach to promoting the service to avoid an adverse effect on charity fundraising.

The regulator outlined its approach to controlling the costs of the service:

> *"We regularly review all our expenditure and have taken steps to reduce the cost by taking calls in-house and revising the terms of the contract with our suppliers. We will be reviewing everything again in the context of this evaluation." (Margaret Moore, Vice Chair, Fundraising Regulator)*

The service was designed at a time when demand was not known. The service provider, Syrenis, has indicated that some costs could be reduced through automation and reducing some of the modules, which were included to be able to respond to larger volumes of people using the service. However, the costs per user will remain relatively high whilst small numbers of people are using the service.

A discussion about the cost of FPS within the focus group led to charities agreeing that if the Fundraising Regulator were able to bring software costs down, *"it becomes a less expensive elephant".*

Perceptions of value for money

Almost three quarters of charity survey respondents (71 out of 97), said that they thought that the service does not provide good value for money.

Levy-paying charities: Considering your answers to the questions above, the cost of the FPS and that it is paid for by the levy, do you think that the FPS provides good value for money? (96 responses)
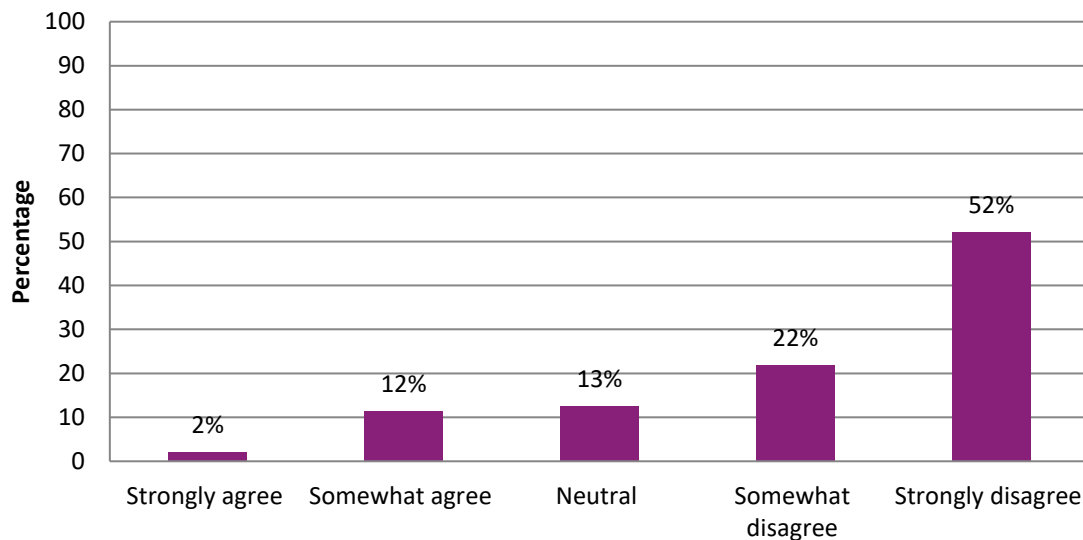
Figure 18 – Value for money (charities)

> "If the service was used by more people, it would be better value for money."
> (Charity Survey)

However, some charity respondents and stakeholders with a broad overview of the sector suggested a wider assessment of value, beyond the cost of the service:

> "It's not just the value of the transaction, there is a wider benefit to the sector. If you took it out, what would be the potential risk? What would be the cost of another Daily Mail front page compared with the cost of the FPS?"
> (Peter Lewis, IOF)

> "It doesn't matter how much the levy is per charity, if we are actually paying them to enable supporters who don't want to hear from us, then its good value for money." (Charity interviewee)

> "I think at the moment, because of the low volume of transactions, one could question its value. But it's difficult to say how you measure the value of a service that provides that sort of insurance policy. And that's the challenge. So if the FPS wasn't there, and fundraising went through another series of scandals that led to a 25% drop in donations over the course of the year, is it valuable to have an insurance policy that costs £300,000 a year that might protect millions or hundreds

of millions of public donations? It's very hard to make that judgement."
(Stakeholder interviewed)

The question for many interviewees was whether that money could be better spent elsewhere:

"It feels like a sledgehammer to crack a nut ... I suppose my question would be how could you spend that money better? A good regulator helps to drive good practice."
(Angela Cluff, Chair of IOF Supporter Experience Special Interest Group Committee)

3.2.5 Value for people who are in vulnerable circumstances

The FPS allows someone acting on behalf of a person in vulnerable circumstances to suppress communications from charities for them. Since the FPS was launched, 31% of total suppressions made to FPS were on behalf of someone else.

However, the FPS does not specifically register a person as someone in vulnerable circumstances, nor pass on information to the charity that a request has been made 'on behalf of someone else', which might be an indicator of vulnerability.

Several interviewees, from across the spectrum of people consulted, agreed that the primary benefit of the service is that it is available for people to use on behalf of a person in vulnerable circumstances:

"The benefit to vulnerable people is the main benefit, which is not replicated through services such as the TPS and MPS." (Peter Lewis, IOF)

Almost half of FPS users surveyed (26 out of 55) said that they were using the service on behalf of someone else. In the majority of cases (16 out of 26), this was on behalf of their parent, see Figure 19.

Users contacting FPS on behalf of a third party: What is your relationshp to the person you were contacting FPS on behalf of? (26 responses)
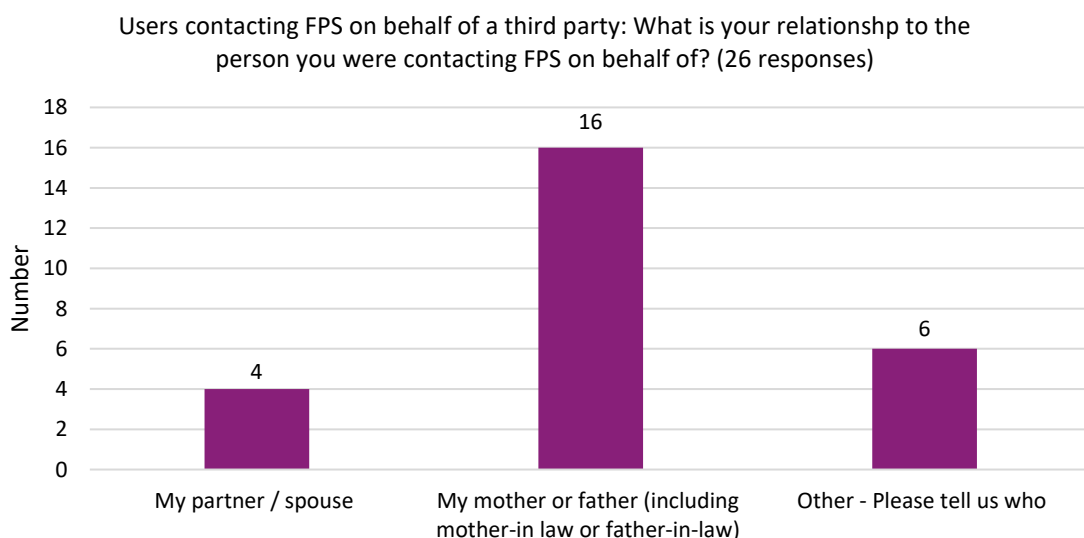
Figure 19 – Third party relationships (FPS users)

21 out of 22 FPS users surveyed said that they considered the person they were acting on behalf of to be in vulnerable circumstances because of their age (the vast majority were acting on behalf of someone aged 85 or above), 13 because they have a long-term illness or disability and four because of their financial situation (see Figure 20, respondents could choose more than one reason). 'Other' responses include the person they were acting on behalf of being sectioned under the mental health act, or because they had died.

> *"I am so relieved to know that this exists. It was such a worry to see all the mail coming in and to know that my aunt was sending cash she could ill afford." (FPS user survey)*

Four out of six FPS users interviewed were using the service on behalf of someone else who had dementia and/or Alzheimer's.

> *"Very helpful, easy to use and effective. A very beneficial service for older and vulnerable people who are otherwise bombarded by charities asking for donations." (FPS user survey)*

Users contacting the service on behalf of a vulnerable person: Could you tell us why you consider them to be vulnerable?
(22 responses)

Figure 20 – Vulnerability of the third party (FPS users)

53 out of 55 FPS users surveyed (96%) thought that the service plays an important role in protecting people in vulnerable circumstances, compared to 64% of charity survey respondents (70 out of 110).

FPS users: Do you think that FPS is an important service to protect people who might be vulnerable in some way?
(55 responses)
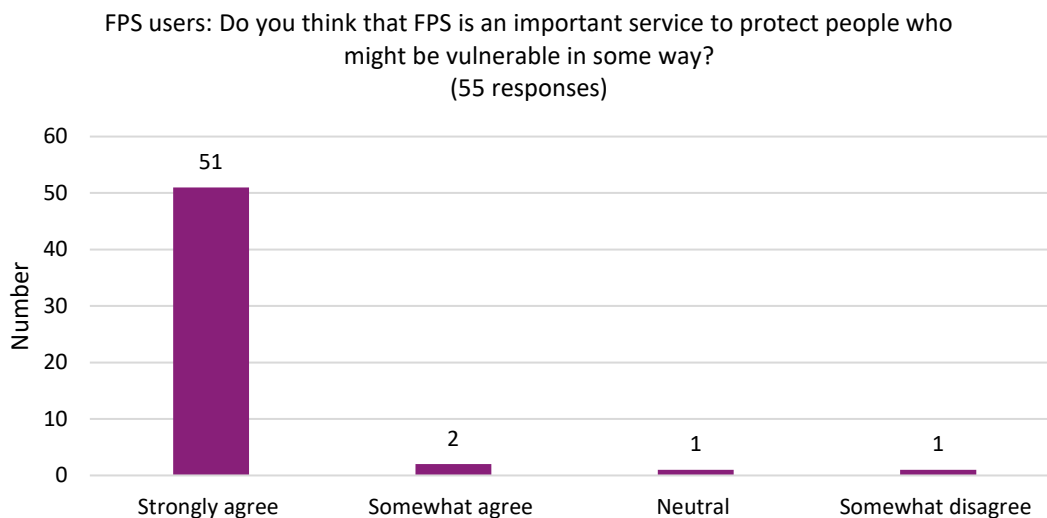
Figure 21 – Importance of FPS in protecting vulnerable people (FPS users)

Two FPS users, who were accessing the service on behalf of someone else, referred to the confusion that direct marketing causes some people:

> *"My dad does not understand the mailshot nature of marketing. He thinks they are personally targeting him and worries the he will not have enough money to support himself." (FPS user survey)*

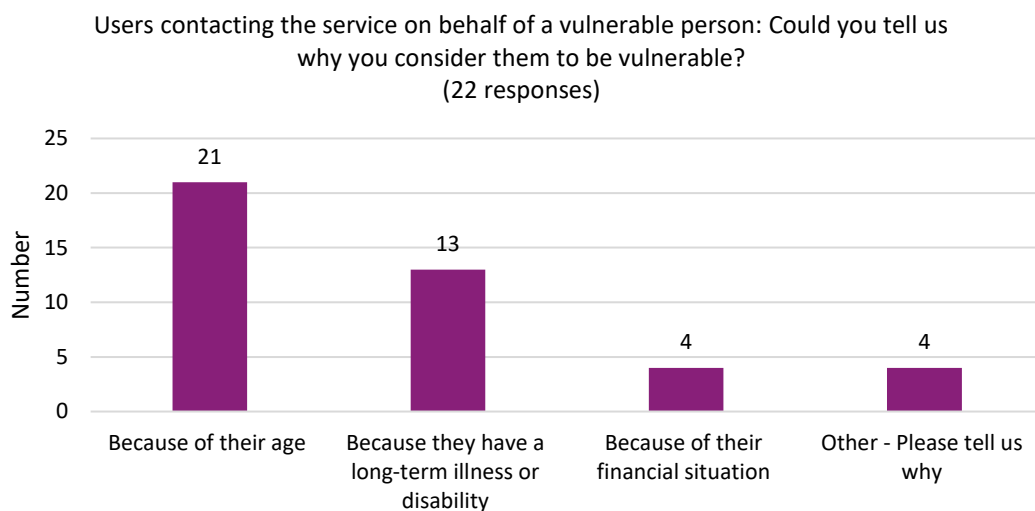> *"My mother received numerous requests from charities. Of course, she wanted to help all of them. Myself and a friend worried at the number of envelopes coming through as she was in her 90s and slightly confused and thought she had to give the amount suggested." (FPS user survey)*

Case study

Amanda, a care worker, used the FPS online service as she saw her client "*breakdown*" after feeling *"swamped by charity letters every day"*.

Amanda* is a care worker who is supporting Martin*, a 95-year old gentleman and his 82-year old wife, who has vascular dementia and Alzheimer's. Martin had a major stroke three years ago and is fairly immobile, whilst trying to care for his wife.

Things came to a head when Amanda saw Martin breakdown, "*sobbing with his head in his hands*", as he had received five letters from different charities that day, each with their own Coronavirus appeal. His wife wants to give money to all of the charities who are contacting them personally by direct mail, but she doesn't have a grasp on their financial situation.

Amanda visits the couple three times a week to "*help keep their life on track*", but between her visits their homelife is "*very chaotic*". Martin asked Amanda for help, and so she started contacting the charities directly on his behalf. One of the charities said that they couldn't

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accept Amanda's request to stop writing to Martin and signposted her to the Fundraising Preference Service.

Now, when Amanda visits Martin, she talks to him about whether he wants to keep hearing from the charities who have written that week, then uses the online FPS service in her own time to stop fundraising communications addressed to Martin, three charities at a time.

Amanda was relieved to have found the FPS; she found it easy to use and had confidence that the request would be actioned as she was worried when contacting individual charities that they would not act on her request. Amanda added, "*I feel with this service, they can't ignore me*".

19 out of 26 FPS users surveyed who were using the service on behalf of others thought that this was the only way to stop communications on their behalf, see Figure 22:

FPS users using the service on behalf of a third party: This is the only way I could stop communications on behalf of someone else (26 responses)
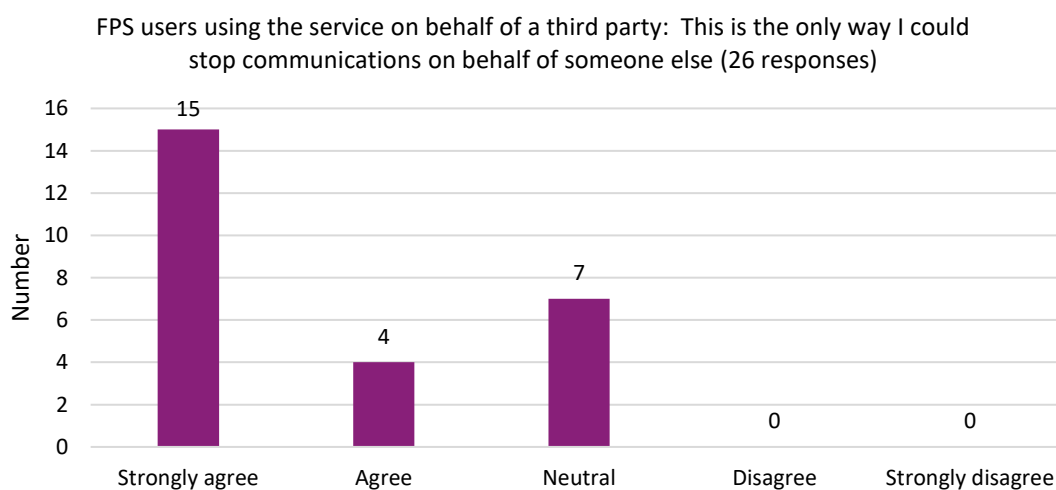
Figure 22 – Reasons for using FPS: Stop communications on behalf of a third party (FPS users)

Several interviewees pointed out that charity communications typically include invitations to fundraising events and activities that supporters look forward to, and that the FPS doesn't differentiate between different types of fundraising and direct marketing communications:

> "At my previous charity, which was in the hospice sector, [the FPS] was the leading cause of complaints … supporters complained that they had not received the stuff they normally received from us … and when we advised them that their name had been removed due to notification from the FPS, that caused a lot of anger and frustration... It's a very important time in the year for them where they light a candle for people that they have lost. And many of them did not get those invitations because it is a fundraising campaign." (Charity interviewee)

Whilst 72% of charities do accept suppression requests from third parties, 16% of charity respondents (27) do not offer this option, 24 of whom are large charities paying the voluntary fundraising levy, see Figure 23.[6]

Charities: Does your charity directly accept suppression requests from people acting on behalf of others? (167 responses)
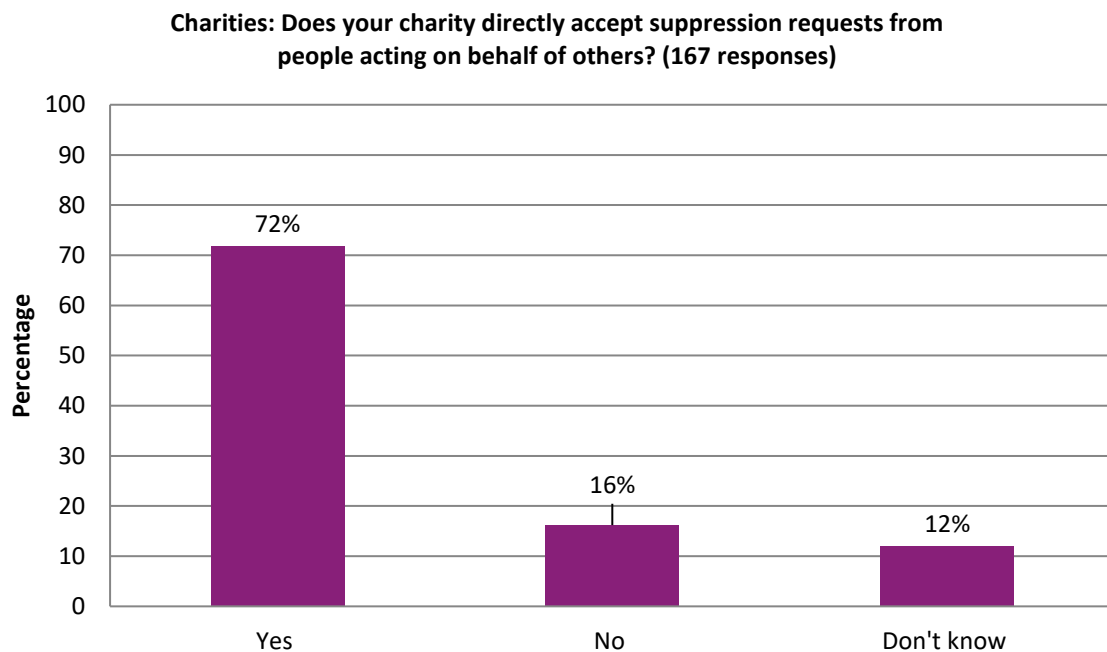
Figure 23 – Accepting suppression requests on behalf of third parties (charities)

Several charity interviewees said they would make the decision about whether to accept third-party requests made directly to their charity on a case-by-case basis.

"If someone was just ringing into our support care team, we would require for there to be evidence of power of attorney." (Charity interviewee)

Robert Cole, Investigations Manager at the ICO confirmed that *"an individual can withdraw their consent, or object to the processing of their personal data for direct marketing at any time. They may prefer a third party (e.g. a relative, friend or solicitor) to do this on their behalf. The GDPR does not prevent this. People have the right to contact organisations on behalf of other people."*

The FPS requires a person acting on behalf of another to assert that they have that authority. A hard copy letter is then sent to the person whose details are being suppressed to inform them of the request made on their behalf. However, several charities highlighted a concern that their supporters may not have been fully informed about the decisions being taken on their behalf when using the FPS:

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[6] Full question: *Does your charity directly accept suppression requests from people <u>acting on behalf of others</u> other than where the other person has died or where the person contacting you has power of attorney to act for the other person? (I.e. if someone wanted to stop fundraising materials on behalf of a friend or family member.)*

"[I am] concerned that it is often third parties making the request perhaps without knowledge of the supporter, but I'm not sure how this could be addressed." (Charity Survey)

Section 1.3.9 of the Code of Fundraising Practice[7] states:

"You must not take a donation if you know, or have good reason to believe, that a person lacks capacity to make a decision to donate, or is in vulnerable circumstances which mean they may not be able to make an informed decision."

The Code goes on to outline what considerations of vulnerable circumstances should be made.

However, this issue seems to have caused some concern and confusion within the sector, as some charities are refusing to comply with third party requests made directly to their contact centre to stop contacting a supporter in vulnerable circumstances when there isn't a Power of Attorney in place.

> **Recommendation:** Consider how to ensure that third party suppression requests made directly to charities are consistently managed and adhered to when there is reason to believe that the supporter is in vulnerable circumstances.

3.3 What the service does well and ways in which the service could change in response to user needs

3.3.1 What the service does well

The FPS was smoothly implemented and works very well. It is designed to put users' needs first. Several charity respondents said that *"it is good that it is there"*. FPS users and charities alike on the whole found the system easy to use. It provides "*convenience*" and "*peace of mind*" to around 2,820 users per year (18/19 figures).

"I think that one of its greatest strengths is that the FPS appeals to the public as something that is easy to use, with their interests and needs put first." (NCVO, Elizabeth Chamberlain)

Several charities spoke of feeling concerned initially about the introduction of the service, and then pleasantly surprised that it turned out to be a straightforward way to process requests.

"In the event, it was quite straightforward to login to the portal and handle any requests which came in from there. So actually, in a practical sense it wasn't that difficult at all." (Charity interviewee)

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[7] https://www.fundraisingregulator.org.uk/code/all-fundraising/behaviour-when-fundraising

On the whole, the service successfully stops people from receiving unwanted direct marketing, albeit with a small number of exceptions that can be followed up by the Fundraising Regulator.

The system works well when people are using it on behalf of others.

Given that there are more than 160,000 charities registered in England, Wales and Northern Ireland, users surveyed generally found it easy to find the charities they are looking for (despite many having similar names), which is partly due to its design:

> *"You can enter mnemonic searches [so the user can find a charity by its initials], pseudonyms [if a charity has alternative names] … and phonetic searches. This means you will have more chance of finding the charity you were interested in."* *(David Murfitt, Syrenis)*

The service provider, Syrenis, also highlighted the value of the data held within the FPS, which supports the Fundraising Regulator in its other activities:

> *"The database itself has a value, which is not yet recognised, perhaps … It enables better data, and this is something that that we're quite proud of … We've obviously got a much more accurate charity database now, particularly in terms of contact data, which is used by the regulator on a day to day basis for its work."* *(David Murfitt, Syrenis)*

Charities, on the whole, find the system easy to use in order to comply with people's wishes (see 3.2.3). Again, this is down to the design of the system:

> *"Smaller charities log in to the portal to access the data. The larger charities get an electronic feed, whereby the impressions are transmitted to them electronically via secure file transfer… There are modules for fundraising software that automatically load this data to the charity's suppression list so the whole process can be automated end-to-end."* *(David Murfitt, Syrenis)*

3.3.2 Ways in which the service could change in response to user and charity needs

Taking into account the views of stakeholders consulted throughout the evaluation, we have outlined some key recommended changes for the Fundraising Regulator to consider when deciding the future of the service, although depending on how the service changes in the future, some of the recommendations may be obsolete.

1. *Reduce the cost of the service by seeking solutions for a minimal viable set up of the FPS that focuses on vulnerable people*

The FPS was developed at a time of intense media scrutiny, but when anticipated demand was not known. It was designed to manage a large volume of requests with automations built-in to increase efficiencies for all parties using it. Almost all interviewees with a broad view of the charity sector recognised its value in strengthening and maintaining public trust.

In many ways, the strengths of the service are the FPS's biggest challenges – ultimately, take-up has been low, leading many people consulted to consider the system to be *"over-engineered"* or *"a sledgehammer to crack a nut"*.

The Fundraising Regulator has taken steps to reduce the cost of the service, but a more specific assessment is now needed of what a minimal viable service would be, to fulfil users' needs at a considerably reduced cost.

It is recommended that the service is focused primarily at people in vulnerable circumstances.

Charities and other stakeholders made some suggestions about how the service could be simplified, see section 3.5.3.

> **Recommendation:** Seek to significantly reduce the cost of the service by investigating options for a minimal viable set up that is primarily aimed at protecting people in vulnerable circumstances.

2. *Make the service easier to find for people who need to use it*

Research conducted by Light & Shade Research (Caffery, 2019) on behalf of the Fundraising Regulator indicated that only 7% of the general population are aware of the Fundraising Regulator and 6% of the population are aware of the FPS. When prompted with a definition of the FPS and asked to rate how important its existence was, over 84% of people stated that it was 'very' or 'fairly important, including over half of the sample saying that the FPS was 'very important'.

> *"I think the lack of public awareness is holding it back." (Stakeholder interviewed)*

Low awareness of the service and a decreasing number of people using it has clearly contributed to charities' dissatisfaction over the cost of the service.

> *"It's so unknown it barely justifies its existence. So, it either needs to grow or dissolve." (Charity survey)*

Gerald Oppenheim, Chief Executive of the Fundraising Regulator, noted that the regulator was limited in the how widely they could promote the service, which is a reflection of the *"budgets we could make available to market [the FPS]",* although various marketing activities have been implemented over the three years that the service has been in operation. The regulator is very conscious of needing to find the right balance between *"protecting people who should be protected … and not damaging fundraising".*

Gerald Oppenheim added that *"charities hadn't promoted it as widely as they might have done"* and that the regulator would ideally like to see charities signpost to the FPS and the regulator from their website.

One stakeholder interviewed added:

> *"I think it would have been helpful, with hindsight, for fundraising organisations who are using unsolicited direct marketing fundraising approaches, to put reference to the FPS on those materials so that it gives people an opportunity to come off various marketing lists of charities."*

82% of charity respondents who are registered with the Fundraising Regulator said that they state that the charity is registered on its website (119 out of 146). However, only 20% tell supporters that they can stop receiving communications from them by contacting the FPS (29 out of 146). In most cases, this is located within the charity's privacy policy. More could be done by charities to promote the service to supporters.

> *"More people should know about the service - charities should be obliged to publicise it." (FPS user)*

Charities, private and statutory care providers, particularly those who support people with Alzheimer's and dementia, could be encouraged to inform people about the FPS via their information services if users of their services are concerned about the amount of charity communications they receive.

> **Recommendation:** Encourage charities and others to promote FPS to people in vulnerable circumstances.

Users typically found the FPS by doing a search online or by being told about it from someone else, including being told about it by care workers, the Citizens Advice Service and being signposted by a charity supporter services team.

A 'Google' search of 'how to stop charity mail' reveals several websites that talk about the Fundraising Preference Service, but at the time of searching (3/7/2020), the FPS' landing page and Fundraising Regulator's website was listed on the third page of Google's search results, which could be improved significantly. Google rankings can be increased through 'search engine optimisation' (SEO) by a marketing specialist and investing some money into Google advertising (which only costs when someone clicks on a link).

> **Recommendation:** Focus the regulator's limited marketing budget on ensuring that the service can be found when someone is looking for a way to stop charity marketing, rather than by seeking to raise awareness amongst the general population.

3. *Provide better information about the service for FPS users*

As outlined in section 3.2.3 (*charity portal: processing data on users who cannot be identified*), some people are using the FPS to suppress contact from charities that they have not received direct marketing from, which results in unnecessary processing of personal data by charities. Several charities estimated that as many as 50% of suppression requests via the FPS are from people who could not be found on their database (although some of these are likely to be FPS users who have provided incomplete or incorrect contact information for the supporter to be identified).

The public FPS[8] web page could provide clearer information to users by:

- Including general advice on 'how to stop charity mail'. This should include the suggestion to contact the charities directly to change their communication preferences on a more granular level (e.g. by reducing the frequency or channel).

- Specifying what type of marketing is and isn't covered by the FPS.

- Stating that the service does not stop people receiving unaddressed mail; then signposting people to complete the Royal Mail 'Door to Door Opt-Out Form'[9] if they want to stop receiving these types of communications.

We note that some of this information is available on the FAQs[10] page, but the link to the page can be easily missed.

> **Recommendation:** Develop a more visible information page about the FPS that outlines what the service does and does not do. This could include general advice on 'how to stop charity mail' to help boost search rankings.

4. *Provide information to charities about why users are making a suppression request, particularly when on behalf of a third party*

Several charities said that it would be helpful to know what prompted the users' request to be removed from their database and that it would be helpful to know if the request was made by a third party, as this would help them to effectively respond if the supporter then gets back in touch with the charity to ask why they are no longer receiving communications.

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[8] https://public.fundraisingpreference.org.uk/
[9] https://www.royalmail.com/sites/default/files/D2D-Opt-Out-Application-Form-2015.pdf
[10] https://public.fundraisingpreference.org.uk/FAQ.html

Two FPS users interviewed (who were using the service on behalf a third party) said that they would like the opportunity to tell the charities why they want to stop communications to someone else via an optional text box.

> *"I think it would help to be able to say why you are using the service and why the charities should stop sending letters etc. For instance, my father has dementia and Alzheimer's and would send out cheques without making a note of it... Sometimes my father would get letters every week from the same organisation."* (FPS user survey)

However, this information was suggested by charities to be *"useful, but it's not fundamental"* if it was likely to increase costs significantly.

Recommendation: Investigate the feasibility of telling charities when the request has been made on behalf of a third party and include an optional text box that allows FPS users to inform charities why the request has been made.

It is reasonable for charities to have the option of sending an acknowledgement to the supporter, so that they know the service has worked and to give them the opportunity to reverse the suppression if it was not done with their knowledge.

> *"It would be good to get acknowledgement from the charity, so you know that it has worked."* (FPS user, using the service on behalf of someone else).

5. *Increase the number of charities that can be included in a single suppression request through the online service*

Users of the online service can stop direct marketing communications from up to three charities at a time, whereas the maximum number is 20 through the telephone service. Several FPS user survey respondents and interviewees requested to increase the number of charities through the online service.

> *"Disappointed at only three charities per request. I now have to make multiple applications on behalf of an elderly relative. No explanation given why only three at a time. And I don't see the logic of it either."*

Recommendation: Increase the number of suppressions that can be made in a single online transaction to 10.

6. *Other considerations for the Fundraising Regulator in enabling people to exercise their data protection rights*

One charity interviewee described the Fundraising Regulator as *"absolutely brilliant"* as it *"helps me to do my job so much better"*.

Several interviewees suggested that the cost of the FPS could be better spent by the regulator on monitoring compliance with the fundraising code and in promoting good practice around *"effective ways to give brilliant customer service"*.

> *"The Fundraising Regulator can have our money, I actually have no issue paying the levy, I'd just rather they spent it all on monitoring compliance and the Fundraising Code … because I think that's more important [than the FPS]." (Charity interviewee)*

Section 3.3 of the Code of Fundraising Practice[11] specifies that charitable institutions or third-party fundraisers must not sell or share personal data with another organisation. However, some FPS users feel that this practice may still be happening within some organisations, which is a source of frustration for them, although it is not clear how charities obtained their data. One FPS user interviewed signed up to shave their head to raise money for one charity and then received direct marketing from several others shortly after:

> *"I don't know which charity shared my details, but last Christmas I was bombarded with marketing materials and lots of wasteful things like stickers with my name on it that I have no use for. It made me feel awful throwing things away and being so wasteful, but I never asked for any of it in the first place. It was very upsetting given that I had never contacted these charities directly." (FPS user)*

We acknowledge that this is a small sample size, and it is impossible to know how or when charities obtained personal data in this and other instances, but there is a perception, rightly or wrongly, from all FPS users we interviewed, that their contact details were sold or swapped by charities.

> **Recommendation:** Provide clearer information to the public about how and when to raise a complaint with the regulator if they think that their data may have been sold or swapped by a charity.

3.4 How the FPS works with statutory regulation to protect individuals from receiving unwanted communications

3.4.1 Status and context

The Fundraising Regulator and the Fundraising Preference Service are not statutory entities, but rather were created as a means for charities to maintain the goodwill of the public by improving and monitoring standards of fundraising. The FPS is a tool to address actual or perceived deviation from a part of those standards.

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[11] https://www.fundraisingregulator.org.uk/code/all-fundraising/processing-personal-data

3.4.2 Charities Act 2011

In general, the Charities Act does not address fundraising methods. It does define the objectives and functions of the Charity Commission, some of which are relevant to the FPS and the Fundraising Regulator more generally.

Section 14 of the act states:

The [Charity] Commission has the following objectives—

1   The public confidence objective. The public confidence objective is to increase public trust and confidence in charities.

…

5   The accountability objective. The accountability objective is to enhance the accountability of charities to donors, beneficiaries and the general public.

These are functions which the FPS supports, as indicated by a stakeholder interviewed:

"Trust and confidence in charities is achieved by the practice of establishing a good relationship with donors and giving them control over the communications they receive and direct approaches for money. The FPS is an important part of that."

Section 15.1 states:

The Commission has the following general functions—

…

2   Encouraging and facilitating the better administration of charities.

3   Identifying and investigating apparent misconduct or mismanagement in the administration of charities and taking remedial or protective action in connection with misconduct or mismanagement in the administration of charities.

Again, the FPS supports these functions.

3.4.3 Data Protection Act 2018 and the General Data Protection Regulation

The General Data Protection Regulation (GDPR) is European legislation which applied to the UK until 31 January 2020, the date that the UK left the EU. Section 3 of the European Union (Withdrawal) Act 2018 provides that the GDPR will form 'part of domestic law on and after exit day', and thus it remains in force in the UK at least until the end of the UK's transition period of leaving the EU, proposed to be 31 December 2020.

The position after 31 December 2020, to quote the Information Commissioner's Office (ICO), 'depends on negotiations during the transition period.' While there is an expectation that the UK Parliament will

retain the GDPR in UK-wide law, recent statements by members of the government have indicated that all EU regulations will be part of the negotiation process, and it is possible therefore that the eventual UK equivalent of GDPR will differ from the EU version.

The GDPR gives people key rights over the processing of their data, notably:

- Article 15: the right to receive a copy of the data concerning him/herself
- Article 16: the right to have any errors corrected
- Article 17: the right to have the data erased
- Article 18: the right to restrict processing of the data in certain circumstances
- Article 20: the right to data portability (to, for example, a successor or rival FPS service operated by some other body)
- Article 21: the right to object to any specific processing of the data.

The FPS provides a channel for people to restrict and object to the processing of their data (Articles 18 and 21 respectively).

> *"GDPR gives people the right to contact organisations and ask them to stop sending direct marketing. The FPS process is another way that people can exercise their GDPR rights." (Robert Cole, ICO)*

If a charity fails to act on a supporters' suppression request via FPS, the Fundraising Regulator can investigate that charity through its case work.

> *"The FPS is an expression of somebody's opinion and desire not to hear from an organisation. Therefore, it is covered by data protection legislation. In circumstances where there's a suppression that charities failed to act on, in principle it is a breach of the data protection legislation." (Gerald Oppenheim, the Fundraising Regulator)*

3.5 Whether there continues to be a need for the FPS in light of strengthened data protection rights and other factors that have influenced the fundraising landscape

The FPS was set up three years ago, before the introduction of GDPR, which as outlined above, has strengthened people's data protection rights. However, other factors have influenced the fundraising landscape since the FPS was set up in 2017. This section therefore examines the impact of these factors on fundraising behaviour and whether there continues to be a need for the FPS.

3.5.1 Impact of GDPR and other factors on fundraising practice

60% of charities consulted said that they have reduced the size of their supporter database as a result of GDPR (93 out of 154), as outlined in Figure 24, and 20% had reduced the frequency of direct marketing as a result of GDPR (31 out of 154).

Charities: Has the charity reduced the size of its supporter database as a result of GDPR? (154 responses)
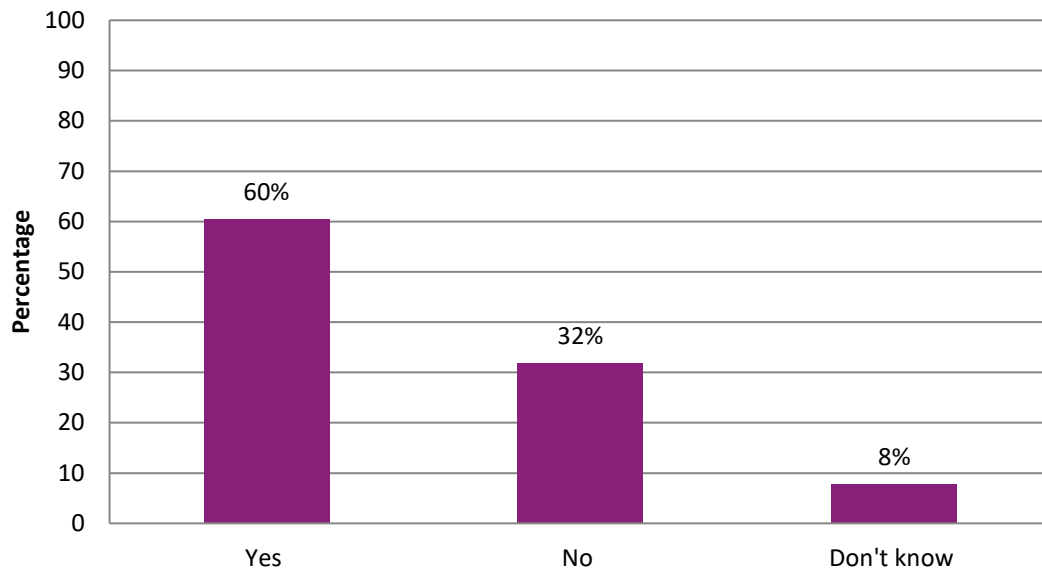

Figure 24 – Impact of GDPR (charities)

Several charities said that they thought that their organisation may have been over-cautious with their interpretation of GDPR legislation or have received bad advice, after they identified their lawful basis for direct marketing to warm supporters (Article 6 of GDPR) as 'consent', rather than on the grounds of 'legitimate interests'.

Charities outlined some of the changes to the content, volume or frequency of their direct marketing communications in the charity survey:

> "Have we reduced the size of our database as a result [of GDPR]? No, we haven't. However, following review, refresh and updating of the consents held, we do have a reduction in the number of individuals who are on our database to whom we can send electronic direct marketing." (Charity survey)

Some respondents reported that this had resulted in a decline in fundraising income:

> "The volume [of direct marketing] reduced as [our] supporter base reduced by moving to opt-in which caused a significant decline in income. Supporter surveys suggest supporters want more (not less) frequency of communications." (Charity survey)

Therefore, charities' response to GPDR indicates that the volume of direct marketing sent from fundraising organisations to members of the public is likely to have reduced since the legislation was introduced in May 2018.

A few stakeholders and several charities therefore questioned the need for the FPS in the context of strengthened data protection rights:

"I'm not 100% sure why the preference service is now needed, given the GDPR and other things that have come along and made it rather less relevant ... Is it the best way now to fix a particular problem? … I would think about how to run it in a way that frees up the regulator's resources to do something potentially more useful."
(Angela Cluff, Chair of IOF Supporter Experience Special Interest Group Committee)

Whilst several charities and interviewees thought that the FPS had been *"somewhat superseded by GDPR",* and supporters are now more informed about how they can contact charities directly to stop direct marketing, the regulator highlighted the important role that the FPS plays in making this action more convenient when people want to stop communications from multiple charities.

"I think the FPS has its place alongside GDPR. GDPR is not a direct replacement for the FPS any more than GDPR is a replacement for the MPS (Mailing Preference Service) or the TPS (Telephone Preference Service)."
(Gerald Oppenheim, the Fundraising Regulator)

Furthermore, as outlined in section 3.2.5, in some cases the FPS is the only way that people can stop communications on behalf of a vulnerable person.

"GDPR changes the wider context but it doesn't solve the problem of needing to protect vulnerable people. You can have completely GDPR-compliant fundraising with somebody who gave informed consent. Then three years later they find themselves in vulnerable circumstances and need somebody else to make a decision to help them deal with their charity communications." *(Peter Lewis, IOF)*

Several charities and stakeholder respondents highlighted additional factors that have influenced fundraising behaviour since the FPS was set up:

"There has been a noticeable change in fundraising practices since 2015. It is hard to attribute what those specific changes are down to - whether GDPR, a culture change amongst the charity sector, the establishment of the Fundraising Regulator or the FPS. It is difficult to know which of those has had the biggest impact, but they had a combined impact, which is the important point." *(Stakeholder interviewee)*

"What happened in 2015/16 was a wake-up call for a lot of charities, many of whom were operating almost in isolation when it came to fundraising. What happened made everybody realise that they also needed to think about the accumulative effect that fundraising practices were having on individual donors, and that charities needed to start thinking of themselves as part of an ecosystem."
(Elizabeth Chamberlain, NCVO)

3.5.2 The need for the FPS in light of GDPR and improved fundraising practices

Given the change in fundraising practices, is the FPS still needed?

54% of charity respondents (86 out of 160) thought that there was no need for the service to continue in light of GDPR, as illustrated in Figure 25. Only 25% of charities surveyed (40 out of 160) thought that there continues to be a need for the service.

Charities: Do you think that there continues to be a need for the FPS in light of strengthened data protection rights as a result of GDPR? (160 responses)
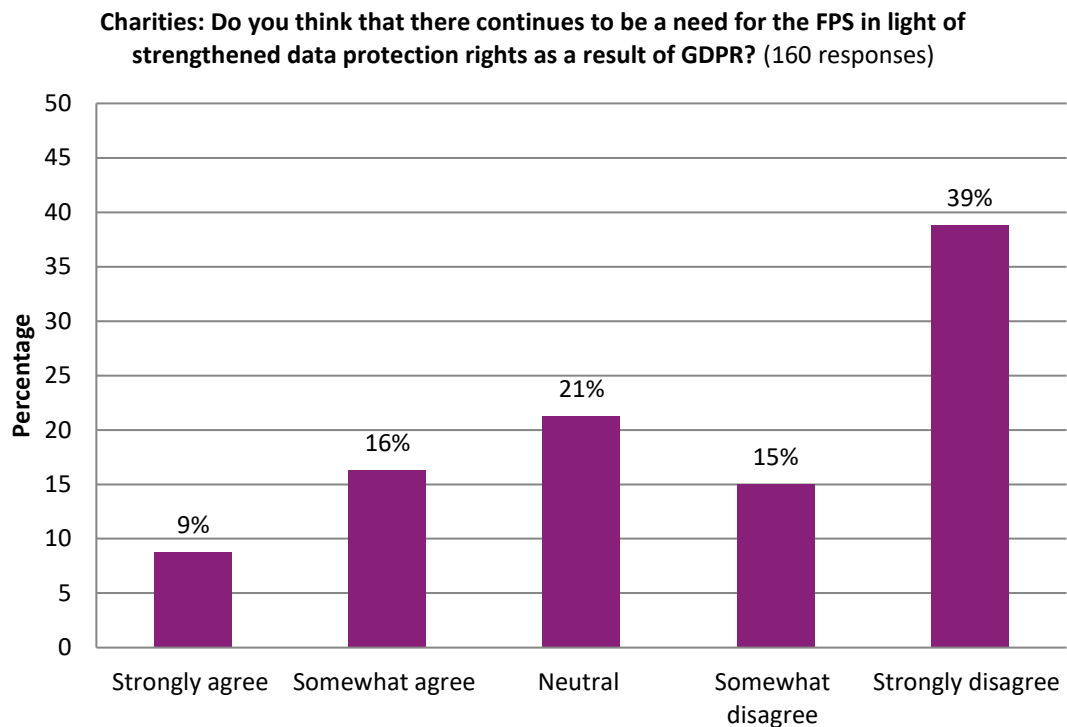
Figure 25 – Need for the FPS in light of GDPR (charities)

Several charity respondents thought the FPS had served its purpose, particularly in the context of declining usage:

> *"To have something that is such a huge monolith, that is handling so few requests – maybe there's an elephant in the room and it has served its purpose." (Charity focus group)*

> *"I would say if you can't bring these costs drastically down then perhaps it's time to close the service due to lack of public demand." (Charity survey)*

Despite opposition to the service from many charities, the majority of sector interviewees put forward an argument from a wider perspective for the need for the service to continue in some form, to maintain and increase public trust and confidence:

> *"It is an essential part of the system; a vital backstop and a safety net... We, as a sector, would be far weaker without it." (Peter Lewis, IOF)*

"The FPS was put in place to help boost public trust and confidence in charities and to give donors a greater sense of control over their communications. What impression would that give to members of the public if it were to close?" (Stakeholder interviewed)

Other interviewees wondered if the FPS had *"run its course for the general population"* and should perhaps be focused on vulnerable users.

The question for many was, can the Regulator develop a more cost-effective way of achieving the objective of maintaining public trust and confidence in charities, and provide a convenient way for supporters to opt-out of charity marketing and to protect vulnerable people?

3.5.3 Suggestions for a future service

Several charities described the current FPS set-up as being more complex than it needs to be, given the volume of requests coming through the service.

"It's a lovely system. They did a really good job, but it's massively over- engineered for what it does." (Charity focus group)

Ken Burnett thought that supporters' preferences should be verified by charities on an ongoing basis, without the regulator's involvement:

"I do have a vision of a future world in which this is done differently. I'm not sure that a central regulator is right to administer this with the public. Giving donors choices should be a major part of the supporter experience… Each time that charities write to them, they should give them the opportunity to make certain choices about whether and how they want to continue the relationship... as a sort of continuous opt-out programme." (Ken Burnett)

Although charities surveyed did not see the need for the FPS to continue, the balance of opinion from wider stakeholders consulted through qualitative research is that the service should continue in some form, albeit through a less complex and more cost-effective set-up that particularly focuses on vulnerable people, and that this should be backed-up through the Fundraising Regulator's complaints policy.

This evaluation was not intended to identify or recommend a particular solution. However, some charities and stakeholders gave the following suggestions for a simpler service:

1. Providing advice for supporters on how to contact charities directly, with a downloadable template letter, email or form to complete and send to charities themselves.

2. Providing a downloadable form to be sent to the Fundraising Regulator (in a similar way to the Royal Mail Door to Door Opt-Out form[12]), who then sends the request to charities via secure transfer.

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[12] https://www.royalmail.com/sites/default/files/D2D-Opt-Out-Application-Form-2015.pdf

3. FPS database search that signposts users to charities' individual preference centres.

4. FPS database search through a telephone service and web-based contact form that forwards users' details directly to charities' individual preference centres through a secure method (i.e. bypassing the need for a charity portal).

To be practical to implement, options 3 and 4 would need to be focused on large levy-paying charities only.

One of the key considerations of a future service is that a new system would incur set up costs and would need to be GDPR-compliant in its processing of personal data. A new service is unlikely in itself to increase usage levels (and they may actually decrease). Therefore, the cost of development amortised over a period of years means that the per user cost could rise substantially before it falls.

4 Conclusions and recommendations

4.1 Conclusions

Fundraising is an essential function of civil society in the UK. Charitable giving in the UK funds good causes that are the lifeblood of communities here and throughout the globe. The vast majority of fundraisers seek to build lasting relationships with their supporters and carefully consider the impact that their marketing is having on donors when planning fundraising campaigns.

However, fundraising became the focus of intense media scrutiny in 2015 after some high-profile cases that were driven by poor fundraising behaviour revealed people feeling extremely distressed by the volume of direct mail they were receiving. This was described as a *"wake-up call"* for the charity sector and led to the recommendation of a Fundraising Preference Service (FPS) and the set-up of the Fundraising Regulator.

Since 2017, the FPS has provided a convenient way for people to opt-out of receiving communications from multiple charities. There is no doubt that the FPS has protected many people in vulnerable circumstances from receiving unwanted charity marketing.

Supporters have stronger data protection rights now than in 2017 when the FPS was set up, and the vast majority go to charities directly to manage their communication preferences, which is to be applauded. This has mirrored declining usage of the FPS.

Despite these positive moves within sector, several FPS users described a troubling picture of family members or people they care for feeling *"overwhelmed"*, *"anxious"* and *"confused"* by the volume of charity direct mail that they were receiving. We interviewed FPS users who spoke of their relatives with dementia and Alzheimer's mistakenly thinking that they *have* to respond to the increasing number of fundraising appeals they are receiving, meaning that they are donating money that they can ill-afford.

When circumstances change and charity supporters become vulnerable, their loved ones and carers need a quick and easy system to be able to manage communications without having to contact each charity directly, some of whom have indicated that they would not act on the request of a third party in any case.

The reality is that the FPS is an extremely important service for a very small and declining number of users. The FPS was designed when demand was not known, so includes automations and systems to manage a significantly larger number of users than it is ever likely to encounter. The cost of the system is *"the major bugbear for most charities"* and leads the majority to question its value.

This evaluation finds that the principle of an independent fundraising preference service is an important part of the support structure that helps to maintain public trust and ultimately strengthen fundraising. We recommend a simpler and more cost-effective solution for the FPS that focuses primarily on providing a convenient and regulated way for people in vulnerable circumstances (and those acting on their behalf) to opt-out of receiving charity direct marketing. This would also help the Fundraising Regulator to free up additional resources to regulate and champion fundraising as a force for good.

4.2   Summary of recommendations for the Fundraising Regulator

1.   Seek to significantly reduce the cost of the service by investigating options for a minimal viable set up that is primarily aimed at protecting people in vulnerable circumstances. *See page 41*

2.   Consider how to ensure that third party suppression requests made directly to charities are consistently managed and adhered to when there is reason to believe that the supporter is in vulnerable circumstances. *See page 39*

3.   Investigate the feasibility of telling charities when the request has been made on behalf of a third party and include an optional text box that allows FPS users to inform charities why the request has been made. *See page 44*

4.   Encourage charities and others to promote FPS to people in vulnerable circumstances. *See page 42*

5.   Increase the number of suppressions that can be made in a single online transaction to 10. *See page 44*

6.   Issue guidance to charities about what to do if they receive a suppression request via FPS from someone who isn't on their database. *See page 30*

7.   Focus the regulator's limited marketing budget on ensuring that the service can be found when someone is looking for a way to stop charity marketing, rather than by seeking to raise awareness amongst the general population. *See page 43*

8.   Develop a more visible information page about the FPS that outlines what the service does and does not do. This could include general advice on 'how to stop charity mail' to help boost search rankings. *See page 43*

9.   Provide clearer information to the public about how and when to raise a complaint with the regulator if they think that their data may have been sold or swapped by a charity. *See page 45*

5   References

Caffery, N. (2019). *The role of the Fundraising Regulator: public awareness, trust and expectations.* Light & Shade Research.

Etherington, S. e. (2015). *Regulating Fundraising for the Futrue: Trust in charities, confidence in fundraising regulation.*

ICO. (n.d.). *Direct marketing, 20180306 Version: 2.3.*

Case studies

* This report contains real case studies of how and why people use the FPS, based on interviews. Names have been changed to protect the identity of people involved.

6 Appendices

Appendix 1 - Organisations who participated in interviews and the focus group

We would like to thank the following charities, organisations and individuals who participated in interviews and focus groups at what was a particularly busy time during lockdown due to Covid-19 restrictions.

Charities who participated in interviews and the focus group

Battersea Dogs & Cats Home	National Autistic Society
Breast Cancer Now	Royal Academy of Arts/ Friends of the Royal Academy
Cancer Research UK	St Ann's Hospice
Compassion in Dying	St Mungo's
Dorset and Somerset Air Ambulance	The Geological Society of London
Great Ormond Street Hospital Children's Charity	XLP
James and Sylvia Beney Trust	YoungMinds
Marie Curie	

Other stakeholders interviewed

Name	Organisation
Ken Burnett	Independent author, lecturer and fundraising consultant
Nick Mott	The Charity Commission
Daniel Fluskey	Chartered Institute of Fundraising (IOF)
Peter Lewis	Chartered Institute of Fundraising (IOF)
Margaret Moore	Fundraising Regulator
Suzanne McCarthy	Fundraising Regulator
Gerald Oppenheim	Fundraising Regulator
Robert Cole	Information Commissioner's Office
Angela Cluff	IOF Supporter Experience Special Interest Group Committee
Elizabeth Chamberlain	National Council of Voluntary Organisations (NCVO)
Lynn Kennedy	Northern Ireland Council for Voluntary Action (NICVA)
Ben Harrison	Office for Civil Society, Department of Culture, Media & Sport (DCMS)
David Murfitt	Syrenis Ltd
Ruth Marks	Wales Council for Voluntary Action (WCVA)

Appendix 2 - FPS User Survey Questions

How you use the service

1) How did you access the Fundraising Preference Service (FPS)?
( ) Online
( ) Telephone helpline
( ) I have used both

2) Were you using the service for yourself or on behalf of someone else?
( ) Myself
( ) On behalf of someone else
( ) I've used it both for myself and on behalf of someone else

3) Is this the first time you have used the service?
( ) This was my first time
( ) I have used the service before

4) After using FPS, did charities stop sending direct marketing?
( ) Yes
( ) Some did
( ) No
( ) Don't know / not sure

About the person you were contacting FPS on behalf of

5) What is your relationship to the person you were contacting FPS on behalf of?
( ) My partner / spouse
( ) My mother or father (including mother-in law or father-in-law)
( ) My child
( ) My friend
( ) Other - Please tell us who: _____

6) Do you consider the person you were contacting FPS on behalf of to be vulnerable **in some way?**
(e.g. because of their age, health or financial circumstances)
( ) Yes
( ) No
( ) Not sure / rather not say

7) Could you tell us why you consider them to be vulnerable? *(Tick as many as apply)*
[ ] Because of their age
[ ] Because they have a long-term illness or disability
[ ] Because of their financial situation
[ ] Other - Please tell us why: _____

8) How old are they?

( ) 17 or younger	( ) 35 to 44	( ) 65 to 74
( ) 18 to 24	( ) 45 to 54	( ) 75 to 84
( ) 25 to 34	( ) 55 to 64	( ) 85 or older

Charity direct marketing

Through the FPS you can request charities to stop sending direct marketing that is specifically addressed to you (this does not include mail that is not addressed to you personally).

9) Why did you want to stop receiving charity direct marketing? *(Please tick as many as apply)*
[ ] Didn't sign up to their mailing list
[ ] Being contacted / asked for money too often
[ ] Don't support the cause
[ ] Other - Please specify: _____

10) Did you try to contact any of the charity(ies) directly **to request they stop sending direct marketing?**
( ) Yes
( ) No
( ) Not sure / can't remember

Quality and benefits

11) How easy or difficult is it to use the service?
( ) Very easy
( ) Easy
( ) Neutral
( ) Difficult
( ) Very difficult

12) Overall, how satisfied are you with the FPS?
( ) Very satisfied
( ) Somewhat satisfied
( ) Neutral
( ) Somewhat dissatisfied
( ) Very dissatisfied

13) Did the FPS benefit you in any of the following ways?
Answer options: Strongly agree, Agree, Neutral, Disagree, Strongly disagree
( ) It saved time contacting the charities individually
( ) I didn't want to contact charities myself
( ) It gave me peace of mind
( ) This is the only way I could stop communications on behalf of someone else

14) Do you think that FPS is an important service to protect people who might be vulnerable in some way?
( ) Strongly agree
( ) Somewhat agree
( ) Neutral
( ) Somewhat disagree
( ) Strongly disagree

15) Do you think that people should be able to stop direct marketing communications from all fundraising organisations with a single request to the FPS?
( ) Strongly agree

( ) Somewhat agree
( ) Neutral
( ) Somewhat disagree
( ) Strongly disagree

16) Is there anything else that you would like to say about the service and why you wanted to use it?
_____

About you and future research
We would like to ask some questions about you, which will help the us to understand who uses the FPS and how it could be improved. The information you provide will be kept entirely confidential and will never be traced back to you as an individual. You do not have to answer these questions.

17) Your gender
( ) Female
( ) Male
( ) Prefer not to say
( ) Prefer to self-describe:: _____

18) Your age

( ) 17 or younger	( ) 35 to 44	( ) 65 to 74
( ) 18 to 24	( ) 45 to 54	( ) 75 to 84
( ) 25 to 34	( ) 55 to 64	( ) 85 or older

19) Do you consider yourself to be a disabled person?
( ) Yes
( ) No
( ) Prefer not to say

20) Would you be willing to participate in a research telephone call, so we can hear more about your experience of the service, in your own words?

Your answers to this survey will remain anonymous. Your contact details will be kept in a secure place and will be destroyed after the call. We will not pass your name and contact information on to anyone else, or contact you again after the call.
( ) Yes
( ) No

21) Please give your name and contact details and we will be in touch if you have been selected to participate in future research.
Name: _____
Telephone number: _____
Email address: _____

Appendix 3 - FPS User Interview Topic Guide

1. **Can you tell us a bit more about how and why you used the service?**
   - How heard
   - Telephone / web
   - Frequency (first time or multiple times)?
   - How many charities have you asked to stop contacting you, through FPS?
   - Did this meet with your expectations? Or preferred to choose more? *How many? Why?*
   - *If 'more charities' – explore perceptions of option to suppress contact from all charities. How important is this to them?*

2. **Can we ask about your experience of using the FPS?**
   - *Reflect on survey response in terms of usability* – could you tell me a bit more about how easy/difficult you found the service?
   - Were you able to find the right charities?
   - If telephone – how would you describe the customer service provided?

3. **Can you tell me a bit about the charity communications that led you to want to use the service?**
   - What is the nature of unwanted communications? *(How many charities, nature of comms, why unwanted)*
   - What type of communications do you want to stop? *(explore if just those addressed to them personally or all communications, including unaddressed mail through door)*
   - Why this was unwanted? *How making them feel?*
   - Previously supported the charities wanted to stop contact from? *Explore nature of donor relationship*
   - Did you also contact charities directly? *Why/why not/in what order?*

4. **Value of 'on behalf of others':**
   - *(If not established earlier)* Did you contact FPS on behalf of someone else? If so, who?
     - o   Vulnerable? Why concerned about them?
     - o   Was it discussed with the person?
     - o   Did you try to contact charity directly (on behalf of person)? Outcome?
     - o   How do you / they feel now that used service?
   - How important is it that the service is available on behalf of others?

5. **Strengths and weaknesses**
   - What do you think are the biggest benefits of the service to you?
   - Do you think that the service has changed how much you trust charities? *If so how?*
   - Do you have any suggestions for how it could improve?

6. **Need in light of GDPR changes**
   - You have right to stop any and all contact from charities by contacting them directly. Would you still prefer to use FPS to stop communications? Or are you happy go to the charity direct? *(Explore)*
   - What would be the impact on you if the service didn't exist? *(Explore)*

7. **Any final thoughts?**

Appendix 4 - Charity Survey Questions

Eligibility criteria

1) Your organisation type:*

Please tick all that apply.

[ ] Charity registered with the Charity Commission for England and Wales

[ ] Charity registered with the Charity Commission for Northern Ireland

[ ] Another fundraising organisation including higher education institution, museum or gallery

[ ] None of the above

About your charity

2) Is your charity registered with the Fundraising Regulator?*

( ) Yes - we pay the annual levy (large charity with fundraising costs of £100,000 or more)

( ) Yes - we have voluntarily registered (small charity with fundraising costs of less than £100,000)

( ) No - we are not registered with the Fundraising Regulator

( ) Don't know

3) The annual levy is based on your charity's reported expenditure (outlined below). Do you know how much your charity pays for the levy?

Amount of money spent on fundraising	Levy amount
£100,000 ——— £149,999	£150
£150,000 ——— £199,999	£300
£200,000 ——— £349,999	£500
£350,000 ——— £499,999	£800
£500,000 ——— £749,999	£1,000
£750,000 ——— £999,999	£1,500
£1 million ——— £1,999,999	£2,500
£2 million ——— £4,999,999	£4,000
£5 million ——— £9,999,999	£6,000
£10 million ——— £19,999,999	£8,000
£20 million ——— £49,999,999	£12,000
£50 million +	£15,000

( ) £150
( ) £300
( ) £500
( ) £800
( ) £1,000
( ) £1,500
( ) £2,500
( ) £4,000
( ) £6,000
( ) £8,000
( ) £12,000
( ) £15,000
( ) Don't know

Suppression requests from FPS

Members of the public can choose to stop receiving communications from a named charity. This is called a *suppression request*. The Fundraising Regulator notifies charities if and when a suppression request has been received by sending an email to the email address listed on the charity commission website. The charity is given instructions on how to enrol and log on to the charity portal to download data on the individual to comply with the request.

4) Has your charity received a suppression request from the FPS?*

( ) Yes

( ) No

( ) Don't know

5) Has your charity enrolled and logged on to the charity portal?*

( ) Yes
( ) No
( ) Don't know

6) If not, why not?
_____

7) In the last 12 months, approximately how many people have requested to be removed from your database, <u>via FPS</u>?
_____

Quality and ease of use
8) How easy or difficult is it to use the charity portal?*
( ) Very easy
( ) Easy
( ) Neutral
( ) Difficult
( ) Very difficult

9) Could you say why?
_____

10) Does the suppression request from FPS typically provide enough information to comply with supporters' wishes?
( ) Always
( ) Often
( ) Sometimes
( ) Rarely
( ) Never

11) If not, could you explain what information is missing?
_____

12) Overall, how satisfied are you with the FPS?*
( ) Very satisfied
( ) Somewhat satisfied
( ) Neutral
( ) Somewhat dissatisfied
( ) Very dissatisfied

13) How do you think that the FPS service could be improved?
_____

Benefits of FPS
14) To what extent do you agree with the following statements?
Answer options: Strongly agree, Agree, Neutral, Disagree, Strongly disagree
( ) FPS saves us resources by not sending communications to people that do not wish to be contacted
( ) FPS saves us time taking calls from supporters who no longer wish to be contacted
( ) FPS increases public trust in charities

15) Overall, do you think that the FPS helps your charity to provide good supporter care?*
( ) Strongly agree
( ) Somewhat agree
( ) Neutral
( ) Somewhat disagree
( ) Strongly disagree

16) Could you explain why?
_____

17) Can you think of any other benefits to your charity of the FPS?
_____

18) The FPS accepts suppression requests made on behalf of others. Do you think that this is an important service to protect vulnerable people?*
( ) Strongly agree
( ) Somewhat agree
( ) Neutral
( ) Somewhat disagree
( ) Strongly disagree

In 2018/19, 2,820 members of the public made 8,719 suppression requests against 846 charities, with nearly 30% of suppression requests being made on behalf of others. FPS running costs for this period were £376k.

19) Considering your answers to the questions above, the cost of the FPS and that it is paid for by the levy, do you think that the FPS provides good value for money?
( ) Strongly agree
( ) Somewhat agree
( ) Neutral
( ) Somewhat disagree
( ) Strongly disagree

20) How do you think that the service needs to change to provide better value for money?
_____

Suppression requests received directly by your charity
The following questions are about requests made <u>directly to your charity</u> from supporters who no longer wish to receive communications.

21) In the last 12 months, approximately how many suppression requests have you received from supporters <u>to your charity directly?</u> (i.e. not via FPS)
_____

22) Does your charity directly accept suppression requests from people <u>acting on behalf of others</u> other than:
- **where the other person has died**
- **where the person contacting you has power of attorney to act for the other person?**

(I.e. if someone wanted to stop fundraising materials on behalf of a friend or family member.)
( ) Yes
( ) No
( ) Don't know

Informing supporters about the FPS

23) Does your charity state that it is registered with the Fundraising Regulator on its website?
Note, there is currently no requirement to do this.
( ) Yes
( ) No
( ) Don't know

24) Does your charity tell supporters that they can stop receiving communications from you by contacting the FPS?
Note, there is currently no requirement to do this.
( ) Yes
( ) No
( ) Don't know

25) If so, where do you state this?
_____

Impact of GDPR

The General Data Protection Regulation (GDPR) strengthens people's data protection rights. The following questions ask about the impact of GDPR on your fundraising.

26) Has your charity reduced the size of its supporter database as a result of GDPR?
( ) Yes
( ) No
( ) Don't know

27) Has your charity reduced the frequency of direct marketing as a result of GDPR?
( ) Yes
( ) No
( ) Don't know

28) If the content, volume or frequency of your charity's direct marketing communications have changed as a result of GDPR, could you tell us how?
_____

The future of the FPS

29) Some members of the public would like to be able to stop direct marketing communications from <u>all</u> fundraising organisations with a single request to the FPS. This is not currently offered. Do you think that it should be?*
( ) Strongly agree
( ) Somewhat agree
( ) Neutral
( ) Somewhat disagree
( ) Strongly disagree

30) Could you explain why?

_____

31) Do you think that there continues to be a need for the FPS in light of strengthened data protection rights as a result of GDPR?*

( ) Strongly agree
( ) Somewhat agree
( ) Neutral
( ) Somewhat disagree
( ) Strongly disagree

32) Could you explain why?

_____

Final thoughts and future research

33) Is there anything else that you would like to add?

_____

34) We are planning to conduct interviews and a focus group with charities who use the FPS. Would your charity by willing to participate in future research?

Your answers to this survey will remain anonymous.

( ) Yes
( ) No

35) Please give your name and contact details and we will be in touch if you have been selected to participate in future research.

Name: _____
Organisation name: _____
Telephone number: _____
Email address: _____

Appendix 5 - Charity Interview Topic Guide

1. *Benefits to charity*
   - What impact, if any, has the FPS had on your charity?
   - Do you think that the FPS (and specifically naming charities who do not comply) has had an impact on fundraising behaviour in general?

2. *Benefits to public*
   - What do you think is the main value or benefits to the public of the service?

3. *Value of 'on behalf of others'*
   - Nearly 30% of suppression requests are being made on behalf of others. Not all charities accept requests to stop communications to other people. How important is it that the service is available on behalf of others (e.g. to protect vulnerable people)?
   - Is this a unique feature of FPS?
   - Would you find it helpful to know if suppression requests were made on behalf of someone else?

4. *Value for money*
   - Some of the criticisms about the service have been about cost of the service, which is paid for by levy-paying charities. It costs over £300k per annum, which is around 19% of the Fundraising Regulator's costs. Do you think that the service provides good value for money? *If so, why/why not?*
   - Would your opinions change if the service cost less money or was used more widely?
   - How might the service change, to provide increased value for money?

5. *Strengths and weaknesses*
   - What are the strengths of the service?
   - How could it improve?

6. *Demand for the service*
   - Do you think that the service has been promoted enough by the Fundraising Regulator / sector in general?

7. *Need in light of GDPR changes*
   - The FPS was set up before GDPR came into force. Do you think that the service still has benefits in a post-GDPR era? *Is still needed? If so, why / why not?*
   - What would be the impact on the sector and members of the public if FPS ceased to operate?

8. *Further thoughts*
   - Is there anything else that you would like to add?

Appendix 6 - Charity Focus Group Topic Guide

Value and benefits, strengths and improvements
- What impact, if any, has the FPS had on your charity?
- Do you think the FPS has had wider benefits on fundraising in general?

Value of 'on behalf of others'
- Nearly 30% of suppression requests are being made on behalf of others. Not all charities accept requests to stop communications to other people. How important is it that the service is available on behalf of others (e.g. to protect vulnerable people)?
- Is this a unique feature of the FPS?

Value for money
- Some survey respondents were critical about the costs of the service – it costs around £300k pa, which is 19% of Fundraising Regulator's costs. Would your opinions change if the FPS cost less money or was used more widely?
- How might the service change, to provide increased value for money?

Future of the service in light of GDPR
- A few years ago, there was a watershed moment for fundraising, with many charities changing fundraising practice. Has your fundraising practice changed? If so, how and what was the key driver for this? *(Prompt – was it press attention, GDPR, Fundraising Regulator?)*
- The FPS was set up before GDPR came into force. Do you think that the service is still needed in a post-GDPR era? *If so, why / why not?*
- What would be the impact on the sector and members of the public if FPS ceased to operate?

Further thoughts
- *(If time)* Has anyone changed their opinions since they completed the survey? If so, what might have influenced them?
- Is there anything else that you would like to add?

Appendix 7 - Stakeholder Interview Topic Guide

1. *Benefits to public*
   - What do you think is the main value or benefits to the public of the service?
   - Who else should we be speaking to, that might act as champion of the donor voice?

2. *Benefits to charities*
   - Do you think that the service benefits the sector in general? *If so, how/why not?*
   - What impact, if any, do you think that the FPS (and specifically naming charities who do not comply) has had on fundraising behaviour?

3. *Value for money*
   - Some of the criticisms about the service have been about cost of the service, which is paid for by levy-paying charities and costs over £300k per annum. Do you think that the service provides good value for money? *If so, why/why not?*
   - *Prompt*: Some charities have suggested that this is not the best use of charitable funds. What's your views on this?

4. *Value of 'on behalf of others'*
   - Nearly 30% of suppression requests are being made on behalf of others. Not all charities accept requests to stop communications to other people. How important is it that the service is available on behalf of others (e.g. to protect vulnerable people)?
   - Do you think that the number of suppression requests on behalf of others tells us anything about fundraising behaviours?

5. *Strengths and weaknesses*
   - What are the strengths of the service?
   - How could it improve?

6. *Decisions about the development of the service*
   - The cross party / Etherington review recommended that the FPS provides a 'big red button' to enable opt out of communications from all fundraising organisations. These recommendations were accepted by the Cabinet Office but found by Fundraising Regulator board be unworkable. Do you have any views on that decision and its implications for the FPS, donors and charities?
   - To what extent do you feel that the service is meeting its purpose or original remit?

7. *Demand for the service*
   - Demand for the service (from members of the public) is declining. Do you have any thoughts on why that may be?
   - Do you think that the service has been promoted enough by the Fundraising Regulator / sector in general?

8. ***Need in light of GDPR changes***
   - The FPS was set up before GDPR came into force. Do you think that the service is still needed? *If so, why / why not?*
   - What would be the impact on the sector if FPS ceased to operate?

9. ***Further thoughts***
Is there anything else that you would like to add?