



30 July 2009

Position statement No 1

Proposed lobbying for reform of the Telephone Preference Service

Background

Earlier this year, telephone fundraising agency Relationship Marketing published a [white paper](#) calling for reform of the Telephone Preference Service to allow either an exemption, an opt-out, or an opt-in system for telephone fundraising.

Following a meeting between the Institute of Fundraising (IoF) and Relationship Marketing in July, the Institute is surveying its 5,000 members to ascertain whether there is an “appetite” among fundraisers to lobby for change.

PFRA's position

The PFRA supports the call to reform the Telephone Preference Service, for three reasons.

1) As a regulatory body overseeing three specific but extremely closely-related forms of fundraising (face-to-face, door-to-door, and prospecting), PFRA takes the view that regulation must be proportionate to the potential issues that arise from any fundraising method.

This necessarily entails that there cannot be any form of ‘one-size fits all’ regulation, because such ‘one-size fits all’ cannot be proportionate to specific issues. This is the situation with the current TPS regime, which offers the public a choice of receiving all cold marketing calls, or receiving none at all, irrespective of whether they are made by companies of charities.

The current regime at the TPS should be reformed because it is ‘one-size fits all’ regulation that:

- does not constitute best regulatory practice
- does not maximise donor/consumer choice
- does not maximise opportunities for charities to fundraise on behalf of their beneficiaries.

We offer no view here on what form the reform should take (whether opt-in, opt-out or exemption).

2) PFRA is of the view that lobbying for reform of the TPS is an important issue for the fundraising sector, not just because of the practical benefit for fundraisers it could bring.

The fundraising sector must have the confidence to ask for changes to systems it considers inequitable. We know from past experience that some fundraisers have been reluctant to publicly defend F2F fundraising for fear of alienating public opinion. So although any campaign to reform the TPS risks a confrontation with the consumer protection lobby, the fundraising sector must be prepared to take this on.

Any campaign to reform the TPS could thus have implications about how fundraisers are prepared to campaign for what they believe to be right that extend far beyond any technical change to the UK's do-not-call register.

3) The issues that have led to calls for reform illustrate the need for good sectoral or sub-sectoral representation.

In 1997 and 1998, when the relevant legislation that led to the TPS was being devised and consulted upon, the general view within the telephone fundraising sub-sector was that any legislation would not impact on fundraising because:

- a) it was assumed the legislation was aimed at commercial telesales
- b) most telephone fundraising was focused on contacting existing warm supporters, who would therefore not be subject to a do-not-call register.

It is conceivable that an organisation that represented telephone fundraising then the way that the PFRA represents F2F, D2D and prospecting now, would have spotted potential problems sooner and acted to stop them arising, obviating the need for reform more than a decade later.

ENDS

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Notes for editors

The PFRA

The Public Fundraising Regulatory Association (PFRA) is the nationally recognised self-regulator for all forms of face-to-face (F2F) fundraising activity – direct debit solicitation or data-capture – conducted in public spaces by charities and good causes anywhere in the UK. Supported by the Office of the Third Sector and the Charity Commission but without drawing on public funds, PFRA seeks to guarantee the sustainability of F2F with the donating public by working in partnership with local authorities, TCMs and BIDs to provide and enforce bespoke and free-to-user durable and Charities

Act 2006-compliant local voluntary management solutions within the framework of the Institute of Fundraising national Code of Practice.

Our work and effectiveness is recognized by the Institute of Licensing, NALEO, and the Association of Town Centre Managers, all of whom occupy observer seats on our board of management. We were among the founder members of, and occupy a seat on the board of, the Fundraising Standards Board. We are a corporate affiliate of the Trading Standards Institute – committed to fair trading and consumer protection.