



# DRAFT STANDARD OF CHARITABLE TELEMARKETING FUNDRAISING PRACTICE



*We exist to make the world a better place by advancing professional fundraising through:*

- *advocacy of standards*
- *professional development pathway*
- *measurable credentials*

*so that our members achieve best practice*

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## DRAFT STANDARD OF CHARITABLE TELEMARKETING

### 1. To whom does this Standard apply?

- 1.1 This Standard applies to FIA members. FIA can only monitor this Standard and enforce it if necessary against an FIA member.
- 1.2 This Standard does not replace nor override any law.

### 2. Definitions used in this Standard

- **Appeals officer** means a person appointed by the FIA Board to conduct an appeal under the FIA Enforcement.
- **Beneficiary** means any person or entity which receives a benefit from an Organisation in pursuance of the Organisation's objects.
- **Corporation** means an entity incorporated under the Corporations Act 2001 (Cth) and established for the purpose of profit.
- **Complaint** means a notice in writing sent by any person to FIA concerning an alleged breach by an FIA member of any part of the FIA Principles and Standards of Fundraising Practice.
- **Complainant** means a person who makes a complaint to FIA.
- **Director** means a person who is appointed or elected to the position of a director of an Organisation or a Corporation.
- **Donation** means a voluntary contribution by a Donor of money, property, goods or services to an Organisation for the purpose of furthering that Organisation's objects. It does not include a sponsorship or community business partnership.
- **Donor** means an individual or other entity that makes a contribution of value to an Organisation to further the Organisation's Objects. A Donor does not include an individual or entity that engages with an Organisation for the purpose of trade.
- **Ethics Committee** means a committee of FIA members appointed by the FIA Board for the purpose of making determinations on Complaints.
- **FIA** means Fundraising Institute Australia.
- **FIA member** means a person or Organisation who is registered as an FIA member.
- **Fundraiser** means a person, Corporation or Organisation, who carries out activities, whether for remuneration or as a Volunteer, for the purpose of raising funds for the objects of an Organisation.



- **Fundraising Activity** means an activity carried out by a person, Corporation or Organisation, whether for remuneration or as a Volunteer, for the purpose of raising funds for the object of an Organisation.
- **Objects** means the objective, purpose or cause however so defined in an Organisation's constituent documents.
- **Organisation** means an entity incorporated under Commonwealth or State law and established for a purpose other than profit.
- **Professional Misconduct** means conduct by an FIA member that is a violation of a Code, Principle or Standard that has serious adverse consequences to a Complainant or was committed intentionally by the Fundraiser or both.
- **Promotional Material** means any material in connection with a Donation, Fundraising Activity or an Organisation whether in printed, electronic or oral form made available by a Fundraiser or Organisation to any person.
- **Sponsor** means a third party who sponsors a Fundraising Appeal for an agreed outcome.
- **Supplier** means a third party supplying goods or services for payment to an Organisation.
- **Tax** means all taxes payable in connection with a Fundraising Appeal, including without limitation income tax, pay as you go (PAYG) and good and services tax (GST)
- **Telemarketing** means a method of direct marketing in which a Fundraiser uses the telephone to solicit prospective or existing Donors to make a Donation to or participate in a Fundraising Activity for an Organisation.
- **Trade Mark** means a word or group of words, logo, image, colour, scent or shape (whether registered or unregistered) used by an Organisation to identify the Organisation.
- **Unsatisfactory Conduct** means conduct by a FIA member that is neglectful of a Code, Principle or Standard or that has minor adverse consequences to a Complainant or both.
- **Volunteer** means a person who performs a service for an Organisation without requiring compensation for performing the service.

### 3. Telemarketing Workplace

- 3.1 When undertaking a Fundraising Activity by Telemarketing, a Fundraiser must ensure that the Organisation or the Corporation conducting the Fundraising Activity provides



an appropriate physical environment for the making of Telemarketing calls by Fundraisers.

- 3.2 An appropriate physical environment must comply with the requirements of industrial relations and occupational health and safety legislation and any relevant State awards.

#### **4. Training and Development**

4.1 Before the commencement of a Fundraising Activity, the Fundraiser must ensure that the Organisation or the Corporation conducting the Fundraising Activity has done the following:

- a) ensured that the Organisation or Corporation is licensed to conduct the Fundraising Activity and operate Telemarketing operations;
- b) engaged appropriately skilled staff to conduct recruitment, training and supervision of Fundraisers;
- c) prepared training materials, rosters and position descriptions;
- d) conducted a training program of at least 30 minutes duration including as a minimum training in all items described under sections 5, 6, 7, 8 and 12 of this Standard for any staff member, Fundraiser and Volunteer undertaking Telemarketing;
- e) put in place Donor follow-up procedures including a pro-forma follow-up communication in accordance with section 13 of this Standard;
- f) ensured that the Organisation has its name, address and telephone number listed in a telephone directory or, if a new listing, its telephone number is available through a directory assistance service; and calling line identification is enabled,



- g) informed the Fundraisers about the provisions of the Do Not Call Register and the *Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007* as they apply to Organisations.

## **5 Professional Conduct for Telemarketing**

5.1 All Fundraisers must at all times comply with the following requirements:

- a) comply with the FIA Principles of Fundraising Practice;
- b) clearly provide a Donor with an opportunity to accept or decline an invitation or offer to make a Donation;
- c) accept a refusal by a Donor of an invitation or offer to make a Donation and must do so courteously and promptly;
- d) accept a request by a Donor not to be solicited by telephone or other technology;
- e) accept a request by a Donor not to receive Promotional Materials concerning the Organisation;
- f) not refuse to provide printed Promotional Materials to the Donor;
- g) offer to call back a Donor at a more convenient time;
- h) not make outbound Telemarketing calls by using a recorded message in any form unless the Donor is informed that the Telemarketing call is a recorded message and has the ability to clear the line promptly;
- i) not record a Telemarketing call or use a recorded message in a Telemarketing call unless the Donor consents;
- j) train Fundraisers about the objects of the Organisation and the Fundraising Activity;



- k) give Fundraisers a script to use when calling Donors, and
- l) if requested to do so by any person, provide details of how to make a complaint about the Telemarketing call including details of how to make a complaint under the Standard.

## **6. Time at which Fundraisers can contact Donors**

6.1 Telemarketing calls must be made at times in accordance with the requirements of relevant Federal and (where applicable) State legislation.

6.1.1 If an Organisation has obtained an exemption from compliance with any calling time requirements from the Australian Communications and Media Authority, it must comply with section 6.1 only where to do so does not conflict with the exemption.

6.2 A time or public holiday referred to in section 6.1 is a time or public holiday at the Donor's location.

6.3 Where a Fundraiser has not received any response from a Donor they may continue to attempt to contact that Donor.

## **7. Provision of Contact Information**

7.1 A Fundraiser immediately after the Telemarketing call commences must:

- a) provide the Donor with the Fundraiser's first name;
- b) provide the Donor with the name of the Organisation on whose behalf the Telemarketing call is being made; and



- c) provide the Donor with the purpose of the Telemarketing call, including an accurate description of the Organisation's activities and intended use of the Donation.

7.2 A Fundraiser must further provide the following information to a Donor during the Telemarketing call immediately upon request:

- a) the information contained in section 7.1 of this Standard;
- b) the Organisation's contact details, including a telephone number and street address; and
- c) the name of the person who is responsible for handling Donor complaints for Telemarketing.

7.3 A Fundraiser must further provide the following information to a Donor during the Telemarketing call at least 20 days after the Telemarketing call but no more than 30 days after the Telemarketing call upon request:

- a) details of the source from which the Organisation obtained the Donor's contact information; and
- b) further details concerning activities undertaken by the Organisation.

7.4 If a Donor requests the annual report or a copy of the Organisation's constitution, the Fundraiser should advise the Donor how to obtain the information from the Organisation.

## **8. Termination of Telemarketing calls**

8.1 A Fundraiser must ensure that the Donor terminates the Telemarketing call before the Fundraiser (unless the Donor has abused the Fundraiser, in which case the Fundraiser may terminate the Telemarketing call before the Donor after advising the Donor that the Fundraiser will do so).



- 8.2 A Fundraiser must ensure that the Donor's telephone line is released within 5 seconds of the Donor hanging up.

## **9. Calling Line Identification**

- 9.1 A Fundraiser must not block the transmission of the calling line identity to a calling number display of a Donor who receives the Telemarketing call.

## **10. Answering Machines**

- 10.1 If a Fundraiser leaves a Telemarketing message on a Donor's answering machine, the message must include:
- (a) the name and contact details of the Organisation the Fundraiser represents;
  - (b) a free call or other fixed line number charged at the standard national rate which the Donor can use to call the Fundraiser during normal business hours.
- 10.2 Fundraisers should not leave Telemarketing messages on mobile phones unless the Donor has given prior consent to the use of a mobile phone.

## **11. Dialling equipment used to make Telemarketing calls**

- 11.1 Fundraisers must not use random or sequential dialling equipment to generate Telemarketing calls.
- 11.2 Fundraisers must ensure their dialling equipment uses a minimum ring time of 15 seconds before the Telemarketing call is discontinued or unanswered.



- 11.3 Fundraisers must ensure that, if a live operator does not take the Telemarketing call, the equipment should abandon the Telemarketing call and release the line within two seconds from when the line is picked up.
- 11.4 Fundraisers must ensure that the dialling equipment does not abandon more than 5% of connected Telemarketing calls for each Fundraising Activity during a 24 hour period.
- 11.5 Fundraisers must ensure that, where a number has received an abandoned Telemarketing call, any further Telemarketing calls to that number within the next 72 hour period is handled by a dedicated operator.
- 11.6 For each Fundraising Activity, Fundraisers must maintain an archive of dialler statistics to show compliance with this Standard. The archive must include:
- (a) the number of Telemarketing calls attempted;
  - (b) the number of live Telemarketing calls;
  - (c) the number of Telemarketing calls passed to a live operator;
  - (d) the number of live Telemarketing calls abandoned by the dialling equipment.
- 11.7 Fundraisers must maintain the archive in section 11.6 for at least 12 months.

## **12. Outsourcing Telemarketing**

- 12.1 When a Corporation conducts a Fundraising Activity by Telemarketing, the following requirements should be observed:
- a) A Corporation must have a written agreement with the Organisation;
  - b) A Corporation should charge an Organisation by hourly rate or for the number of Telemarketing calls completed;



- c) A Corporation should ensure that the employees or Volunteers do not receive a commission or a percentage of the funds raised;
- d) A Corporation should not undertake Telemarketing that requires percentage based payment;
- e) A Corporation should comply with FIA Principles of Fundraising Practice and this Standard of Charitable Telemarketing

### **13. Follow-up procedures for Donors**

13.1 Any Organisation or Corporation conducting a Fundraising Activity by Telemarketing should have follow-up procedures including:

- a) A follow-up communication to be sent to the Donor informing them of the details of their Donation. The communication should include:
  - (i) the date of the Donation;
  - (ii) the amount of the Donation;
  - (iii) the Donor's name and contact details;
  - (iv) the Organisation's Australian Business Number or other identifying number;
  - (v) the frequency of the Donation;
  - (vi) the payment method agreed by the Donor.
- b) The communication should be sent to the Donor within three (3) business days of the Telemarketing call.
- c) Any Donations pledged by telephone should be recorded, and if not fulfilled should be followed up within a reasonable time after the Telemarketing call.



- d) All record keeping must comply with the National Privacy Principles and any other relevant legislation.

## **14. Complaints Process**

- 14.1 Fundraisers must comply with the FIA Complaints Process.