

Standard of Charitable Telemarketing Fundraising Practice

The Standard of Charitable Telemarketing Fundraising Practice provides practical guidelines to FINZ members on best practice for conducting charitable telemarketing fundraising activities throughout New Zealand.

This standard must be read in context with FINZ's Codes of Fundraising Practice, including the Code of Ethics and Professional Conduct, Code of Fundraiser's Relationships with Donors and the FINZ Complaints Process.

1. To whom does this standard apply?

1.1 This standard applies to FINZ members. FINZ can only monitor this standard and enforce it if necessary against a FINZ member.

1.2 This standard does not replace nor override the applicable New Zealand legislation.

2. Telemarketing workplace

2.1 When undertaking a telemarketing fundraising activity, a fundraiser must ensure that the organisation or the company conducting the fundraising activity provides an appropriate physical environment for the making of telemarketing calls by fundraisers.

2.2 An appropriate physical environment must comply with the requirements of employment law and in particular the Health & Safety in Employment Act 1992.

3. Training

3.1 Before the start of a fundraising activity, the fundraiser must ensure that the organisation or the company conducting the fundraising activity has done the following:

- a) engaged appropriately skilled staff to conduct recruitment, training and supervision of fundraisers;
- b) conducted a training programme of at least 30 minutes duration, including as a minimum, training in all items described under sections 4, 5, 6, 7 and 11 of this Standard for any staff member, fundraiser and volunteer undertaking Telemarketing;
- c) put in place donor follow-up procedures including a pro-forma follow-up communication in accordance with section 12 of this standard;
- d) 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;
- e) informed the fundraisers about the provisions of the Do Not Call Register and the Telecommunications Do Not Call Register operated by the New Zealand Marketing Association Inc. which can be accessed through their website which is www.marketing.org.nz .

4. Professional conduct

4.1 All fundraisers must at all times comply with the following requirements:

- a) comply with the FINZ Principles of Fundraising Practice;
- b) clearly provide a donor with an opportunity to accept or decline an invitation 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 means;
- e) accept a request by a donor not to receive promotional materials concerning the organisation;
- f) accept a request to provide printed promotional materials to the donor;
- g) offer to call a donor back 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, note: paperless direct debit donations require (by law) that phone calls are recorded;
- j) train fundraisers about the objects of the organisation and the fundraising activity;
- k) give fundraisers a script to use when calling donors,
- l) include in the script words to the effect: “if you wish, you may opt out of receiving any further calls from the organisation” and include instructions on opting out.
- m) 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.
- n) Comply with the provisions of the Privacy Act 1993 and the Fair Trading Act 1986. (As covered in the Marketing Association Code of Practice.)

5. Times at which fundraisers can contact donors

5.1 Telemarketing calls should be made between 8.00 and 9.00pm, unless the telemarketer has been advised that another time would be more convenient and acceptable. Calls should be avoided on Sundays and public holidays.

5.2 Where a fundraiser has not received any response from a donor they may continue to attempt to contact that donor.

6. Fundraiser and organisation identification

6.1 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;
- 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.

6.2 A fundraiser must further provide the following information to a donor during the telemarketing call immediately upon request:

- a) the information contained in section 6.1 of this standard;
- b) the organisation's contact details, including a telephone number and street address;
- c) the name of the person who is responsible for handling donor complaints for telemarketing.

6.3 A fundraiser must further provide the following information to a donor during the telemarketing call or within a reasonable time after the telemarketing call, not exceeding 30 days, upon request:

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

6.4 If a donor requests a copy of the organisation's constitution or annual report, the fundraiser should advise the donor how to obtain them from the organisation.

7. Termination of telemarketing calls

7.1 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).

7.2 A fundraiser must ensure that the donor's telephone line is released within five seconds of the donor hanging up.

8. Calling line identification

8.1 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.

9. Answering machines

9.1 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, if possible.

9.2 Fundraisers should not leave telemarketing messages on mobile phones unless the donor has given prior consent to the use of a mobile phone.

10. Dialling equipment

10.1 Fundraisers must not use random or sequential dialling equipment to generate telemarketing calls.

10.2 Fundraisers must ensure their dialling equipment uses a minimum ring time of 15 seconds before the telemarketing call is discontinued or unanswered.

10.3 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.

10.4 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.

10.5 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 are handled by a live operator.

10.6 For each fundraising activity, fundraisers should 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.

10.7 Fundraisers must maintain the archive in section 10.6 for at least 12 months.

11. Outsourcing telemarketing

11.1 When a company conducts a fundraising activity by telemarketing, the following requirements should be observed:

- a) A company must have a written agreement with the organisation;
- b) A company should charge an organisation by an agreed fee either by an hourly rate or for the number of telemarketing calls completed;
- c) An organisation should ensure that the employees or Volunteers do not receive a commission or a percentage of the funds raised;
- d) An organisation should not undertake telemarketing that requires percentage based payment;
- e) A company should comply with FINZ Principles of Fundraising Practice and this Standard of Charitable Telemarketing.

12. Follow-up procedures for donors

12.1 Any organisation or company 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. This 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 business number, Charities Commission 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 a week 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 Privacy Act 1993.

13. Compliance and management of complaints

13.1 FINZ members must comply with FINZ's Principles & Standards of Fundraising Practice and relevant legislation including the Fair Trading Act 1986 and the Privacy Act 1993.

13.2 Complaints concerning this standard or the conduct of a FINZ member will be determined by the FINZ Ethics Committee in accordance with the FINZ complaints process.

Definitions

Beneficiary means any person or entity which receives a benefit from an organisation in pursuance of the organisation's objects.

Child or Children means a child under the age of 18.

Company means an entity incorporated under the Companies Act 1993 and established for the purpose of profit.

Complaint means a notice in writing sent by any person to FINZ, by way of a completed FINZ Complaints Form, concerning an alleged breach by a FINZ member of any part of the FINZ Codes and Standards of Fundraising Practice.

Consent refers to either express consent, where an individual specifically agrees to receive telemarketing calls from an organisation or inferred consent, where there is a clear and reasonable expectation that the person being called would consent to receiving the call due to a prior business relationship.

Director means a person who is appointed or elected to the position of a director of an organisation or a company.

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 includes prospective donors and an individual or entity that has previously made a donation. A donor does not include an individual or entity that engages with an organisation for the purpose of trade.

Ethics Committee means a committee established by the FINZ Board pursuant to the constitution for the purposes of making determinations on complaints.

FINZ means Fundraising Institute of New Zealand.

FINZ member means a person who is registered as a FINZ member.

Fundraiser means a person, company or organisation, who carries out activities, whether for remuneration or as a volunteer, for the purpose of raising donations for the objects of an organisation.

Fundraising Activity means an activity carried out by a person, company 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 either the Incorporated Societies Act 1908 or the Charitable Trusts Act 1957 and established for a purpose other than profit.

Professional Misconduct means conduct by a FINZ member that is a violation of the Principles and Standards of Fundraising Practice 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 verbal form made available by a fundraiser or organisation to any person.

Sponsor means a third party who sponsors a fundraising activity for an agreed outcome.

Supplier means a third party supplying goods or services for payment to a fundraiser and/or organisation.

Tax means all taxes payable in connection with a fundraising activity, including without limitation income tax, pay as you earn (PAYE) and goods 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 FINZ member that is neglectful of the Principles and Standards of Fundraising Practice 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.