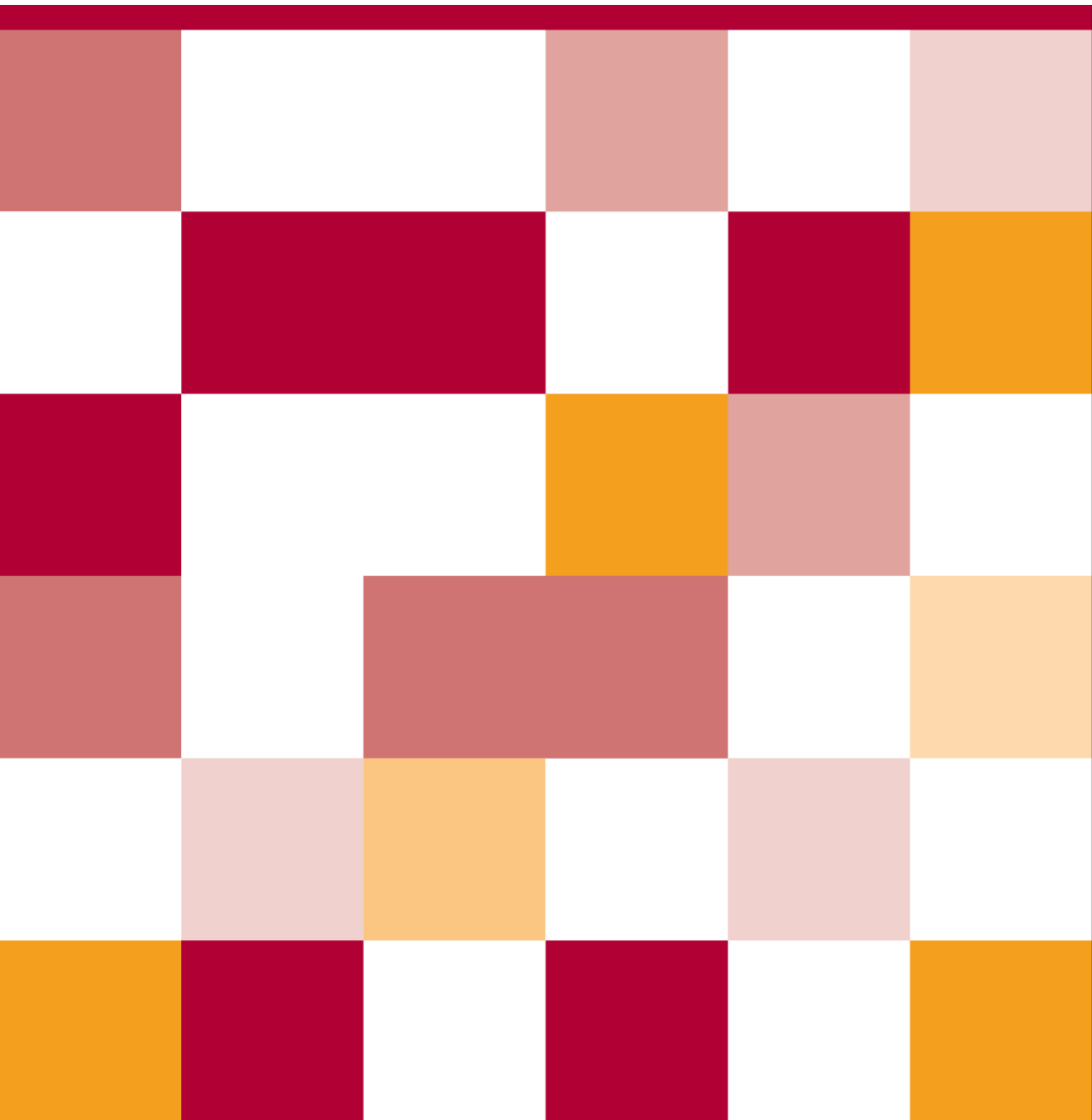




Guidance for employees and paid officers or trustees of a charity required to make a solicitation statement



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Under the Part 2 of the Charities Act 1992, as amended by the Charities Act 2006, officers and employees of charitable institutions and companies connected with any such institution and trustees of charitable institutions who:

- act in their capacity as officer, employee or trustee as a collector (defined in section 60(10)); and
- are remunerated for acting as an employee, officer or trustee or for acting as a collector,

will for the first time be required to make solicitation statements when soliciting money or other property for the benefit of particular institutions or for charitable, benevolent or philanthropic (“charitable etc.”) purposes. This requirement will only apply to such officers, employees and trustees whose remuneration is over the earnings limit set out in section 60B (5) (section 60B (4)). Employees, officers and trustees earning less than £5 per day or £500 per annum or, if paid in a lump sum, a lump sum of not more than £500 will fall outside of the rules relating to fund-raising statements. These limits are being reviewed as a part of the review of Charities Act thresholds that is being undertaken by the Office of the Third Sector and the Charity Commission.

The exact content of the solicitation statements will vary slightly, depending on whether the collection is for named charitable institutions or for particular charitable etc purposes. Section 60A (4) and (5) set out the content of statements where collections are for named institutions and for charitable etc purposes respectively. Relevant officers, employees and trustees should check the specific requirements of these provisions. However, broadly speaking, the statements should cover the following:

- for whom they are fund-raising or, if relevant, that they are fund-raising for charitable etc. purposes and not for the benefit of specific institutions;
- if they are fund-raising for more than one institution, the proportions in which the institutions are respectively to benefit or if they are fund raising charitable etc purposes, how the proceeds of the appeal will be distributed to different charitable institutions;
- the fact that they are an officer or employee of a charitable institution or connected company or trustee of such an institution and are acting as a collector in that capacity; and
- that they are paid for acting as an officer, employee or trustee or for acting as a collector.

Any other person being paid to fund-raise will also be required to make a statement similar to that made by professional fund-raisers. The 1992 Act does not require fund-raisers who are not paid in respect of their fund-raising activity to make a solicitation statement when collecting in public.

Example trustee / employee / officer statements

These statements need only be made in the course of a public charitable collection, by trustees, employees, officers of a charitable institution (or employees or officers of a connected company) that are being paid either in that capacity or to act as collectors.

Person soliciting money for the benefit of particular institutions

1. I am making this appeal for the benefit of <<charity>>. I am a paid employee of that charity.
2. I am making this appeal for the benefit of <<charity A>> and <<charity B>>. I am a trustee of <<charity A>> and I am being paid by that charity to act as a collector. The proceeds from this appeal will be <<divided equally between charities A and B>>.
3. I am making this appeal for the benefit of <<charity>>. I am a paid employee of <<company>> which is connected to that charity.

This guidance is illustrative and has no specific statutory basis. It is intended to assist in the understanding of the law and is not a substitute for the 1992 Act or any regulations made under that Act. Interpretation of the law is a matter for the courts: this guidance cannot, therefore, give definitive advice on the requirements of the legislation. Nor is the guidance intended to constitute legal advice. It is therefore not prescriptive or compulsory.