

# The season of goodwill: what education charities need to know

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As we approach the 'season of giving' and many education providers and charities renew their fundraising and outreach activities, there are some important measures to consider to ensure ongoing compliance with charities and fundraising laws.

## Fundraising: commercial participator arrangements

Charities such as education providers often partner up with private providers specialising in fundraising. Such commercial participator arrangements allow for the business to raise the profile of your fundraising activities, at a scale that you may not otherwise be able to achieve and ultimately to raise more funds than you could do alone — in return for a fraction of the raised proceeds.

One example is a book fair, where a popular children's literacy brand supports a book fair at a school, and the proceeds are divided between the school and book fair company. A contract will regulate the relationship between the parties and will determine what proportion of the profits belong to the school.

## A win-win arrangement?

What should be a win-win arrangement for the charity and the fundraising professional is governed by mandatory provisions and regulated by the [Fundraising Regulator](#), in order to protect the interests of donors and integrity of the charity sector. Non-compliance could prompt an investigation by the Fundraising Regulator and could constitute a breach of duties of the trustees of your charity.

For example, you must ensure that donors are fully informed about the benefit (i.e., the proportion of funds) that you will receive as a result of their donation or purchase. Fundraising letters or documents that fail to specify the division of proceeds will fall foul of the mandatory provisions. You must also have a record of a formal agreement with the commercial organisation.

## Due diligence – your responsibilities

Importantly, the Fundraising Regulator has highlighted in a recent case, that the charity must *"make sure that any commercial partner you work with to fundraise keep to the code"*. You cannot simply assume that commercial partners will be complying with the [Fundraising Code of Practice](#), you must complete due diligence on any potential fundraising partner and explore any possible conflicts of interest.

In practice, it may be difficult to decide how far the charity needs to go in overseeing its commercial partner, so if in doubt, please ask us.

If you are thinking about undertaking any type of fundraising in the lead-up to Christmas, make sure you are aware of the law and how it applies to these events. If you need advice on the compliance of any of your proposed fundraising projects, our Charity and Education law specialists are here to help.

## Social media use: new Charity Commission requirements

Many education providers and charities use social media as one of many tools allowing them to reach wider audiences of beneficiaries, donors and funders.

But, before taking to social media to spread the word, there's [new guidance](#) from the Charity Commission to consider. This guidance outlines the need for charities to have robust and up-to-date social media policies in place, and to ensure that all social media activities are compliant with these policies.

To note that an institution's social media policy also applies to any posts made by employees, trustees, governors of the charitable organisation in a non-strictly private capacity.

## A useful checklist for your social media policy

The Charity Commission has also published a useful [checklist](#) to help you develop a Social Media Policy. While the Commission does not prescribe how a charity should or should not use social media, it expects the trustees to make a well-informed decision on their institution's policy after having considered the risks associated with using social media and how to deal with any incidents.

If you require support and legal advice regarding the development, review or implementation of your social media policy, contact us for more information.

## Key contact

Nathalie Jacoby-Danesh

Partner

[nathalie.jacoby-danesh@brownejacobson.com](mailto:nathalie.jacoby-danesh@brownejacobson.com)

+44 (0)330 045 2833

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