

FPS – Flawed Political Solution?

OK, so the anticipated release of the report from the Fundraising Preference Service Working Group may not have achieved the hype of the final Harry Potter book. Nonetheless, it is still an important publication for those working in the Third Sector.

It was encouraging to read that feedback given on the first publication by myself and other commentators, had been taken on board. However, the latest publication is entitled 'Final Recommendations' which suggests there is very little time left to ensure that FPS is fit for purpose.

Initially I was pleased to see that focus groups had set-up around the country to gather opinion and feedback from the general public. Indeed, the report states that 'the focus groups provided a snapshot view of the general population'. I was therefore surprised to learn that the combined total from all four focus groups was just 32 individuals, who were effectively expressing the views of over 40 million UK adult citizens. More alarm bells starting ringing when I saw phrases in the report saying 'the timeframe was quite short' and sure enough there seem to be some serious flaws with the proposed FPS.

1) A charity won't be able to accurately match their database to the FPS file

The FPS file will include names, addresses, emails and phone numbers of all those who have registered. The expectation is then that every time a charity wants to conduct a fundraising campaign (e.g. mailing, email or telethon) the charity will need to somehow check their list of those included against the central FPS file. However, if I were to register my name on the FPS file, I know that various charities would continue to contact me as they only have my business or parental details. I would not be flagged up during their FPS checks.

Indeed, this is hinted at in the report with a quote stating '5% of the population moves house each year, ..., over 30 million email addresses are launched and 15% of people change their mobile number.' With so much change, charities' databases will never accurately match up with the FPS file and so the whole process will be futile.

2) The one off check-in system is flawed

It has been recommended that charities will be able to check-in with any donor (i.e. has given within the last two years) who registers with the FPS, to clarify whether the donor intended to end this relationship. This sounds very sensible, but the detail stops it working.

Many charities, for example those in the Education and Arts Sector, don't just have donors on their database. Many alumni and ticket buyers will have never given and this means that there will be no opportunity to contact them for the one off check-in if they register with the FPS. A school rightly does not want to ask a 19 year old alumna to make a gift. However, if this person were to sign up to the FPS, the school would never be able to ask them for support.



I also assumed that the check-in system would allow the charity to choose the most cost effective contact method for them. This is not the case. The check-in can only be conducted by mail and so if the charity only has a valid email address and phone number they cannot make contact.

3) How will fundraising communications be defined?

FPS will stop mail, email, phone and sms fundraising communications and so how 'fundraising communications' is defined will be vital. The Fundraising Regulator uses the phrase 'direct marketing', rather than 'fundraising communications' and the Information Commissioner has clearly defined the phrase 'direct marketing'. Although the Working Group has recommended that the definition for 'fundraising communications' should be narrower than 'direct marketing', it is up to the Fundraising Regulator to decide what this definition will be. I expect it will be very tempting to use the definition for 'direct marketing' as the definition for 'fundraising communications'. However, if this definition is used it will mean that once a donor has signed up to the FPS, a charity will not be able to send a newsletter with a gift form inserted or an email newsletter with a donate now button at the bottom of the page.

4) More people will sign up to the broken TPS

Given that the FPS will stop all communication types, its website will direct individuals who want to stop being phoned to the TPS website and those who want to stop being mailed to the MPS website. This is a disaster. The TPS system has been broken for years and so we don't want more people signing up to it. Here are just a couple of serious issues the TPS has:

- TPS numbers are routinely allocated to new households without their knowledge.
- TPS only works at a household level rather than an individual level. So if my wife were to sign up to the TPS, then charities that I support can no longer phone me.

Equally worrying is that the Working Group's recommendation is to explore a potential partnership with the lead contractor that delivers MPS and TPS, to run the FPS.

5) Charities have to shoulder this additional administrative burden and pay for it

The Working Group has recommended that in the first instance only charities can access the FPS file, which means that this work cannot be outsourced. The report also recommends that each charity pays £3,000-£4,000 per year to access the FPS file!

The Fundraising Regulator has asked for comments to be emailed to fps@fundraisingregulator.org.uk by **30th September 2016**. So, if you have any concerns over the issues that I have raised, then I would encourage you to share this with others and let the Fundraising Regulator know. Once the FPS is here, we won't be able to wave Harry Potter's magic wand to make it disappear, so let's do our best to make it fit for purpose while we still have time.