

Not for Profit eNews

October 2023

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Welcome to the latest edition of MHA Not for Profit eNews.

In September 2023, the Charity Commission formally released their guidance 'Charities and Social Media'. In this edition of eNews, we highlight the main areas of the guidance and what it means to those working in the charity sector.

We also detail the proposed changes to the Fundraising Code and how the public can play a key role in shaping the new Code by offering their views on the changes.

In light of the recent Royal Society of Arts staff strike and a recently-published report regarding a reduction in the amount of annual leave being taken across the sector, we also detail the importance of staff wellbeing.

In the build up to Trustees' Week at the beginning of November, we share details of the Charity Commission's Trustee Quiz.

And finally, just to make you aware that we are doing a webinar in conjunction with the ICAEW and BDB Pitmans regarding the application of the Charities Act 2022 on restricted funds. This is due to take place on the 9th November – details to follow soon so hold the date.

As ever, if there are any points you wish to discuss further in this issue please do get in touch.

Best Regards,
MHA Not for Profit team

Charities and the use of social media



After a formal [consultation](#) which ran from January to March 2023, the Charity Commission have released their '[Charities and social media](#)' guidance.

The guidance highlights the importance of social media and how, if used effectively, it can be a very powerful tool for charities helping them raise awareness of its activities, raise funds and engage with beneficiaries. However, social media also introduces risks, with the posting of content potentially harming a charity's reputation; content can also be difficult to remove once it has been posted.

The guidance makes clear that if a charity uses social media, it is responsible for:

- agreeing and putting in place a social media policy so that it has internal controls that are appropriate and proportionate for the charity's needs and which are clear to everyone at the charity using social media;
- ensuring its social media policy is regularly reviewed to check it is working effectively and fits the charity's needs;
- ensuring the charity's social media use helps it achieve its purpose and in a way that is in its best interests
- complying with relevant laws
- ensuring any campaigning or political activity that it performs on social media complies with the rules on political activity and campaigning (noting the relevant [CC9 guidance](#))
- ensuring its processes help it keep people safe online including any extra considerations when dealing with vulnerable users.

The primary focus of the guidance arguably surrounds that of a social media policy; details are given on how important it is to have clear guidelines for staff using social media on behalf of the charity, how to engage with the public on social media, and how having a policy will allow users to direct their use of social media in a way that benefits the charity. However, determining the purpose of, and setting any new policy can often be a difficult task, and so the Commission have included in the guidance a [checklist for developing a social media policy](#). Furthermore, CharityComms, the membership organisation for charity communications professionals, have produced a [social media policy template](#) to assist charities looking to implement such a policy.

The guidance also highlights associated topics such as managing the potential risks of social media use, how to engage on emotive topics, campaigning or political activity on social media, and fundraising on social media. For example, when a charity uses social media to fundraise, they should consider the relevant legal rules (set out in the [Code of Fundraising Practice](#)) and how any potential criticism of a campaign might be amplified through social media. Charities should also be aware of the VAT risks of fundraising on social media under the reverse charge regulations.

In acknowledgement that some charity trustees may not use social media regularly, the guidance also signposts the Commission's [online resources and events to help improve social media literacy](#). Trustees should try and be aware of the risks from using social media and how their legal duties apply in relation to such risks. So, when it comes to posting content online, trustees should be aware of their duty to act responsibly and in line with the best interests of their charity. This means that the reputation of a charity will not be threatened by the use of social media and instead can help the charity meet its objectives in a positive way.





Code of Fundraising Practice: consultation



The Code of Fundraising Practice is the bedrock of charitable fundraising so it's vital it is accessible, up-to-date, and, crucially, provides clarity to charities, third-party fundraisers, and the general public"

Gerald Oppenheim

The Fundraising Regulator's chief executive, [reported](#) in Civil Society

As part of ensuring the Code remains up-to-date, the Regulator is conducting a code review, which includes a public [consultation](#) running to 01 December 2023. The consultation seeks feedback on the key themes of the Code, the Regulator's plans to expand the Code, and the Regulator's plans to amend specific rules included within the existing Code.

To give users of the Code a better understanding of how the revised Code could be presented, the consultation also seeks comments on proposed changes to the numerous sections of the Code, grouped under its three overarching standards: all fundraising, working with others, and specific fundraising methods.

An example of one of the specific changes being proposed is that relating to the rule which requires fundraisers to be polite to people at all times.

Reflecting on fundraisers who face abuse or intimidation during their work, the new Code may require fundraisers to behave 'professionally' at all times whilst allowing them to show assertiveness when engaging with the public.

A new draft of The Code of Fundraising Practice is expected in the first half of 2024, and is expected to go live in early 2025 following a final eight-week public engagement exercise.

A photograph of three people (two women and one man) sitting on a stone wall outdoors, laughing and smiling. The man on the left is wearing glasses and a black hoodie. The woman in the middle is wearing a brown sweater. The woman on the right is wearing a black jacket over a red plaid shirt. The background shows trees and a cloudy sky.

Staff wellbeing in the Not for Profit sector

Charities are being urged to pay attention to the wellbeing of their staff, following the issuing of a report which details a reduction in the number of days of annual leave taken by those working in the sector.

Access PeopleHR, a cloud-based HR platform, recently released their [Annual Leave Report 2023: The state of annual leave in the UK by industry](#). The Report details that the number of annual leave days taken by charity workers has dropped by 4% in the last two years, from an average of 43.2 to 41.5 per year. This is despite that the average holiday entitlement having grown by 11%, from 37.2 days to 41.4 days.

Laura Millar, head of HR at Charity Finance Group (CFG), has [cited](#) possible reasons for the reduction, including:

- 1 The ongoing impact of the pandemic and the cost-of-living crisis has increased demand for services whilst also reducing income available to many charities, requiring charities to 'do more with less'
- 2 Difficulties recruiting staff and volunteers putting additional pressure of charity staff
- 3 Annual leave no longer being the go-to way of taking time off, as a result of more flexible ways of working such as remote and hybrid working

With the importance of wellbeing more prominent than ever before, it is important that charities take steps to encourage their staff to book time off without having to justify it; charities should understand the reasons why staff are hesitant to take annual leave and take measures to ensure this does not become an ongoing issue.

The financial wellbeing of staff working in the not for profit sector is also of growing significance, and in some extreme cases is resulting in staff going on strike. St Mungo's staff went on strike earlier in 2023, but more recently staff at the Royal Society of Arts (RSA) have gone on strike after disputes regarding pay. An RSA union representative [reported](#) that exploitation of workers is 'all too common', part of a wider struggle of low pay, overwork and temporary insecure contracts in the sector. Striking staff at RSA are demanding a flat pay rise of £2,800 for all staff members; RSA have pledged to continue discussions in line with its fiduciary responsibilities and with staff wellbeing front and centre.

Trustees Week: Quiz for trustees

Ahead of the annual Trustees Week, which runs from 06 – 10 November 2023, the Charity Commission has launched the next phase of its campaign aiming to increase charity trustees' knowledge, which includes the new **Trustee Quiz**.

Research performed by the Commission shows that whilst the majority of charity trustees feel confident in their ability to manage their charities, there are areas of knowledge which they can improve on. As such, the Quiz has been designed to engage trustees with a variety of questions based on everyday scenarios that they may encounter at their charity, and to help identify knowledge gaps; the Commission hopes that the Quiz will act as an ideal refresher for trustees at all levels of experience.

Taking around three minutes to complete, and providing each participant with a score out of 10 to allow them to benchmark their knowledge, the Quiz is available until 12 November 2023.



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