

**TERMS OF REFERENCE
OF
THE INDEPENDENT FUNDRAISING STANDARDS & ADJUDICATION PANEL FOR SCOTLAND
(THE “PANEL”)**

A. PURPOSE OF THE PANEL

1. Responsible for fundraising standards in Scotland
2. Handling of fundraising complaints relating to Scottish registered charities

B. FUNCTIONS OF THE PANEL

THE TWO MAIN FUNCTIONS OF THE PANEL ARE:

1. To oversee fundraising standards in Scotland; and
2. To oversee fundraising complaints.

THE PANEL SHALL:

1. Promote good complaints handling processes by Scottish charities;
2. Ensure the promotion of good fundraising practice and fundraising standards;
3. Receive and adjudicate on stage three complaints;
4. Oversee the Scottish charities complaints hub;
5. Enhance the self-regulation model by:
 - 5.1 Developing the fundraising commitment; and
 - 5.2 Promoting and developing the codes of fundraising practice in conjunction with the fundraising regulator;
6. Publish adjudications on the Scottish charities complaints hub website and advise OSCR of its adjudications; and
7. In the carrying out of its functions, where appropriate, liaise and put in place a binding memorandum of understanding where appropriate with external stakeholders including but not limited to OSCR, the institute of fundraising, the information commissioner, the advertising standards authority, case and the gambling commission, and any other relevant organisation, for the purpose of ensuring legal compliance and best practice in fundraising.

C. POWERS & SANCTIONS OF THE PANEL

The Panel shall issue and where appropriate develop non-statutory sanctions, which shall include (but not be limited to):

1. The issuing of cease and desist notices which will set out the Panel's decision in respect of a stage three complaint and where appropriate issue a set of undertakings to be signed by charity trustees;
2. The publishing of the outcome of any adjudication on the Scottish charities complaints hub website;
3. Report the decision in writing to OSCR; and
4. Report annually to Scottish Parliament.

D. VEXATIOUS COMPLAINTS

The Panel reserve the right to reject or otherwise determine how to deal with complaints which it determines are abusive, frivolous or otherwise vexatious.

E. COMPLAINTS RAISED UNDER ANY WHISTLEBLOWING PROCEDURE

Any person (donor, fundraiser, employee or other) who feels that they are unable to raise their concerns about the fundraising practices of a particular charity should be entitled to raise their concerns via the complaints hub, without first contacting the charity and going through stages one and two of the complaints process. The Panel shall review such concerns and shall respond and act as it sees fit.

F. RECRUITMENT OF PANEL

1. Panel members are to be recruited in first instance by the fundraising implementation group. The Panel shall thereafter be selected and organised in accordance with its constitutional documents.
2. For the purposes of selecting the first Panel members, the fundraising implementation group have selected Panel members who have an understanding of and represent the third sector; are experts in the areas of charity law, consumer law and data protection matters; are senior fundraisers within the Scottish charities sector; represent the higher education sector; and community fundraisers.
3. It was recognised by the fundraising implementation group that the chair to be appointed should be selected using a person specification and would be independent of the charities sector and hold no direct connection with fundraising (whilst recognising that they as an individual may be a donor).

Panel members are as follows:

- Jay Butler – trustee of SCVO;
- Sheila Logan – “consumer champion”;
- Cathy Bell – the fundraiser;
- Michelle Armstrong – community fundraiser;
- Val Surgenor – lawyer;
- Paul Drury – senior fundraiser;
- Annemarie Devlin – senior fundraiser and IoF representative in Scotland; and
- Alison Elliot – chair.

In addition to the above, under an agreed memorandum of understanding, a member of the fundraising regulator’s board will be entitled to attend meetings of the Panel, as an observer. The chair, or such person as the Panel shall nominate, shall attend board meetings of the fundraising regulator as an observer, and attend the adjudication committee and standards committees of the fundraising regulator as an observer, to represent and to give a voice to the views of fundraising in Scotland.

G. MEETINGS OF THE PANEL

The Panel shall meet with such frequency as is set out in its constitution and as is necessary and appropriate to perform its purposes as set out in paragraph A above.