

# **Consultation on Sexual Harassment in the Workplace:**

## **Response by the Institute of Fundraising**

**October 2019**

### **ABOUT US**

The Institute of Fundraising is the professional membership body for UK fundraising. Our mission is to support fundraisers through leadership, representation and education, and we champion and promote fundraising as a career choice. We have 600 Organisational members who bring in more than £10 billion in income, and over 6,000 Individual members.

### **GENERAL COMMENTS**

At the Institute of Fundraising, we believe that there must be a safe and supportive environment for everyone, whether a member of staff, volunteer, or service user/beneficiary. It is paramount that there is the right regulatory and cultural environment that ensures that everyone is protected from discrimination, harassment, or bullying of any kind.

We welcome the focus and attention that the Equalities Office is giving to the issue of sexual harassment in the workplace and we wholly support the intention behind the proposed changes to ensure that people are fully protected, regardless of their role in an organisation.

As a membership body we have been listening to fundraisers and have been thinking carefully about what more we can be doing to bring about safe and respectful environments for everyone who comes into contact with our sector, from donors to volunteers. We have established a Sexual Harassment Task Group who have made our own complaints policy as enabling as possible so that members have a form of redress if they have ever experienced unacceptable behaviour. We have also worked with the group to enhance our own Code of Conduct for our events and courses, and have provided a platform at our annual fundraising convention for fundraisers to have vital conversations about their experiences and the changes that are needed in their workplaces.

As highlighted in the consultation, the Government has been working with the Charity Commission and charity sector over the last year on a shared vision of charities as safe spaces for everyone, whether employees, volunteers or members of the public. The charity safeguarding programme consists of raising awareness and ensuring that charities, whatever their size, know their responsibilities, know how to report concerns and have easily accessible advice to hand. The IoF created the advice specific to the

fundraising sector, in which we do not separate employers and volunteers in safeguarding considerations. 91% of charities rely solely on the generosity of volunteers with no paid employees, so it is absolutely essential that they are protected equally.

According to '[Time Well Spent](#)', 29% of those who had volunteered in the last year did so by raising money or taking part in sponsored events at least once a month. The contribution volunteers make to fundraising and therefore to the ability of charities to pursue their good causes is vital. It also offers new skills and experiences for people who volunteer and provides unique opportunities for community involvement. Throughout their involvement with a charity or cause, every volunteer should feel safe and supported to have the best possible experience. First and foremost, because it is the right thing to do; but secondly because the continued and ongoing support of volunteers is at the heart of the long-term sustainability of the sector, so it is vital they are valued in a way that reflects this.

We acknowledge that the issues discussed in this consultation do not operate in a vacuum unique to the charity sector - they are symptomatic of power imbalances and behaviours that operate throughout society as a whole, within each sector and place of work. A cultural shift is needed, not just in our sector but across every part of society, to ensure that all workplaces are truly safe and supportive for everyone. We hope that the focus on this issue by the Equalities Office underscores that organisations should be treating sexual harassment and other types of discrimination with the utmost importance and results in real and substantive change.

Our response to this consultation is informed through engagement and feedback from our members and we set out our general points below as well as respond to specific questions where relevant.

## **RESPONSES TO QUESTIONS**

### **Q10. Would you foresee any negative consequences to expanding the Equality Act's workplace protections to cover all volunteers, e.g. for charity employers, volunteer-led organisations, or businesses?**

We asked our members to give us their thoughts on the proposed changes in the consultation. While there was strong support for the intention and desired outcome of the consultation to ensure that everyone is protected from sexual harassment, we note that there are differing views as to whether this is best achieved through the proposed legislative route of extending the Equality Act's protections to cover volunteers. This is not because people think in principle that the experience or protection for volunteers should be any less than others, but instead note some concerns about potential unintended consequences of this approach.

The breadth and scale of the charity sector is an issue that needs to be taken into account. There are over 160,000 registered charities in England & Wales, with thousands more smaller charities (mainly volunteer-run with not staff). The impact and effect of the

expansion of the Equality Act in this area may well have different implications or issues for smaller charities than it does for larger charities who have HR staff or legal support who can help introduce changes and new ways of working. Any associated training or support costs and capacity also need to be considered, as well as the impact of additional requirements on trustees.

If the proposal to expand the Equality Act to encompass volunteers is adopted, we recommend that there is guidance and support provided to help charities in understanding the changes and its implications, as well as consideration given as to implementation. It would be extremely regrettable if the policy was to disproportionately impact charities by reducing the number of volunteers that they feel able to support or discouraging certain types of volunteering because of the additional legal responsibility associated (for example, volunteer managers who are themselves volunteers). Other charity and infrastructure collaboration would be needed to help charities understand and implement new requirements and we hope that there is thought given to appropriate provision of training and support.

We acknowledge that this is a complex and tricky area – with the outcome of the policy change supported by many, but with legitimate concerns over the practical impact and consequences across the sector raised and heard. If the policy is taken forward, we strongly recommend that there is a specific initiative taken forward to mitigate and reduce unintended consequences as much as possible for the full breadth of the charity sector.

### **Non-legislative approaches**

Following on from the above, we have heard comments and thoughts as to whether alternative and non-legislative approaches could work to achieve the same desired outcome but without the potential consequences. It was also questioned as to whether introducing an additional legal requirement will bring about the necessary changes in culture, values, and behaviours.

Employers have a legal duty to look after the welfare of their people, but a healthy and positive fundraising environment goes further than just meeting legal requirements. The prevalence of harassment despite current legal protections could indicate that further legislation might not be the silver bullet that will help turn policies into practice. The merits of legal changes will depend on the extent to which they can influence internal cultures.

We whole-heartedly agree that employers can and should be doing more to make sure work cultures really are zero-tolerance in practice and would encourage full consideration of all possible initiatives that can work towards this goal. Some members highlighted that they would like to see a more evidence-based approach to proposed policy changes to ensure more nuanced solutions.

Some members suggested that additional guidance and resources, or reporting mechanisms, would be helpful to enable every organisation, regardless of size, to strive towards and achieve best practice. Different forms of support were suggested by members including:

- A new programme of work building on the current safeguarding programme, focused on all requirements under the Equality Act.
- A Code of Practice for preventing and dealing with harassment in the workplace.
- Making prevention policies part of reporting requirements to the Charity Commission.
- Producing template policies, risk assessments, case studies and examples for further guidance and support – ideally catered to different sizes of organisation.
- A follow-up Volunteer Rights Inquiry so ensure that the voice of volunteers is considered in any solutions.

Of course, the introduction of legislative change and the production of other guidance, policy, or best practice are not mutually exclusive, but we would encourage further consideration as to which approach, or combination of approaches will bring about the most positive change.

**Q11. If the Equality Act's workplace protections are expanded to cover volunteers, should all volunteers be included?**

The consultation rightly acknowledges the many different ways people choose to volunteer their time and the vast range of roles and duties that a volunteer might undertake, making it hard to group volunteers together as a cohesive and defined category. In addition, fundraising regulation makes a distinction in the Code of Fundraising Practice between those who take part in volunteer fundraising 'in aid of' or 'on behalf of' charities, with different obligations and responsibilities related to each. We acknowledge that the consultation proposals have tried to address this knotty issue by looking at the potential for different definitions and categories of volunteer (volunteer workers), or the equivalent of a 'small charity exemption'.

We favour an approach that embeds the principle that any and all volunteers who undertake a role or duty in agreement with a charity have the same level of protection and recourse to remedial action if needed, but acknowledge that the implementation of a 'one size fits all' approach could be felt disproportionately across the sector.

**Third parties**

One area which we would welcome further thought and clarification on is in relation to 'third parties' and who would be considered a third party in relation to charity

fundraising and volunteers, and therefore what the requirements and duties would be of a charity in ensuring a third party complies with any new legislative requirement. The issues that this consultation has raised are incredibly important, and the desire to ensure safe and supportive environments across the breadth of the charity is strongly felt. It is clear that there is a tricky balance to be struck between the potential expansion of legislative requirements and the practical implications that this could bring about.

Given the importance and complexity of this consultation, we suggest that more steps are taken before a policy decision is made. From the basis of this consultation, a further proposal could emerge (including providing definitions of volunteers, and potential application across the breadth of the charity sector, as well as a proposed guidance and support programme along with other non-legislative initiatives), which could then be further discussed and critiqued.

While we do not want to slow down any change in this area, the importance of getting this right for volunteers and for charities deserves further thought and reflection. We would also like to see the voices of volunteers embedded in any changes; we feel that it is important to co-create solutions with volunteers wherever possible and hope that further opportunities are taken to embed this as an approach.