

# Charity Retail Ireland

## Code of Charity Retailing



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This Code sets out the good practice that members of the Association are required to observe (must) as well as outlining additional good practice that is best practice (should).

This Code may be amended from time to time to take account, for example, of subsequent legislative changes.

# 1. Aims of the Code of Charity Retailing

The aims of the Code are:

- To promote good practice and high standards in charity retailing
- To advocate compliance with legal requirements
- To promote public confidence in and support for charity shops
- To increase donations to charity shops, both straight into shops and through house-to-house collections.
- To generate positive publicity for charity shops
- To promote awareness of legitimate charity shops and to help stamp out dishonest and bogus activities
- To support the work of the Charities Regulator in identifying and addressing issues concerning 'Bogus Collectors' and 'Bogus Charity Shops' via the Association's reporting mechanisms

## 2. General Requirements

### **2.1 Members of the Charity Retail Ireland must be registered with the Charities Regulator.**

2.2 Members should always have regard to the purpose of the Code - to promote charity shops as the way of realising the market value of donated and new goods for parent charities.

2.3 Members must comply with their statutory obligations as charities, as employers, as retailers and occupiers of property.

2.4 Members must not bring the charity shops sector into disrepute, or undermine it, by any inappropriate or illegal activity.

2.4.1 Members should ensure they have clear, transparent procedures in place to enable donors or customers to notify the charity of their complaints, questions or comments. These procedures should include systems to ensure that all complaints are responded to and addressed promptly, within a specified time frame.

### **2.5 Use of the Charity Retail Ireland logo**

The CRI logo has been established as a sign of legitimacy for charity shops operated by registered charities in Ireland. It is in the interests of all members of CRI to ensure that the logo is used in a responsible manner. Any use that debases the logo or undermines its authenticity will be a matter of serious concern for all members.

2.6 Use of the CRI logo on advertising or promotional materials or any media created or distributed by members of the Association must be approved by the Steering Group before release. The Steering Group will not bear any responsibility for editing materials but will be

responsible for ensuring that approved materials do not bring the ICSA or its logo into disrepute.

### 3. Shop Operations

3.1 Members must operate charity shops that comply with existing legislation including:

- Charities Act 2009
- Data Protection Acts 1988, 2003 and 2018
- Safety, Health and Welfare at Work (General Application) Regulations 2007
- Safety, Health and Welfare at Work Acts 2005 to 2014
- Equality Acts 1998 to 2014
- Employment Permits Act 2003, 2006 and 2014
- Protection of Employees (Part-time Work) Act 2001
- Protection of Young Persons (Employment) Act 1996
- National Minimum Wage Act 2000
- Payment of Wages Act 1991
- Protection of Employment Act 1977
- Protection of Employees (Temporary Agency Work) Act 2012
- Protection of Employees (Fixed-term Work) Act 2003
- Employment (Miscellaneous Provisions) Act 2018
- Maternity Protection of Employees Act 1994 and 2004
- Paternity Leave and Benefit Act 2016
- Landlord and Tenant Act 1931 to 1994
- Landlord and Tenant (Ground Rents) Act 1967 to 2005
- Shops (Hours of Trading) Act 1938
- Casual Trading Act 1995
- Waste Management (Amendment) Act 2001
- Consumer Protection Act 2007 and 2014
- Fire Safety in places of Assembly (Ease of Escape) Regulations 1985
- Litter Pollution Acts 1997 - 2017
- Sales of Goods and Supply of Services Act 1980
- Consumer Protection Act 2007

3.2 Members should treat the public (donors and customers) with care and consideration.

3.3 Members should provide clear information to donors and customers about their charity's objectives and activities on request.

3.4 Members should provide appropriate training, information and support to staff and volunteers.

3.5 Members should take all reasonable measures to ensure the secure handling of cash, cheques and credit card payments as well as donations in kind.

3.6 Members should have clear, published policies and procedures for the handling of complaints received in their shops.

## 4. Stock collection

4.1 Where collections of goods are undertaken, members must comply with the appropriate requirements of relevant legislation, in addition to the more general statutory requirements of Health and Safety, Employment etc.

### 4.2 House-to-house collections carried out directly by members

Members undertaking house-to-house collections for goods should where required hold an appropriate local license for the movement of waste.

4.3 Members must ensure collections are not undertaken by minors (those under 16) and must ensure that reasonable steps are taken to ensure that collectors are fit and proper persons.

4.4 Members must ensure that all collectors are issued with identification badges and certificates of authority. These should always be clearly visible and produced to members of the public on request.

4.5 Members must ensure collection sacks comply with relevant safety standards and carry the ICSA logo.

4.6 Members should include clear contact details for their charity on all requests for donations (including collection sacks and envelopes). Personnel representing the charity - whether employees, volunteers or subcontractors - and where possible their vehicles, should be clearly identifiable. The Registered Charity Number (RCN) and ICSA logo must appear on all printed material relating to collections carried out directly by members.

### 4.7 Partnership collections

**The Guidelines for Charitable Organisations on Fundraising from the Public** published by the Charities Regulator states:

*‘Where all of the proceeds of an event are not going to the cause/charity this should be made clear to donors;*

*‘if it is not intended that collected items such as clothing or other articles be sent directly to the clients or beneficiaries of the charity but, for example, are to be sold or recycled instead, this should be made clear to donors.’*

*'Trustees should be assured that any donations sought indirectly, such as through third party agents, are solicited and received in full conformity with the law, the charity's own fundraising policies and procedures and these Guidelines.'*

*'Fundraising by third party agents should be the subject of a written contract. Trustees should ensure the contract is clear and specific as to the cost of the fundraising, including the percentage of each charitable donation that will go to the charitable purpose.'*

*'Donors have a right to expect that their gift is being used primarily for the charitable purpose. A charity must not enter into any agreement which is intended to deliver more private benefit to third party fundraisers than it does to the charity.'*

**Donors have a right to expect that their gift is being used primarily for the charitable purpose.**

Members sourcing goods using commercial organisations that make use of their charity's name must ensure these collections are within the requirements of the relevant legislation and that the collection is appropriately licensed. When selecting a partner company, members should establish that there are no conflicts of interest.

4.8 Members ought to be aware that these partnerships might be seen to conflict with core charity retail objectives (i.e. the donation of goods for sale in-store to maximise income for the charity). Members should also consider the reputational risks to their charity - and to the Charity Shops sector - of being involved in activities which might be seen to undermine this objective, or which might damage the public's trust and confidence in the sector.

4.9 Members should also ensure that they are receiving the maximum possible financial benefit for their charity from such arrangements. Members should ensure clear and transparent statements are made on collection material detailing the benefits to both parties of such commercial partnerships.

4.10 Members must ensure that appropriate remuneration statements are included with collection materials, in line with current industry best practice. Charity legislation also includes measures designed to safeguard a charity's name and reputation from abuse by others. Members must ensure that commercial partners implement these measures in full.

**Collection materials used in these partnerships must not carry the CRI logo.**

4.11 Partnership collections undertaken by members should always be transparent, and all collection materials (e.g. leaflets, bags) should state prominently that the collection is not being conducted directly by a charity.

4.12 In addition:-

- The name of the commercial partner should appear prominently on the front of the collection sack, alongside the name and logo of the charity for whom money is being raised,

- There should be a clear statement that the collection is being undertaken by a commercial partner. Such a statement should be in line with Charities Regulator guidance, as outlined above,
- There should be a clear statement on collection and promotional materials about what happens to the goods donated i.e. the use and destination for these goods.

4.13 Charities should also ensure that clear and transparent statements are made on collection materials detailing the benefits to both parties of such commercial partnerships.

### **General requirements relating to all house-to-house collections**

4.14 Members should where possible avoid house-to-house collections overlapping with other collections.

4.15 Members should take care that collections do not saturate an area, that collection areas are manageable and targeted to allow for proper checks to avoid such saturation.

4.16 Members should collect at the times stated, push collection sacks carefully and fully through letterboxes, make every effort to collect unused sacks; close gates to houses approached, ensure collectors do not walk on householders' gardens and are polite and helpful at all times.

4.17 Members should also ensure that partner organisations conform to all requirements of the Code particularly those that apply to collections.

### **Collections via textile banks**

4.18 Where textile banks are operated using a commercial partner, members must comply with the requirements of the Charities Regulator and with paragraphs 3.7-3.13 above, in addition to the requirements of this section. Textile banks used for collecting stock that is not intended for sale in charity shops must be clearly signed to that effect.

**Textile Banks used for collecting stock that is not intended for sale in charity shops must not under any circumstance carry the ICSA logo.**

4.19 Members operating textile banks must ensure they comply with relevant safety standards.

4.20 Members operating textile banks should ensure they have the permission of the appropriate site owner before placing their textile banks and should ensure they comply with the terms of the site owner in relation to emptying of the banks, and the cleanliness and maintenance of surrounding areas.

### **Collections of cash**

4.21 Cash should not be collected as part of the house-to-house collection of goods for charity shops. If members collect cash alongside goods, they should have clearly defined cash handling rules including temporary and confirmed receipting procedures and note that

the legal requirements for cash collections may be different from those for the collections of goods.

4.22 Minors (those under 16) must not under any circumstance collect cash.

## 5. Sustainability and Corporate Responsibility

5.1 Charity retail already contributes significantly to waste reduction through promoting reuse, recycling and overall sustainability. The sector also diverts large volumes of material from the waste stream.

Notwithstanding this, members ought to be aware of their wider corporate responsibilities and endeavour to ensure that their activities are sustainable. It is for individual members, within the limits of the law and the spirit of this Code, to determine what actions it might take to promote sustainable behaviour.

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### Notes

This Code is based on best practice and law current at January 2020 and will be revised as necessary to take account of legislative and policy developments.

Breaches of the Code that are brought to the attention of the Association will be considered by the Steering Group and, where appropriate, will be addressed at a regular or emergency meeting by Association members. Misuse by a person or body not a member of CRI may result in appropriate legal action being taken by the Association.



CRI logo Collective Trademark

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