



Outdoor UK Challenge Events Including the Three Peaks Code of Fundraising Practice



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1.0 The Codes of Fundraising Practice Explained

The Institute of Fundraising's **Codes of Fundraising Practice** are structured in order to highlight what is mandatory at law, what the Institute regards as a mandatory requirement for its members and what constitutes advice on best practice.

In this Code a phrase where the word:

MUST is in bold indicates a requirement that is mandatory at law.

OUGHT in bold indicates a requirement that is mandatory for members and affiliated organisations of the Institute.

SHOULD in bold indicates a course of action that is recommended as best practice.

Organisations engaged in fundraising **SHOULD** join the Fundraising Standards Board and **SHOULD** follow their complaints procedure.

This **Code of Fundraising Practice** is intended to address fundraising

activity throughout the UK. Legal requirements can vary between different jurisdictions (England & Wales; Northern Ireland; Scotland).

In this Code, **MUST*** in bold indicates a legal requirement within one jurisdiction but not in others.

The Institute recommends that organisations adhere to the most rigorous interpretation of the law applicable to an activity.

Users should be aware that this Code addresses the law as it stands at the date of publication throughout the UK.

Reviews of the law relating to fundraising and fundraising activities, governance and charitable status are ongoing in Scotland, England and Wales.

This **Code** will be revised to take into account any developments or changes in the law that may result from these initiatives.

2.0 Introduction

Many fundraising organisations raise funds from events based outdoors whereby individuals or teams are challenged to complete a course that is sufficiently compelling to attract sponsorship. Such events have been commonly held in areas of attractive landscape such as National Parks, especially in mountainous regions. These areas are under increasing visitor pressure and land managers (such as the National Trust/National Trust Scotland and National Park Authorities) as well as local people are justifiably concerned about the impact of such fundraising events. It is important that this Code is followed in order to ensure the sustainability of this fundraising activity.

This Code applies to fundraising organisations, event organisers, participants and participant supporters, where they can be identified. It is not intended as a 'how to' guide but provides best practice guidance for outdoor fundraising events in the UK. This Code is to be read before embarking on **any outdoor event**, including but not limited to: sky diving, Three Peaks challenges, running and cycling events and off-road events. It is a Code for event management and is not a guide for the planning and operation of events.

Organisers of events who knowingly encourage excessive numbers in areas of environmental sensitivity or who do not manage their event to minimise impacts are irresponsible. The impact on local residents, roads, other users, facilities, footpaths, wildlife and the wider landscape can be so adverse as to bring their fundraising organisation into disrepute, and risks the future reputation of challenge events as a form of fundraising.

Organisers need to take special care in organising events: if a participant is harmed and the organiser is found to have been negligent, they will be liable. If this Code is not followed, organisers are more likely to be found liable and will be subject to associated costs.

Please note that this revised Code incorporates the guidance note 'UK Charity Challenge Events'.

3.0 Preparation and Procedure

3.1 Regulations and Other Codes

- Organisers **MUST** determine whether the event falls within the Package Travel, Package Holidays and Package Tours Regulations 1992 (as amended) (the 'Package Travel Regulations') and abide by them where appropriate.

These apply where the event comprises a pre-arranged package of any two of the following components, offered at an inclusive price, and when the service covers a period of more than 24 hours or includes overnight accommodation:

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- transport;
- accommodation; and/or
- other tourist services accounting for a significant proportion of the package.

Further information is available from the Department for Business Innovation and Skills (see Section 6.1).

- In some areas, bylaws may apply whereby permission **MUST** be obtained from the appropriate authority.
- Where available, site specific Codes **MUST** be adhered to (such as those produced by Countryside Council for Wales or the local authority).
- Organisers **OUGHT** to pay attention to any local guidance that is available.
- In consultation with local representatives, local wildlife and other conservation issues **OUGHT** to be considered and laws **MUST** be abided by where they apply.
- The [Countryside Code](#) in England and Wales and the [Scottish Outdoor Access Code](#) in Scotland and the BMC Green Guide to the Uplands **OUGHT** to be observed by all (see Section 6.1).

Many areas of the UK are used for agriculture, deer stalking, grouse shooting or other activities.

- Organisers in England and Wales **MUST** liaise with land managers and obtain permission if necessary, following the guidance in the Countryside Code to avoid conflicts with these activities (unless it is a public right of way, in which case permission **OUGHT** to be sought).
- In Scotland the position is more complex and, although generally there is no absolute legal requirement to do so, organisers **OUGHT** to liaise with land managers and obtain permission if necessary to ensure that there is no breach of the requirement to exercise access rights responsibly, and obtain permission if necessary, following the guidance in the Scottish Outdoor Access Code - if in doubt, organisers **OUGHT** to take specific advice in advance of organising large scale outdoor events.
- Organisers **OUGHT** to actively involve land managers in the whole process of planning the event.
- Final confirmation of consent **SHOULD** be sent as a reminder to appropriate landowners/land managers.

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- Where collections will take place at the event or en route, organisations **OUGHT** to check whether a public collection licence is required and **MUST** obtain a licence where necessary.
- In Scotland, if it is proposed to carry out a public charitable collection at the event or en route, local authority permission **MUST** be obtained in advance.
- Organisers **OUGHT** to check that the area proposed is not a protected designation and that the event will not affect breeding birds or rare plants. Certain landscapes are more prone to damage and **SHOULD** be avoided.

3.2 Advance Planning

- Organisers **SHOULD** think carefully about the suitability of the activity for the proposed area so it does not conflict with the values people attach to the qualities of the environment and/or the historical or environmental sensitivity of the area.
- Organisers **SHOULD** try to avoid using popular and valued locations, where possible.
- Fundraising organisations **SHOULD** consider the potential risk to the organisation's reputation that may arise from being involved with particular events or associated companies.
- Fundraising organisations **SHOULD** work with associated companies and suppliers who adhere to the Codes of Fundraising Practice.
- Before organising an event and depending on the proposed venue, consultation **OUGHT** to include some or all of the following:
 - local authorities, where necessary at County Council, Metropolitan Borough Council or District Council level, including staff responsible for paths and local authority-owned or managed locations such as country parks;
 - Rights of Way Department at the relevant local authority for footpaths, bridle ways and byways;
 - Countryside Department at the relevant local authority for country parks and other local authority owned or managed locations;
 - all landowners/managers or representative bodies over whose area the event passes: For example from private land owners and national parks; and
 - local police.
- Organisers **OUGHT** to establish what permissions are required and **MUST** abide by these.

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- If bylaws state that permissions are needed, these **MUST** be obtained.
- If initial approval is withheld for good reason, organisers **OUGHT** to relocate the event or revise plans accordingly.
- Organisers **OUGHT** to notify emergency services of the event's occurrence.
- Organisers **OUGHT** to establish whether there are other events planned at the same location and time, whether local events or other fundraising events, for example by communicating with other charities known to organise similar events.
- Where other fundraising events are taking place, organisers **OUGHT** to liaise with other organisers.

Does the area have a heavy seasonal tourist influx? If so, it is important to understand that there will be many other users. Bank holiday weekends are best avoided.

- Organisers **SHOULD** avoid weekend events at busy locations, especially in summer months.

The maximum number of participants will be dictated by the permissions gained and local conditions.

- These numbers **OUGHT NOT** to be exceeded – in some cases this will be a legal requirement that **MUST** be abided by under the licence agreement and/or insurance policy.
- Events **OUGHT NOT** to be organised that encourage excessive numbers in areas of sensitivity.
- Organisers **SHOULD** learn more about the sensitivities in the area they propose to use for the event.
- Advice **SHOULD** be sought from key organisations such as Natural England and Wildlife Trusts regarding issues of seasonality, archaeological sensitivity etc (see Section 6.1).
- Organisers **OUGHT** to plan the event to avoid congestion.

This may involve staggering start times for mass participation events, so that only small groups start at the same time.

For further information see the 'Best of Both Worlds website details in Appendix 6.2.

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3.3 Environmental Considerations

- Organisers **OUGHT** to work closely with local land managers and other interested parties to ensure that the impact of the event is minimal.

In particular, the effect on footpaths and roadside kerbs of excessive numbers is extremely damaging (see Section 3.6).

Organised events can be used as a vehicle of good for the environment and land management practice through the promotion of the local environment agencies.

- Event organisers **SHOULD** promote the environmental organisations who look after the land they are using by raising awareness of their work and encouraging support.
- Organisers **OUGHT** to encourage the Leave No Trace philosophy:
.... leave no trace of the existence or passing through of the event.

Leaving litter comes at a cost to the local community. This applies to both participants and organisers and will therefore include clearing any signage or other evidence of the event.

- Recycling **SHOULD** be encouraged where possible.
- Participants **OUGHT** to be briefed about the environmental and land management issues on the route, the damaging impact of short cuts or crowding and the need to keep to paths.
- Organisers **OUGHT** to consider:
 - the provision of toilet facilities and their accessibility (see below); fouling in a public place is an offence in some areas and circumstances ;
 - water supply and whether this needs to be provided; and
 - making a payment to land managers to offset the environmental impact and cover the cost of ongoing maintenance. If asked for, reasonable costs (such as for administration) **SHOULD** be paid.
- The organiser **SHOULD** find out where the following are located: sites for base camps (and **MUST** obtain landowners' consent for use when there is no public right to establish such camps), public telephones, local Accident and Emergency departments.

A high influx of people puts a heavy demand on local facilities, particularly toilets.

- This **OUGHT** to be taken into consideration when assessing numbers and participants **OUGHT** to be encouraged to make use of alternative facilities before arrival at their rendezvous.

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- If toilet facilities are not available, organisers **SHOULD** provide them where possible.
- If toilet facilities cannot be provided, participants **SHOULD** be directed to the 'Where to go in the Great Outdoors' leaflet which provides information about toilet provisions (see Section 7.1).
- Organisers **SHOULD** consider the carbon footprint of the event and encourage shared transport or public transport where appropriate.

3.4 Local Environment

Local farmers can be the worst affected by outdoor fundraising events.

- Organisers **OUGHT** to respect that the area will almost certainly be a working landscape where people live.

In particular, be aware of activities such as lambing, sowing or harvesting, and the need to leave gates as they were found and not climb over walls or fences.

A high influx of vehicles puts a heavy demand on the local infrastructure and has a considerable impact on the environment.

- This **OUGHT** to be taken into consideration when assessing numbers (see Section 3.6).
- Participants **SHOULD** be encouraged to minimise the number of vehicles at an event, where possible, for example by arranging for parking and bussing in participants.
- Organisers **OUGHT** to make themselves aware of the environmental sensitivities of the area they wish to use.

This will inform them of the numbers of participants that can be accommodated without damaging environmental interests.

- Organisers **SHOULD** take advice and work to the limits that may be set by conservation agencies and the permissions granted by the landowners/managers.
- Organisers **SHOULD** consider informing local communities and parish councils of their event, for example by placing notices on local news boards, sending letters to residents etc.
- Organisers **SHOULD** suggest viewing points for spectators and participants **SHOULD** be asked to encourage the use of such areas.

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- Any damage **OUGHT** to be reported to local land owners or land managers.
- Organisers **SHOULD** aim to use local suppliers to ensure that the communities affected by the event receive some benefit.
- Organisers **OUGHT** to show respect for others and encourage participants to do so.
- Vehicles **MUST NOT** be parked in a dangerous position or where it causes any unnecessary obstruction of the road.
- Vehicles **SHOULD NOT** be parked on bends, near the brow of a hill, or in front of access points such as gateways or passing points or blocking farm tracks or narrow roads.

3.5 Health and Safety

3.5.1 Risk Assessment

- Organisers **MUST** complete a full risk assessment before undertaking an event of any size.
- Organisers **MUST** take account of, and where reasonable make provisions for participants with a disability.
- Organisers **OUGHT** to define the risks to the safety of the participants and those with whom they come into contact, within the boundaries of any given event.

Failure to do so may leave organisers liable.

- Where the statutory responsibility of safety is that of a local authority or designated body (e.g. lifebuoys by the side of a canal), organisers of an event **OUGHT** to take reasonable steps to ensure that these safety mechanisms are in place.

Where participants require the use of vehicles:

- Organisers **SHOULD** plan for compulsory rest stops and planned journey timetables that recognise road safety, especially legal speed limits.
- Participants **SHOULD** be reminded to check they have appropriate insurance.
- Clear guidelines **SHOULD** be given for how many drivers will be needed (whether they are participants, staff etc) and minimum driver numbers, who will not be taking part in the event and the resting times to be taken.

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- Advice **SHOULD** be given on routes and approximate timings, with emphasis on not speeding to make up time.
- A policy **SHOULD** be implemented to remove the time pressure element.

For example, an agreed time can be allocated for all drives, to discourage speeding and irrational driving. Normal Road Safety laws apply. Advice can be given on what type of vehicles would be most suitable for the event.

- Participants **SHOULD** be encouraged to ensure they have sufficient insurance.
- Advice **SHOULD** be given on contingency for breakdown, tyres, windscreens etc.

Suggesting inappropriate times may leave the organiser liable if there is an accident.

3.5.2 Hazard Management

- Organisers **OUGHT** to be prepared to deal with accidents, emergencies or poor weather conditions as a matter of course.
- If the event is in the summer months, organisers **SHOULD** be aware of the fire hazard potential.
- The fire service **SHOULD** be alerted of your presence and all participants carefully briefed.

Organisers may wish to introduce a no smoking rule.

- Local contact numbers of hospitals/doctors/emergency services etc. **OUGHT** to be given to all marshals/stewards and participants.
- In the event of an emergency that cannot be dealt with by the marshals/stewards, the local police always **OUGHT** to be called by dialling 999.

Remember that details of the location will need to be provided in the event of an emergency, including, where appropriate, a grid reference.

- Organisers **OUGHT** to be aware of all local telephone numbers relating to the Emergency Services.
- These numbers also **OUGHT** to include local hospitals with a casualty department and doctors.

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- Emergency services are unable to provide specific safety cover and **SHOULD NOT** be approached to provide such a service.

However, they may be able to provide advice.

- Qualified First Aid cover **MUST** be in attendance at appropriate points for organised events.

3.5.3 Participants

- Fundraising organisations **OUGHT** to take steps to identify volunteers involved in such activities.

This could be done, for example, by questioning volunteers that request fundraising materials and sending the relevant information where necessary. See the Volunteer Fundraising Code of Fundraising Practice for additional guidance for fundraising volunteers (see Section 6.1).

- Recruitment materials designed to attract potential participants and in particular, advertisements, **MUST NOT** mislead the public, for example by wrongly suggesting that their commitment will be limited to the minimum personal registration fee.
- There **OUGHT** to be transparency at all stages of the advertising process.
- At the point of registration, if a level of fitness or training is required for safe participation this **OUGHT** to be made clear, including if GP authorisation is required.
- Participants **SHOULD** be made aware of the degree of difficulty of the activity they are registered to undertake so they can make an informed decision about their own capabilities.

You may want to reserve the right to refuse permission for a potential participant to take part, but you need to be aware of consumer legislation which can make such terms unfair and of discrimination laws which can make such terms unlawful.

- Issues you may wish to consider **SHOULD** include, for example:
 - age - is the participant under 18? If so, any relevant insurance, CRB or Disclosure Scotland implications **MUST** be abided by (also see Section 5.2: Adventure Activities Licensing Regulations 2004). Organisers need to form a view as to the age at which people under 18 may participate without being accompanied by a supervising adult;
 - health - is the participant on medication? Does the participant have any current health problems? Participants **SHOULD** be encouraged to seek medical advice where necessary;

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- experience required; and
- fitness - ensure that advice has been given on fitness levels and training required for the event.
- At registration, participants **SHOULD** be made fully aware of potential environmental impacts and the way in which the organisers have worked to minimise them.
- Organisers **OUGHT** to have terms and conditions for the event which **OUGHT** to be sent to identifiable participants prior to departure.
- Terms and conditions **SHOULD** be signed and returned by identifiable participants before the event.
- The fundraising organisation **OUGHT** to emphasise the importance of appropriate training and equipment to participants.
- A full kit list **OUGHT** to be given to each participant/team far enough in advance for them to borrow/purchase any necessary items.
- Information about the need to check kit **SHOULD** be included in event terms and conditions.
- Participants **OUGHT NOT** to be able to proceed if their equipment is not adequate.
- The fundraising organisation **OUGHT** to be clear when the participant is eligible to take part in the event – when they have paid a minimum or a certain percentage of the money?
- Recovery of any outstanding money from participants **SHOULD** be made as soon as possible after the event.
- If monies are not collected within the specified time frame, organisations **OUGHT** to contact the participant and request money to be submitted.
- If payment is still not forthcoming, organisations **SHOULD** give consideration to the amount outstanding, the time and effort that may be required and the potential reputational risk to the fundraising organisation when deciding upon a further course of action.

3.5.4 Marshals/Stewards

Marshals/stewards have a critical role.

- There **OUGHT** to be competent and appropriate marshals/stewards, in appropriate places and with appropriate skills.

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- They **SHOULD** be placed at major junctions and also at places to protect sensitive areas on the route.
- Local knowledge is important and organisers **SHOULD** seek sufficient expert support, where appropriate.
- Marshals/stewards **SHOULD NOT** be considered as an alternative to the emergency services, but can give valuable advice to organisers in the event of an incident and could prevent a call to the already stretched emergency services and mountain rescue teams.
- All marshals/stewards **SHOULD** be recruited in good time, and **SHOULD** receive clear written instructions well in advance of the event.
- The organisers **OUGHT** to meet all the marshals/stewards immediately prior to the event for a final verbal briefing.
- Marshals/stewards on the route **OUGHT** to be in communication with the marshals/stewards at the start and be fully briefed on the event, and the incident procedures.
- Senior/lead marshals **OUGHT** to have evidence of competency such as Swift Water Rescue (SRT Unit 1) and Mountain Instructor Award, where appropriate.
- Marshals/stewards **SHOULD** keep written records of all relevant communications with participants during the event.
- Participant records **SHOULD** be held at control points where participants' disclosed medical information, if provided, **SHOULD** be available.
- All communications between marshals and organisers **OUGHT** to be routed through a central control point who are fully briefed, scripted and trained to handle emergency situations.
- Participants **SHOULD** be briefed to respect and act on the advice and instructions given to them by all marshals.

3.5.5 Communication and Briefings

Effective communication is vital to the safety and management of an event.

- Clear lines of communication and procedures **SHOULD** be in place as early in the planning process as possible.

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- Participants **OUGHT** to be briefed on the fundraising organisation's policy of acceptable and unacceptable methods or sources of fundraising in the organisation's name.
- Written and verbal briefings regarding the event itself, to the participants and marshals involved, are crucial and **SHOULD** be sent well in advance of the event.
- These briefings **OUGHT** to cover event procedures, environmental impact, amenities, safety, equipment, training, vehicles and road safety.

The types of briefings, which need to be considered for an event fall broadly into six main categories. These are:

- briefing for participants prior to the event - written and verbal;
- briefing for event staff prior to the event - written and verbal;
- briefing for participants at the outset and during the event – verbal;
- briefing local community, if appropriate – press release, local notices/letters;
- debriefing for event staff after the event – verbal or written;
- participants, land managers and event staff post event evaluation and recommendations for future events.

The amount of information, the type of briefings and their timing and frequency will depend entirely on the size and complexity of the event itself.

- Marshalls/stewards **SHOULD** be briefed on potential environmental impacts.

In a mountain environment, good communications are critical but can be difficult. Do not rely on mobile phones, as they will be unreliable in mountainous terrain.

- All communication **OUGHT** to be channelled through a central control point who are fully briefed, scripted and ready to handle emergency situations.

VHF Radio is the best method to use.

- Organisers **OUGHT** to ensure correct licensing is in place so as to avoid crowding out emergency service frequencies.

It is advisable for radios to be used sparingly to enable quality communication and reduce congestion in the event of an incident.

3.5.6 Contingency Plans

- Organisers **OUGHT** to have a plan to cover every eventuality that may reasonably be anticipated, and brief all concerned to understand exactly what is expected of them.

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- A Major Incident Plan **OUGHT** to be prepared, to be used in the event of an emergency.

In particular, determine who will be responsible for dealing with the press (ideally one of the organisers or a senior member of the fundraising organisation's staff).

- As part of the Plan, organisers **SHOULD** ensure that appropriate members of the organisation are aware that the event is taking place.

Don't underestimate how quickly the media can get hold of a story.

- A communications strategy **SHOULD** form part of the Major Incident Plan.

Bear in mind that weather in the UK is at best unpredictable and dramatic changes may result in your participants being at risk.

- Organisers and participants **SHOULD**, as a matter of course, prepare for extreme weather conditions (e.g. hot, cold, wet, foggy, icy, snowy, floods) and establish safety considerations.
- Organisers **SHOULD** be prepared to close down the event and make arrangements for information provision in the event of a cancellation due to circumstances such as extreme weather conditions.
- Shut down plans **SHOULD** be ready to put into action before the event.
- The organisers **OUGHT** to make sure that everyone - from marshals to participants and supporters, where appropriate - knows and understands the procedures to follow for the closedown of an event.
- Emergency services **OUGHT** to be alerted in the event of an emergency by dialling 999.

3.5.7 Insurance

- Full information on insurance that already covers the event and guidelines for taking out personal medical and possessions insurance **SHOULD** be given.
- Organisers **OUGHT** to seek professional advice and ensure that they have sufficient Public Liability cover.
- Fundraising organisations **OUGHT** to stress the importance of sufficient insurance cover to participants.

4.0 Three Peaks Challenge

This Section provides additional guidance for the Three Peaks Challenge. It is not sufficient to read only this Section.

4.1 General

The Three Peaks Challenge has become increasingly popular as a fundraising event. Teams are challenged to climb Ben Nevis, Scafell Pike and Snowdon, the highest mountains in Scotland, England and Wales. This is putting increasing pressure on the same localities throughout the summer months, with considerable negative impact on the environment, local residents, rescue services and amenities.

The National Parks/Local Authorities and landowners are responding to the impact of this event by discouraging further growth and beginning to operate a stronger management regime for it. The Institute of Fundraising recognises the adverse effect of this growth and is, therefore, encouraging better event management or that charities consider alternative and more environmentally sustainable fundraising locations. If action is not taken to comply with this guidance, the sustainability of the event as a valuable fundraising activity will be severely threatened.

These spectacular landscapes, which have inspired for generations, are national treasures. Please extend your charity to beyond the worthy cause you are raising money for by respecting these areas and their people.

- An organiser **OUGHT** to:
 - register all groups of 12 or more with the Glen Nevis Visitor Centre, the central registration point for all of the peaks (see Section 5.1) at least twelve months in advance (unless a shorter timeframe is agreed) and follow their guidance;
 - limit the number of walkers to no more than 200 per event, as suggested by landowners;
 - avoid the peak holiday times e.g. school and bank holidays, summer solstice. Events **SHOULD NOT** cause overcrowding on the mountains and the respective valleys' (base sites) infrastructure;
 - be aware toilet provisions are very limited; plan accordingly when obtaining local permissions;
 - strongly discourage racing between teams on and between mountains;
 - agree designated rest stops and driving times beforehand that respect speed limits, road safety and other road users;
 - include a policy to remove the time pressure element, categorically excluding the driving time between mountains as part of the challenge by allocating a minimum driving time of 10hours for all participants which is added to the walking time, regardless of the actual duration of the drive.

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By adding a set minimum driving time, the competitive element is removed from the journey between peaks; and

- provide information to participants on the environmental and land management sensitivities of the areas they will be visiting and give participants guidance on how to mitigate their impact as far as is possible.

4.2 Local Conditions

- Individual mountain and site specific codes of conduct **SHOULD** be followed.
- To minimise disturbance and adverse impact, organisers **OUGHT** to consider the timing of the event for the least disturbance.
- In settlement areas, arrival or departure **OUGHT NOT** to be between the hours of 2300 and 0600.
- Coaches block narrow roads so **SHOULD NOT** be used.

Local facilities are inadequate for large events.

- Organisers **OUGHT** to identify and use motorway services and other facilities en route especially to top-up water supplies and use the toilets.

Always use the Visitor Centre at Glen Nevis as the start point for Ben Nevis.

If using Pen-y-Pass (Snowdon), parking is usually difficult and waiting not possible so disembark only. Use local bus services when you can.

Consider the long-term sustainability of these events in the area and how carbon-footprints may be reduced.

- Your event **OUGHT** to have minimal adverse impact on the mountains, the local communities, enjoyment of other visitors and all contacts for booking the events in the relevant sites.

This Section provides guidance for the Three Peaks Challenge. It is not sufficient to read only this Section.

5.0 Key Legal Points

5.1 General

Outdoor fundraising events can give rise to considerable liability.

- Fundraising organisations **SHOULD** consider appropriate means of managing these risks. These means will generally involve a combination of:

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- insurance;
- good planning;
- engaging specialist event planners/organisers to run events;
- using subsidiary companies; and
- getting appropriate permission.

5.2 Outdoor Fundraising Events Run by Third Parties

- Fundraising organisations **OUGHT** to check proposed third parties' reliability and the contract is crucial.
- The contract **SHOULD** make absolutely clear who is responsible for which risks (and for completing and enforcing risk assessments).
- All contracts with external contractors **OUGHT** to include clauses relating to cancellations and contingency plans.
- Organisers **OUGHT** to be clear whether the third party will be engaged with fundraising so as to determine whether it may be a professional fundraiser or commercial participator.

See the Charities Working with Business Code of Fundraising Practice (see Section 6.1).

Notwithstanding the above, the charity benefiting from a challenge event organised by a third party on its behalf, shall be deemed responsible for the full compliance by the third party with this Code of Fundraising Practice.

- Fundraising organisations **OUGHT** to take particular care if recommending third party organisers.

If recommending a third party, the fundraising organisation may find themselves liable if there is an accident and the third party did not have sufficient cover.

5.3 Fundraising

The organiser/promoter of the challenge event is responsible for the compliance in law of all fundraising activities associated with the challenge event, including security and control of funds collected and declaration of the registered charity number on all publicity materials (see also Section 5.4).

- Particular care **MUST** be exercised by the organiser/promoter to ensure compliance with all relevant laws applicable to public collections.

See the various Institute of Fundraising Codes on fundraising collections, in particular the Face-to-Face Activity and Handling of Cash Donations Codes (see Section 6.1)

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pertinent to the location of the challenge event and ensure that sufficient recording and administrative controls are in place to maintain the security of all funds raised in association with the event at all times. This includes advising volunteer fundraisers who are not part of an organised event. For further information, see the Handling of Cash Donations Code of Fundraising Practice.

- Where the benefiting organisation is a registered charity established in England and Wales and/or Scotland, the organiser/promoter **MUST** ensure that all printed documents and fundraising material associated with the challenge comply, in full, with the requirements of Section 5, Charities Act 1993 and the Charities References in Documents (Scotland) Regulations 2007.
- These requirements stipulate that the registered charitable status of the organisation **MUST** be clearly displayed on all such documents.
- If fundraising literature states that funds raised will be used for a particular purpose then funds **MUST** be used for that purpose and, if the fundraising organisation is a charity, **MUST** be identified in the charity's accounts as restricted funds.
- It is recommended that all promotional materials supplied to potential participants and, particularly, sent to them as part of 'fundraising packs' **OUGHT** to spell out clearly if any part of the funds raised by the participant in the name of the fundraising organisation are to be used towards the activity costs.

5.4 Advertisements

- The fundraising organisation **OUGHT** to approve all promotional material and advertisements in advance.
- Public advertisements for the event in England and Wales **MUST NOT** contravene the Town and Country Planning Act 1990, the Control of Advertisements Regulations 1992 issued under it or the Highways Act 1980.
- In Scotland, public advertisements **MUST NOT** contravene the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1994, as amended by Amendment Regulations 1992.

There are also laws concerning the public display of advertisements generally and on the highway.

- Consent for billboard type advertisements **SHOULD** be obtained from the local planning authority, from where further information can also be obtained.

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See also the Highways Agency (www.highways.gov.uk). Making misleading statements in advertising can give rise to criminal offences as well as civil (i.e. non-criminal) liabilities, for example under the Trade Descriptions Act 1968, the Consumer Protection Act 1987, the Package Travel, Package Holidays and Package Tours Regulations 1992 and the Control of Misleading Advertisements Regulations 1988. The British Codes of Advertising and Sales Promotion require advertisements to be legal, decent, honest and truthful. Further information can be obtained from the Committee of Advertising Practice (www.cap.org.uk).

5.5 Copyright

- The fundraising organisation **SHOULD** seek to ensure that it owns all material produced for the event.
- Fundraising organisations **MUST** ensure that materials adhere to copyright laws and that permission is obtained from the rights holders for use of images, logos etc.

5.6 Children and Vulnerable Adults

- Event organisers **OUGHT** to carry out a risk assessment to determine if a Criminal Records Bureau (CRB) check is warranted.
- If the event requires the organisation's employees, contractors or volunteers to have unsupervised (i.e. parents and/or carers do not attend) access to children and/or vulnerable adults organisations **SHOULD**, where appropriate, carry out background checks and obtain Disclosure at the appropriate level (Standard or Enhanced) from the Criminal Records Bureau (www.crb.gov.uk) before the event.
- These checks can take some time to obtain and this **SHOULD** be factored in to the planning timetable.
- Organisations **SHOULD** also consider best practice guidance on supervision ratios and obtaining consent from parents, guardians or carers to the participant taking part in the event.

Although not written with fundraising events in mind, the Department of Education and Skills has issued detailed guidance for schools on the health and safety of pupils on educational visits (published online at www.teachernet.gov.uk).

5.7 Data Protection

Event organisers will need to ensure the provisions of the Safeguarding of Vulnerable Groups Act are complied with when it is fully implemented.

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- Organisers **MUST** ensure compliance with data protection legislation. See the Data Protection Code of Fundraising Practice. Further information is available from the Information Commissioner (www.informationcommissioner.gov.uk).

5.8 Discrimination

- People **MUST NOT** be unlawfully discriminated against in relation to the event in respect of sex, race, sexual orientation, disability or religion or other similar belief.

Further information is available from the Equality and Human Rights Commission (see Section 6.1). Similar laws apply to discrimination on the grounds of sex and race.

5.9 Health and Safety

- Under the Health and Safety (First Aid) Regulations 1981 First Aid **MUST** be provided to employees.
- Whilst these regulations only apply to the provision of First Aid to employees, organisations **MUST** also make adequate First Aid provision to other people involved in the event.
- Any food being supplied **MUST** comply with the Food Safety Act 1990 and the Food Safety (General Food Hygiene) Regulations 1995 and other regulations applying to specific types of food.

For further details, contact the Environmental Health Department of the relevant local authority.

5.10 Events on Access Land

Events taking place in England Wales may rely on the use of land mapped as open access land under the Countryside and Rights of Way Act 2000. The right conferred on the public is for use on foot for open air recreation, but the right is subject to a number of general restrictions set out under Schedule 2 of the Act. This states that the right does not extend to anyone who:

- engages in any organised games, or camping, hand-gliding or para-gliding;
or
- engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.

As yet, there is no legal precedent which helps determine whether an organised charity event is affected by these restrictions.

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- If in any doubt, organisers **OUGHT** to seek permission from landowners (see above).

6.0 Appendices

6.1 Useful Contacts

- British Mountaineering Council
www.thebmc.co.uk
In particular, see 'Where to Go in the Great Outdoors' for toilet provision information:
www.mcofs.org.uk/where-to-go-leaflet.asp
and "BMC Guide to the Uplands":
www.thebmc.co.uk/Download.aspx?id=350
- Cadw:
www.cadw.wales.gov.uk
- Charities Act 2006
http://www.opsi.gov.uk/acts/acts2006/ukpga_20060050_en_1
- Charities and Benevolent Fundraising (Scotland) Regulations 2009:
www.oscr.org.uk
- Charities and Trustee Investment (Scotland) Act 2005
http://www.opsi.gov.uk/legislation/scotland/acts2005/asp_20050010_en_1
- Charities References in Documents (Scotland) Regulations 2007:
www.oscr.org.uk
- Charities Working with Business Code of Fundraising Practice:
www.institute-of-fundraising.org.uk/bestpractice/thecodes
- Countryside Access (for the Countryside Code)
www.countrysideaccess.gov.uk/
www.countrysideaccess.gov.uk/things_to_know/countryside_code
- Countryside Council for Wales:
www.ccw.gov.uk
- Data Protection Code of Fundraising Practice
www.institute-of-fundraising.org.uk/thecodes
- Department for Business Innovation and Skills
www.berr.gov.uk/whatwedo/consumers/buying-selling/holidays-travel/package-holidays/index.html
- English Heritage's Pastscape:
www.pastscape.english-heritage.org.uk
- Equality and Human Rights Commission
www.equalityhumanrights.com
- Handling of Cash Donations Code of Fundraising Practice:
www.institute-of-fundraising.org.uk/thecodes
- Historic Scotland:
www.historic-scotland.gov.uk
- Face-to-Face Activity Code of Fundraising Practice

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- www.institute-of-fundraising.org.uk/thecodes
- National Access Forum
<http://www.outdooraccess-scotland.com/default.asp?nPageID=28>
- Natural England's Nature Map
www.natureonthemap.org.uk
- Office of the Third Sector's guidance for professional fundraisers and commercial participants
www.cabinetoffice.gov.uk/third_sector/law_and_regulation/fundraising_and_collections.aspx
- Public Charitable Collections in Scotland:
www.oscr.org.uk
- Scottish Natural Heritage:
www.snh.org.uk
- Scottish Outdoor Access Code
www.outdooraccess-scotland.com
- Volunteer Fundraising Code of Fundraising Practice
www.institute-of-fundraising.org.uk/thecodes

6.2 Suggested Additional Reading

- *A Simple Guide to the Three Peaks Challenge*, by Guy Newham
Wildernet Digital Publishing, PO Box 1702, Salisbury, Wilts SP2 7XJ
(ISBN 0 9532 256 5 8)
- *Access Rights and Rights of Way: A Guide to the Law in Scotland*, Scottish Rights of Way Society 2006
- *Adventure Activities Licensing Regulation 1996*, Health and Safety Commission, available from Health & Safety Executive - Books Division
- *Adventure Education and Outdoor Leadership* vol 5, No1 Spring 1988 Ed Chris Loynes. Special edition on outdoor leadership.
- *Best of Both Worlds*
www.bobw.co.uk/planning-an-event
- *Event Fundraising Code of Fundraising Practice*
www.institute-of-fundraising.org.uk/thecodes
- *Handling Cash Donations Code of Fundraising Practice*
www.institute-of-fundraising.org.uk/thecodes
- *Heading for the Scottish Hills*, Mountaineering Council for Scotland and the Scottish Landowners Federation

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- *Hillwalking – the Official Handbook of the Mountain Leader and Walking Group Leader Schemes*, by Steve Long, published by Mountain Leader Training UK
- *Leading and Managing Groups in the Outdoors*, by Ken Ogilvie 1993 National Association for Outdoor Education
- *Management of Organisational Behaviour*, by P Hersey and K H Blanchard Prentice Hall 1969
- *Mountaincraft and Leadership*, by Eric Langmuir 1995 Third Edition, published by the Scottish Sports Council and the Mountain Leader Training Board
- *Raffles and Lotteries Code of Fundraising Practice* www.institute-of-fundraising.org.uk/thecodes
- *Rights of Way: A Guide to Law and Practice*, Ramblers Association

6.3 Working Party

- Clare Furnival, Scope (Chair)
- Jo Burgon, National Trust
- Jo Dyson, Breast Cancer Care
- Caroline Howe, Institute of Fundraising
- Benjamin James, Bircham Dyson Bell
- Graham Lathbury, Global Challenge UK
- Fran Lockhard, John Muir Trust
- Helen MacGregor, Capability Scotland
- Gregor McNie, Institute of Fundraising
- Jim Milligan, Glen Nevis Visitor Centre
- Sebastian Morgan-Claire, Tros Gynnal
- Neil Munro, Care International
- Rebecca Poyntz, WaterAid
- David Steadman, Duke of Edinburgh
- Ruth Strangeway, WaterAid
- Bruce Tait, Bruce Tait Associates
- Helen Verity, NSPCC
- Mark Wrightham, Scottish National Heritage

Institute of Fundraising Code Working Parties provide advice and make recommendations to the Institute's Standards Committee in the process of Code development.