

Thames hospice

Policy: GIFT ACCEPTANCE AND RECOGNITION POLICY

Date	Author/Reviewer	Approved by	Doc name	Comment	Responsible Committee	Next Review
Oct 2023	Company Secretary	Income Generation Committee	FR-P-0007	<u>October 2023</u> Policy reviewed. Changes to job titles and now refers to Executive Team instead of Senior Management Team throughout.	Income Generation Committee	Nov 2024
Nov 2022	Finance Director			<u>November 2022</u> Policy reviewed; changes to font and layout only. <u>September 2020</u> Policy reviewed. Minor changes to text and layout only. <u>August 2018 (2)</u> Policy reviewed and S5.13 removed. <u>August 2018</u> Policy reviewed. Gift Ethics Committee will review all gifts valued over £10,000. Reference to the Anti-Money Laundering and Refusal of Donations Policy (FIN-P-0013) added at s2.5. <u>Nov 2016:</u> Policy new		

Summary

Thames Hospice:

- May accept unrestricted gifts, including those made with an expression of wishes that the gift be used for a particular purpose within Thames Hospice's objects and Articles of Association.
- May accept gifts for particular projects provided those purposes are within Thames Hospice's objects and capable of being carried out.
- Will not accept gifts where administration costs outweigh the value of the gift.
- Will not accept gifts that are for purposes outside the purposes of Thames Hospice.

1. Policy Statement

- 1.1. Thames Hospice is extremely grateful that donors choose to donate to Thames Hospice.
- 1.2. Thames Hospice welcomes donations, gifts, grants and funds, (referred to in this document as 'gifts'), from individuals, foundations, organisations, associations, groups, corporations and other donors.
- 1.3. Donor recognition is the practice of providing recognition to donors for their gifts through formal and informal, personal and public expressions of appreciation.

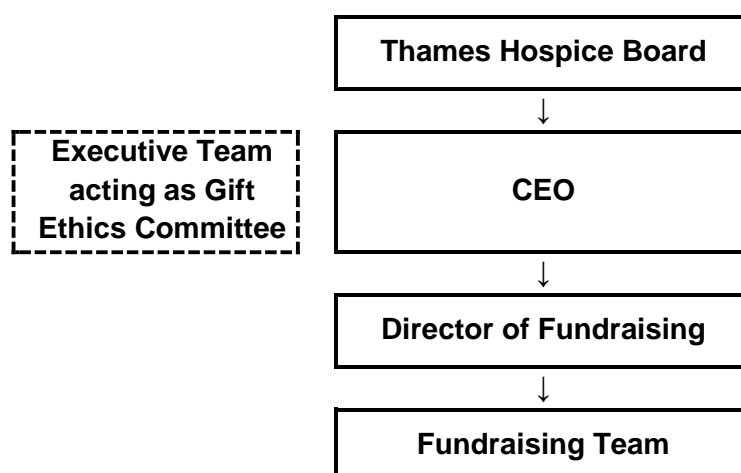
2. Objectives of the policy

- 2.1. To ensure that we do not accept or solicit gifts that would be detrimental to the achievement of the purposes of the charity as set out in its memoranda and articles.
- 2.2. To ensure that we do not accept or solicit gifts that would be detrimental to the reputation of the charity.
- 2.3. To ensure that we recognise gifts appropriately.
- 2.4. To maximise and sustain, both unrestricted and restricted income from trustworthy sources whilst preserving our reputation.
- 2.5. This policy should be read in conjunction with the Thames Hospice Anti Money-Laundering and Refusal of Donations Policy (FIN-P-0013).

3. Responsibilities

- 3.1. Chief Executive Officer – Overall responsibility to ensure that the policy is fit for purpose, as agreed by the Income Generation Committee.
- 3.2. Director of Fundraising
 - 3.2.1. Daily management of the policy and its implementation.
 - 3.2.2. Ensuring the policy is disseminated throughout the organisation.
- 3.3. Director of Finance – To ensure appropriate financial processes are in place to support the policy.
- 3.4. Trustees – to review and authorise the grounds for the refusal of a gift, should that be required.
- 3.5. Executive Team - to act as the **Thames Hospice Gift Ethics Committee**.
- 3.6. All staff and volunteers – to follow the policy.

4. Thames Hospice Fundraising Structure



- 4.1. Control and co-ordination of all activities within Thames Hospice in connection with fundraising will be centralised in the Thames Hospice Fundraising Team.
- 4.2. Fundraising team members will at all times bear in mind the legal principles underpinning the acceptance and refusal of gifts, and all other advice that may be given from time to time.
- 4.3. Legal or other advice may be sought in matters relating to the acceptance of gifts where, for example, a gift is proposed which may provide a benefit to a donor or a person or business connected to the donor.
- 4.4. The main responsibility for research into potential funders will be undertaken on the instruction of the Director of Fundraising by the Fundraising Team, whose function and responsibility will be to ensure that investigations are appropriate, being as robust as circumstances will reasonably permit while upholding the highest standards of research practice. Thames Hospice will consider the results of such research dispassionately and express any findings and conclusions objectively.
- 4.5. Director of Fundraising as Subject Matter Expert
 - 4.5.1. All employees of and advisors to Thames Hospice involved in fundraising are encouraged to consult the Director of Fundraising at an early stage in any discussions with a potential benefactor.
 - 4.5.2. The Director of Fundraising can advise on the use of this policy, and consultation will also reduce the risk of uncoordinated approaches to a single potential donor, spread familiarity with the process for accepting benefactions and may allow an early warning of anyone unknowingly approaching a potential benefactor whose gift is not likely to be acceptable.

5. Thames Hospice Executive Team acting as Thames Hospice Gift Ethics Committee

- 5.1. The Thames Hospice Executive Team acting as Gift Ethics Committee will consider the potential gifts referred to it in accordance with the Institute of Fundraising Code of Practice and will advise Thames Hospice whether or not to proceed with any potential gift.
- 5.2. The Gift Ethics Committee will meet in person or by secure correspondence to consider the matters referred to it. Minutes will be kept of its discussions and key points from the minutes will be presented to the next meeting of the Board of Trustees together with the research material and reports and supporting documents.
- 5.3. The stage at which a reference to the Gift Ethics Committee should be made shall be at the discretion of the CEO after consulting with the Director of Fundraising. In exercising this judgment the CEO and Director of Fundraising must:
 - 5.3.1. Review the relative size of the potential gift and the likelihood or otherwise of reputational risk.
 - 5.3.2. Review any restrictions applied to a potential gift, and whether this meets the charity's objectives.
- 5.4. The function of the Gift Ethics Committee shall be advisory only. The decision whether to accept or reject a potential gift shall be made by the Board of Trustees, or by the CEO of Thames Hospice (acting under the delegated authority of the Board of Trustees) in the case of a gift of less than £1 million where the Gift Ethics Committee has recommended acceptance and has raised no ethical concerns. It is expected that the Board of Trustees and, where relevant, the CEO of Thames Hospice, will pay due regard to the recommendations of the Gift Ethics Committee bearing in mind the Gift Ethics Committee's opportunity to consider ethical issues in detail.
- 5.5. There may arise specific occasions when the urgent advice of the Gift Ethics Committee will be required. Members will be asked to respond by a given deadline. If, for whatever reason, it is not possible for all members to respond by the deadline, the judgment to accept a gift of less than £1 million may be made by the CEO of Thames Hospice, taking into account the advice received from the Gift Ethics Committee member/ members who have responded, and specifically that of the Director of Fundraising.
- 5.6. The judgment to accept a gift of more than £1 million may be only made by the Board of Trustees in line with the process for securing such urgent advice outside the formal Board meeting schedule.
- 5.7. Potential Gifts over £10,000 will be reviewed by the Thames Hospice Gift Ethics Committee.
- 5.8. Potential gifts of less than £10,000 by individuals need not be referred to the Thames Hospice Gift Ethics Committee unless in the opinion of the CEO, the Director of Fundraising or any other Director of Thames Hospice there is a possible ethical or reputational risk to Thames Hospice, which ought to receive the attention of the Gift Ethics Committee.
- 5.9. The Gift Ethics Committee will be called upon formally to review the complete list of individual donors or institutional funders who have given a gift totalling £10,000 or more and the complete list of corporate sponsors, corporate partners and corporate members at least once a year. This annual review will allow the Committee to review and, if necessary, reconsider previous decisions taken in good faith relating to the acceptance of particular gifts if subsequent events or the subsequent availability of additional information requires it.

- 5.10. All gifts that include commitments to a programme of any kind (an example being sponsoring a service offer), and all gifts which involve commitments in perpetuity of any value shall be referred to the Gift Ethics Committee.
- 5.11. The Director of Fundraising or CEO of Thames Hospice may also, as and when necessary, ask the Gift Ethics Committee to review and/or reconsider a funder outside this annual review framework. Recommendations as a result of such reviews may be referred to the Board of Trustees together with all supporting material as deemed appropriate.
- 5.12. The Gift Ethics Committee shall not be responsible for conducting the necessary research and background investigation upon the basis of which such advice is to be based. The Gift Ethics Committee will act and rely on the material put before it, but may require that further research is undertaken before it advises.

6. Legislative Requirements

- 6.1. This policy takes account of legislation, including but not limited to:
- The Charities Act 1992: in relation to commercial participators and professional fundraisers.
 - The Charities Act 2011: in relation to seeking the views of the Charity Commission on whether to accept or refuse a particular gift, or an order to sanction the trustees' dealings with charity property.
 - Data Protection Act 1998: in relation to handling the personal data of any donors.
 - Freedom of Information Act 2000: in relation to freedom of information requests.
 - The Bribery Act 2010: in relation to bribery offences.
 - Finance Act 2011: in relation to tainted charity donations.
 - Proceeds of Crime Act 2002: in relation to suspected money laundering
 - Terrorism Act 2000: in relation to disclosures of beliefs or suspicions of terrorism offences.
 - The Charities and Trustee Investment (Scotland) Act 2005: in relation to the regulation in Scotland of commercial participators and professional fundraisers, and the broader duties of charity trustees in managing the charity's affairs and finances.
 - The Charities Act (NI) 2008.
- 6.2. This policy also takes into account relevant Charity Commission Guidance¹ including:
- CC20 "Charities and Fundraising" - section F4 covers accepting donations with conditions attached and refusal of donations.
 - The Charity Commission Compliance Toolkit, "Protecting Your Charity from Harm".

7. Policy Detail

- 7.1. Thames Hospice respects donor's privacy whether they are an individual, organisation or a Trust.

¹ September 2016

7.2. Thames Hospice may amend its recognition program from time to time.

7.3. Value of Gifts

7.3.1. All anonymous gifts with a value over £25,000 must be reported by Thames Hospice to the charity commission as a serious incident.

7.3.2. Thames Hospice reserves the right to review or research any donors who give gifts regularly realising a high value cumulatively.

7.3.3. Gifts over £5,000

- For gifts of £5,000 or more will be subject to the initial screening of publicly available information mentioned above.
- This screening will be with particular reference to any activity that might be the source of reputational or ethical risk, such as pending major court cases and prominent allegations.
- Standard checks will be made in relation to the company's sector, its corporate register and listed company details in country of origin and of its parent or associated companies, if relevant, and more generally in relation to its regulatory jurisdiction.

7.3.4. Gifts over £10,000

- All individual donors and institutional funders over £10,000 are reviewed by the Gift Ethics Committee. (See 5.9.)
- For gifts of over £10,000, all potential funders will be subject to an initial screening, which incorporates a standardised search of publicly available material designed to highlight potential areas of controversy or concern.
- This will normally employ a combination of adverse news searches on Google (or a similar web search engine) and LexisNexis (or a similar news aggregator), a registry check (both with Companies House data and reasonably available international registries) and checks in a PEPs and sanctions database (WorldCheck or similar).
- The Director of Fundraising may decide that research that is more detailed is required or that a full ethical review should be undertaken by the Gift Ethics Committee. Professional search firms and international due diligence providers will be used as appropriate.
- The advice and opinion of individuals who have knowledge of the specific funders and/or context in which they operate, commercially or personally, will also be sought.

7.3.5. Gifts over £100,000

- All individual donors and institutional funders over £100,000 are reviewed by the Gift Ethics Committee. (See 5.9.)
- Potential gifts from individual donors, institutional funders, corporate sponsors, corporate partners and corporate members above £100,000 must be referred for consideration by the Thames Hospice Gift Ethics Committee. (see 5.9) This will be after the necessary initial research has been completed and recorded, and if the potential gift, or individual donor, are likely to become pledges or payments and present possible or likely ethical or reputational risks.

7.4. Gifts and Grants from Charitable Foundations

- 7.4.1. Gifts and grants of any size from charitable foundations registered with the regulatory authorities in the UK, North America and European Foundation Centre (EFC) affiliated organisations will not normally be subject to an ethical review and can be progressed to the signing of an appropriate agreement with the funder, unless a restricted project (See 7.8). For the United Kingdom, this means charities regulated and scrutinised by the Charity Commission for England and Wales, the Office of the Scottish Charity Regulator, and the Charity Commission for Northern Ireland.
- 7.4.2. Exceptionally, a registered charitable foundation may be referred to the Gift Ethics Committee when the results of the initial screening suggest that there is a possible ethical or reputational risk to Thames Hospice which ought to receive the attention of the Gift Ethics Committee.

7.5. Protection of Vulnerable Persons

- 7.5.1. Thames Hospice will always give due consideration to protection of vulnerable persons and whether we should or should not accept their gift. This is dependent on their specific personal vulnerability.

7.6. Acknowledgement of Gifts

- 7.6.1. Thames Hospice aim to acknowledge all gifts promptly, as set out in our Fundraising Promise, and we will acknowledge gifts within 10 working days.
- 7.6.2. Thames Hospice will make a decision to accept or refuse a gift within one month of its receipt.

7.7. Extraordinary Gifts/discernible gestures

- 7.7.1. Thames Hospice reserves the right to solicit gifts or acknowledge gifts made as a 'discernible gesture'. Examples may include sponsoring a patient room or service for an agreed period of time, or naming a new service or part of the building in their name.
- 7.7.2. It should be noted, that any patient rooms that are named will be for a maximum of three years and larger areas (such as the education centre and wings) will be for a maximum of five years.
- 7.7.3. The Thames Hospice Gift Ethics Committee will make a decision to accept or refuse an extraordinary gift within one month of its receipt, however because of the nature of the gift this may, in exceptional circumstances take longer.

7.8. Gifts made for Restricted purposes

- 7.8.1. Where a gift is proposed to be made for restricted purposes ('a project'), examples being a specific item, service or project, the Thames Hospice Gift Ethics Committee will consider, prior to accepting such a gift, whether in all the circumstances accepting such a restricted

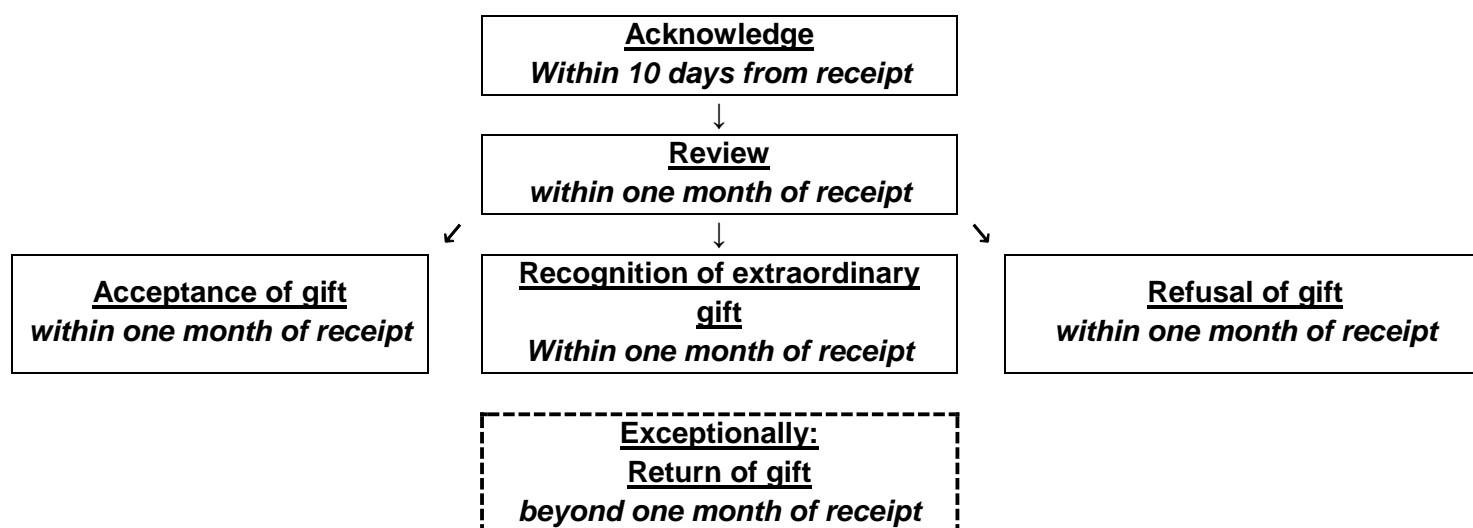
gift would be in the best interests of Thames Hospice including:

- Whether the proposed project is an effective way of furthering Thames Hospice's objects.
- The intended impact of the proposed project.
- The anticipated financial cost of involvement in the proposed project.
- The impact the proposed project would have on Thames Hospice's reputation.

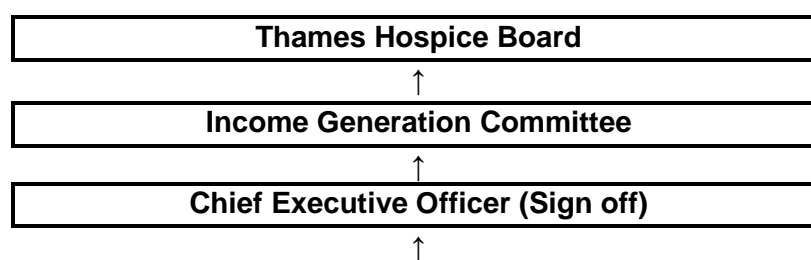
7.9. Refusal or Returning of Gifts

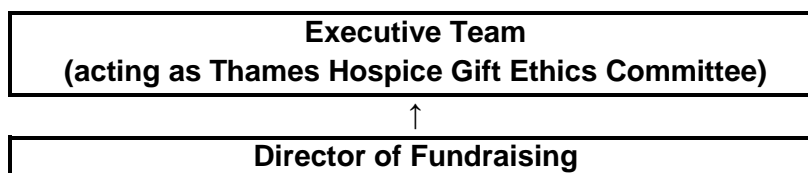
- 7.9.1. Thames Hospice reserves the right to return a gift in a longer time-period (i.e. beyond one month since receipt), should we feel that returning the gift has become necessary.
- 7.9.2. The Thames Hospice Gift Ethics Committee will review all decisions to refuse gifts, to not recognise extraordinary gifts, or to return gifts. See illustration of the decision-making path at 7.11.
- 7.9.3. No gifts will be accepted from tobacco companies or similar organisations, whose business or products are proven to be detrimental to health and furthermore our reputation by association.
- 7.9.4. Thames Hospice reserves the right to refuse any gift that it believes is too restrictive in purpose or not in the best interests of the charity.

7.10. Illustration of the Timeline for Gift Acceptance/Refusal



7.11. Illustration of the Fundraising Decision making/Review Process:





8. Refusal of a gift

- 8.1. If a gift is deemed questionable, this will be referred as shown in 7.11.
- 8.2. Final decisions will be guided by consistency with our mission and values.
- 8.3. Donor appeals against a refused gift will be directed to the CEO and Chair of Trustees, with a final decision in 10 working days.
- 8.4. Contingency plans in light of a refused gift or potential negative PR will be developed for each and any occasion.

9. Breach of Policy

- 9.1. Any failure to comply with this policy will be deemed a breach of policy.
- 9.2. Any breach of this policy by Thames Hospice employees may lead to formal disciplinary action.
- 9.3. Any breach of this policy by Thames Hospice volunteers or trustees may lead to formal action under the Volunteer Problem Solving Policy and Procedure.

10. References

- 10.1. The IoF's Code of Fundraising Practice: covers both legal and best practice standards for fundraising www.institute-of-fundraising.org.uk/code