

# **Sevenoaks School Foundation**

## **Gift Acceptance Policy**

**(May 2018)**

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## Gift Acceptance Policy

1. Definitions .....	3
2. Introduction.....	4
3. Statement of Charitable Status.....	4
4. Ethical Guidelines for Acceptable Sources of Funding .....	4
5. Gift Acceptance Procedures .....	5
5.1 Gift Acceptance Due Diligence .....	5
5.2 Gift Agreements and Statements of Donor Wishes.....	5
5.3 Gift Acceptance Committee.....	6
5.4 Receipts .....	6
6. Donor Rights .....	6
7. Fundraising Practices .....	7
8. Data Protection.....	8
9. Financial Accountability .....	8
10. Gift Acceptance Policy Review .....	8

## **1. Definitions**

### **Assignment**

The process whereby a Fundraiser is made the designated canvasser for a prospective Donor.

### **Foundation**

Sevenoaks School Foundation being a registered charity in the United Kingdom registered charity number 307923.

### **Donor**

A person, organisation or legator who gives a philanthropic donation to the Foundation without receiving any material benefit in exchange.

### **Due Diligence**

The range of practical steps that need to be taken by the Foundation so it is reasonably assured of the origin of the gifts and its Donors, and is able to identify and manage associated risks.

### **Fundraiser**

Any employee, volunteer or stakeholder who solicits or receives funds on behalf of the Foundation.

### **Gift Agreement**

An agreement between both parties – the Donor and the Foundation – to clarify the purpose of the gift and any expected outcomes from that gift. Gift Agreements are especially important for restricted funding as they are required in order to establish a restricted fund. Any Gift Agreement should not benefit the Donor personally, or offer any kind of sponsorship arrangements. Such an agreement should not give the Donor any influence over who is granted appointments, scholarships or other awards.

### **Gift Acceptance Committee (GAC)**

The Trustees of the Foundation whose remit is: a) to consider strategic, financial, legal, ethical and reputational issues associated with gifts received or prospective gifts with a total value of GBP£500,000 or above; and b) to make a decision on acceptance, retention, or otherwise, of these gifts.

### **Fund**

An account for philanthropic donations to support the Foundation mission.

### **Legator**

A person who has died leaving a legacy to the Foundation.

### **Solicited**

Donation is offered to the Foundation following engagement and involvement with a Fundraiser.

### **Unsolicited**

Donation is offered to the Foundation without any prior engagement with a Fundraiser.

### **Foundation**

Sevenoaks School Foundation.

## 2. Introduction

The Foundation accepts funding from a wide variety of public and private sector partners in the United Kingdom and across the world, to support delivery of the Foundation's mission, as articulated in the Sevenoaks School Foundation Articles of Foundation. The primary object of the Foundation is the advancement of Sevenoaks School.

As a tax exempt charity in the United Kingdom, the Foundation has a responsibility to ensure that the processes of securing and receiving funds to support the objects of the Foundation do not compromise its integrity, that it acts legally and ethically, and maintains the trust of its supporters and their commitment to the advancement of Sevenoaks School.

The Foundation must ensure it does not bring itself into disrepute by knowingly accepting philanthropic donations from questionable or inappropriate sources and must comply with the Charity Commission and UK Fundraising Regulators guidelines.

This document sets out the Foundation's Gift Acceptance Policy and Ethical Fundraising Practice to define standard procedures for the solicitation and acceptance of philanthropic gifts to support the Foundation and the advancement of Sevenoaks School.

The Foundation expects all of its members and associates to follow the ethical behaviours set out in the [Nolan Principles](#). Those are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These Principles underlie the Foundation's Ethical Framework and all policies referenced therein.

## 3. Statement of Charitable Status

As a registered charity in the United Kingdom. As such it has the same tax benefits as all registered charities in the United Kingdom.

The Foundation must observe the requirements of charity law and other relevant legislation in relation to the receipt and expenditure of funds in the United Kingdom.

## 4. Ethical Guidelines for Acceptable Sources of Funding

- 4.1 The Foundation will not accept philanthropic donations that are inconsistent with the Foundation objects and the mission of Sevenoaks School.
- 4.2 The Foundation will not accept philanthropic donations if the proposed donation arises in whole or in part from any illegal activity.
- 4.3 The Foundation will not accept philanthropic donations if the terms of accepting the proposed donation will:
  - Require any illegal action on the part of the Foundation

- Create an unacceptable conflict of interest
- Damage the reputation of the Foundation
- Harm the Foundation's relationship with its students, benefactors, research supporters, partners, local community or other external stakeholders

4.4 In terms of Corporate Philanthropy, gifts from companies in the United Kingdom and overseas are acceptable sources of philanthropic funding if the giving has philanthropic intent AND does not fall under one of the seven exclusion criteria:

- Contractual relationship
- Exclusive information
- Exclusive publication
- Consultancy included
- IP rights
- Other forms of financial benefit
- Donor control

The Foundation may still accept income that falls under these exclusion criteria, but not as a philanthropic donation.

4.5 The Foundation will only accept philanthropic donations if it is clearly understood and accepted by all parties that impartial, independent research, scholarship and teaching are the basis for the furtherance of knowledge.

## 5. Gift Acceptance Procedures

### 5.1 Gift Acceptance Due Diligence

5.1.1 Due Diligence must be completed by the Foundation Office and/or Clerk to Trustees on behalf of the Gift Acceptance Committee prior to, or otherwise within two months of:

- Receiving a gift, or cumulative gifts, of over GBP£10,000
- Approving a volunteer to act as a Fundraiser

5.1.2 Due Diligence is performed to verify whether engagement with a prospective volunteer or Donor and/or a proposed donation aligns with the Foundation's Ethical Guidelines for Acceptable Sources of Funding.

### 5.2 Gift Agreements and Statements of Donor Wishes

5.2.1 A document (electronic or otherwise) summarising the gift amount, purpose, and gift instalment schedule (as a minimum) must be acknowledged by the Donor and the Foundation for:

- all gifts of GBP£1,000 or more from a single Donor
- all restricted gifts
- all gifts of any value where the Donor-specified spend will extend beyond the current financial year

5.2.2 Written evidence of this acknowledgement, either through dated correspondence or signed Gift Agreements or Statements of Donor Wishes, must be retained by the Foundation.

### **5.3 Gift Acceptance Committee**

5.3.1 All cumulative philanthropic donations of GBP£500,000 or more must be approved by the Gift Acceptance Committee.

5.3.2 The Gift Acceptance Committee is responsible for reviewing all matters arising that may conflict with any of the Foundation's Ethical Guidelines for Acceptable Sources of Funding, specifically relating to:

- Engagement by the Foundation of a prospective Donor
- Proposed philanthropic donations to the Foundation
- Philanthropic donations already received by the Foundation

5.3.3 In the event that the Gift Acceptance Committee has significant concerns about a donation, it can refer a decision to the Trustees of Sevenoaks School Foundation for guidance.

### **5.4 Receipts**

A receipt will be provided to all Donors for all gifts received directly by the Foundation.

## **6. Donor Rights**

6.1 All fundraising solicitations by or on behalf of the Foundation will disclose the Foundation's name and purpose for which the funds are requested. Written solicitations (however transmitted) will also include the Foundation address or other contact information.

6.2 Donors and prospective Donors are entitled to the following, promptly upon request:

- The report and financial statements from the Foundation's most recent Annual Report to The Charity Commission
- Confirmation of the exempt charitable status of the Foundation
- A copy of this Gift Acceptance Policy and Code of Ethical Fundraising Practice

6.3 Donor and prospective Donors are entitled to know, upon request, whether an individual soliciting funds on behalf of the Foundation is an employee, volunteer, or other stakeholder.

6.4 Donors will be encouraged to seek independent advice if the Foundation has any reason to believe that a proposed gift might significantly affect the Donor's financial position, taxable income, or relationship with other family members.

- 6.5 Donor requests to remain anonymous will be respected as far as is legally, practically and ethically possible. The Foundation Trustees, School Governors and Head of Sevenoaks School will be informed of the names of all Donors, but otherwise names will not be shared beyond those with a direct involvement in the solicitation, approval, processing, stewardship and auditing of the gift.
- 6.6 Donor privacy will be respected. All Donor records maintained by the Foundation will be kept confidential to the greatest extent possible in accordance with the Data Protection Act (U.K.) and the General Data Protection Regulations (U.K.).
- 6.7 Donors and prospective Donors will be treated with respect. The Foundation will make every effort to honor Donor requests in relation to:
- Frequency and type of solicitations
  - Receipt of printed material concerning the Foundation
- 6.8 The Foundation will respond promptly to a complaint by a Donor or prospective Donor.
- 6.9 Donors have the right to request that their philanthropic donations are allocated to a specific area of Foundation activity in accordance with legal and ethical guidelines.

## 7. Fundraising Practices

- 7.1 All fundraising solicitations by or on behalf of the Foundation will:
- Be truthful
  - Accurately describe the Foundation's activities and intended use of donated funds
  - Respect the dignity and privacy of those who benefit from philanthropic donations

Fundraisers who solicit or receive funds on behalf of the Foundation shall:

- Adhere to the provisions of this Gift Acceptance Policy and Ethical Fundraising Practice
  - Act with fairness, integrity and in accordance with UK law
  - Provide truthful information about fundraising activity, without exaggeration or underestimation
  - Not express or suggest in public information that fundraising activity is without cost
  - Adhere to the provisions of applicable professional codes of ethics and standards of practice to include, but not limited to, [United Kingdom Code of Fundraising Practice](#).
  - Cease solicitation of a prospective Donor on request
  - Endeavour to keep Donors and prospective Donors informed of any current fundraising and accounting legislation or scheme which is appropriate to their donation
  - Not accept philanthropic donations for purposes that are inconsistent with the Foundation's object of the mission of Sevenoaks School.
- 7.2 Report immediately to the Trustees and/or Gift Acceptance Committee any philanthropic donations which they consider to be a cause for concern and any actual or apparent conflict of interest as a result of the Foundation accepting a donation.

- 7.3 Donor and prospective Donor information will only be used in accordance with our privacy statement available at [inspire.sevenoaksschool.org/privacy-statement](https://inspire.sevenoaksschool.org/privacy-statement).

## **8. Data Protection**

- 8.1 The Foundation will ensure compliance with the Data Protection Act (U.K.) and the General Data Protection Regulations (U.K.) and all subsequent Data Protection legislation.
- 8.2 The Foundation will at all times be aware of the sensitivity of information gathered and held on Donors, other individuals and organisations. This will aid our compliance with data protection legislation and ensure that information obtained via all channels, particularly information not in the public domain, is treated with utmost respect and confidentiality.
- 8.3 When using external agencies or when data may be shared with a third party, for instance mailing houses, the Foundation will ensure that all issues such as data ownership, fitness for use and confidentiality are understood and formally agreed with the third party in advance, prior to sharing any data.

## **9. Financial Accountability**

- 9.1 The Foundation's financial affairs will be conducted in a responsible manner, consistent with the ethical obligations of stewardship and the legal requirements of national and international regulators.
- 9.2 All philanthropic donations will be used as agreed with the Donor. As appropriate, a Gift Agreement or Statement of Donor Wishes will be produced by the Foundation Office and/or the Clerk to Trustees, setting out the purpose and terms of the gift as agreed between the Donor and the Foundation.
- 9.3 If necessary, due to programme, organisational, legal or regulatory changes, alternative uses of restricted/designated philanthropic donations will be discussed with the Donor or Donor's legal designate(s). If the Donor is deceased or legally incompetent and the Foundation is unable to contact a legal designate, the donation will be used in a manner that is as consistent as possible with the Donor's original intent. If necessary, the Foundation Office and/or the Clerk to Trustees will refer the matter to the Gift Acceptance Committee, and ultimately to Sevenoaks School Foundation Trustees.

## **10. Gift Acceptance Policy Review**

This policy will be reviewed by the Gift Acceptance Committee and/or the Sevenoaks School Foundation Trustees one year after approval by the Trustees and annually thereafter and the outcomes of such reviews reported to Sevenoaks School Foundation Trustees as appropriate.