



**ACCEPTABLE FUNDRAISING  
POLICY**

**THOMAS'S FOUNDATION [CIO]**

**Registered Charity No. 1181145**

# **ACCEPTABLE FUNDRAISING POLICY**

## **THOMAS'S FOUNDATION [CIO]**

### **0- Introduction: The regulatory context**

Fundraising is a regulated activity in England and Wales. The law provides a regulatory parameter as to what is legal in relation to this activity as it pertains to charitable endeavours. Not all fundraising, however well meaning, is legal or acceptable in the eyes of the law

UK fundraising practice must follow the relevant legislation – set out in the Charities Acts, other relevant legislation and local government by-laws. Fundraising is regulated in England and Wales by the Fundraising Regulator which holds the Code of Fundraising Practice for the UK.

Thomas's Foundation is registered with the Fundraising Regulator and applies this Policy which clarifies how the CIO will manage fundraising in line with regulatory requirements.

### **1-The need for a policy**

The Fundraising Policy recognises the significant role fundraising plays in enabling Thomas's Foundation in delivering its objectives as per its Constitution

This policy reflects our commitment that all fundraising must be legal, open, honest and respectful.

We hope this Policy help all supporting the Foundation to understand what we expect from them, and what they can expect from us in relation to accepting, refusing and managing donations.

### **2-Policy objective**

The Policy intends to:

- Describe the regulated environment applicable to fundraising
- Explain key obligations in accepting, rejecting returning and managing donations
- Ensure that roles and responsibilities are clear in relation to the expectations set by the Fundraising Regulator

### **3-Scope**

The Policy applies to all volunteers as defined in the Volunteering Policy and in relation to all forms of fundraising and all types of donations as described below

All fundraisers are expected to comply with this Policy and the Code of Fundraising Practice

#### **4- Definitions**

##### What is a Fundraiser?

Fundraisers, paid and/or unpaid and of their own free will, choose to give their time, energy, skills and expertise to support the Foundation by undertaking active fundraising.

Where a fundraiser is considered to be a volunteer they are subject to the Volunteering Policy.

##### What is Fundraising?

Seeking support from the public and/or other institutions via donations by undertaking actions which include events in which such donations are elicited.

Active fundraising: where the fundraising is purposeful and directed to a cause by means of a particular event or distinguishable set of actions, such as for example the launch of an appeal. These actions intend to gain mainly financial support via donations to enable the Foundation to achieve its objectives in accordance with its Constitution.

Passive fundraising: where the fundraising happens by means of a link in the footnote of an email, of the donation that arrives via the Foundation's website.

##### What is a Donation?

Any support given -financial or otherwise-to support the aims of the Foundation

In this context, the donations can be materialised in different ways:

- Donations have been achieved after a sustained effort culminating in the obtention of funds
- Spontaneous donations received by the charity by donors from time to time

##### What is the Fundraising Regulator?

The independent regulator of charitable fundraising in England, Wales and Northern Ireland. They set up the mandatory standards applicable to Fundraising which are consistent with Charities Law and all relevant regulations

The standards are documented in the Code of Fundraising Practice ("the Code) which must be read in conjunction with this Policy

##### Acceptable fundraising

It refers to those donations that have been raised when the fundraising has been legal, open, honest and respectful

## **5- Policy principles**

In delivering to its objectives and in relation to fundraising, the Foundation will:

### Fundraisers

- a) Facilitate volunteers to assist in fundraising activity in a manner that is positive and an enriching experience
- b) Provide volunteers with clarity about what is expected of them and to equip them with the information they need to participate in Foundation life effectively through this Policy and access to the Fundraising Regulator material

### Donations

- c) Document in this Policy what conditions under which donations will be considered to be acceptable
- d) Set up the steps that the Foundation would take should a donation be deemed unacceptable

### Fundraising events

- e) Support fundraising events only when they support the objectives of the Foundation's Constitution, make good use of our assets and bring forward acceptable contributions
- f) Clarify the scenarios under which the Foundation will not support or take away support of a charitable event as described in this Policy

## **6- Managing fundraisers**

The Foundation will undertake proactive volunteer recruitment for fundraisers as well as welcoming those who approach the Foundation by themselves as it happens on an ongoing basis

The charity will:

- Describe the support needed by the Foundation in relation to donations
- Provide fundraisers with the internal Policies that govern fundraising in the Foundation and refer them to the Code of Fundraising Practice
- Apply the Volunteering Policy as applicable

The volunteer who fundraises for the Foundation will:

- Read and agree to Foundations values and policies that outline what is expected from them
- Agree to apply the Code of Fundraising Practice
- Undertake fundraising in a manner that yields the production of acceptable funds
- Maintain accurate financial records of all fundraising activity undertake on behalf of the Foundations
- Allow the Foundation access to the fundraising effort for transparency, continuity and succession planning
- Manage record keeping that would allow to demonstrate the fundraising was legal, open, honest and respectful
- Be able to explain to members of the public how to make a complaint

- Apply the rules as per the Code in designing the appeal such that it complies with the specific rules and the pertain to specific fundraising methods  
<https://www.fundraisingregulator.org.uk/code/specific-fundraising-methods/collecting-money-or-other-property>
- If a paid or professional fundraisers, and where this applies, Foundation volunteers must give solicitation statements when they ask for donations<sup>1</sup>

The Executive Director will:

- Give the necessary steps to onboard a fundraiser in line with the Volunteering Policy
- Provide the resources that the Foundation requires the volunteer to agree to in advance to undertaking fundraising activities
- Liaise find fundraisers through the lifecycle of the fundraising activity
- Remain as the named contact responsible for guiding and supporting the volunteer in their role and should be available to discuss any aspect of the volunteer's activities
- Managing performance of paid fundraising

In relation to paid fundraisers, the Foundation will:

- Consider the paid fundraisers<sup>2</sup>
- Award payments which are proportionate to the benefit the CIO reasonably expects to gain from their work
- Set up a cap on how much the Foundation will pay fundraisers or use a reducing sliding scale to avoid excessive pay
- Avoid using commission payments

In relation to Trustees, the Foundation will:

- Not allow payment for Trustees who undertake fundraising activities

## **7- Managing fundraising related activity**

The Foundation will undertake fundraising events from time to time. These events may be:

- Organised by Foundation- Referred to as a Foundation-led appeal
- Organised by others, in the name of the Foundation- Referred to as a volunteer led appeal

All fundraising events can be approved by the Executive Director

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<sup>1</sup> Consider Appendix for more detail

<sup>2</sup> IF the Foundation decides to directly employ people to fundraise, the method of payment must meet the Employment Rights Act 1996 and must meet the minimum wage rules set out in the National Minimum Wage Act

For an approval to be forthcoming, the Foundation will undertake due diligence, appropriate for the size and nature of the donation, on both the financial and reputational matters arising from the execution of the appeal

7.1 The Foundation will refuse to support a fundraising event if on consideration of what assets and resources will be required to support the appeals:

- They do not do so only for the purposes as set out in the Constitution, and/or,
- The event if it does not make best use of resources

7.2 The Foundation will refuse to support a fundraising event if the Foundation cannot demonstrate that all funds raised by all people fundraising on our behalf can reach the CIO in full

7.3 The Foundation will refuse to support a fundraising event if on consideration of the risks the event poses to the institution's activities, beneficiaries, property, work and reputation, these cannot be properly assessed or managed<sup>3</sup>

7.4 The Foundation will refuse to support a fundraising event if on consideration that any money or property made being raised may be in scope of the Proceeds of Crime Act 2002, which applies to money or other property that has been gained through criminal behaviour, even if the behaviour is legal in another country

7.4 The Foundation will refuse to support a fundraising event if collecting on public land, and a licence or permit from the relevant authority to collect in that area, has not been received

The fundraiser will:

- Design the appeal in line with this Policy and the Code
- Design the specific elements of the event in line with the Policy and the Code [Events | Fundraising Regulator](#)
- Confirm to the Foundation that the means deploy including assets involved justify the effort in line with the expected target

7.5 The Executive Director will:

- Consider fundraiser proposals for attention of the Board of Trustees and may approve them if no concerns are raised after consideration of the particulars
- Undertake an assessment of appeals and the appropriateness of a fundraising activity
- Approve appeal and fundraising activities seen to be compliant with this Policy and the Code
- Bring to the attention of the Board of Trustees the facts arising from any scenario which may give rise to the need to invoke this Policy section

7.6 The Board of Trustees is ultimately responsible that all events are run within the parameters of this Policy and the Code of Fundraising Practice. In this capacity the Board can:

- Deny support as described in this Policy
- Withdraw its previous consent

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<sup>3</sup> This risk assessment includes health and safety considerations of employees, volunteers, the public and anyone else who might reasonably be considered to be affected by the fundraising activities

7.7 Funds raised from fundraising events which have not been supported or where support has been withdrawn will be considered not acceptable to the Foundation

## **8-Managing donations-active fundraising**

The Foundation will only use donations for the purpose for which they were given<sup>4</sup>.

The Foundation will:

- Keep a record of its appeals and what the money is being raised for
- Apply the funds in line with agreed conditions if there were any attached to the donation
- Avoid misrepresenting the restricted purpose of an appeal
- Disclose what would happen to the fund you receive if the total amount raised is not enough to reach (or is more than) the target. All surplus donations will be passed into an unrestricted bucket
- Manage the reporting and accounting of the donations applying the SORP standard

As a rule, in soliciting for donations, the Foundation will not offer any benefits, however in some instances the Board of Trustees may consider otherwise. In such circumstances:

- Benefits will need to be agreed by the Board
- The benefits will be appropriate in the circumstances and the benefits are proportionate to the size and

Benefits cancel out possible tax relief such as Gift Aid or top-up payments available under the small-donation rules. If benefits do prevent the donation qualifying under Gift Aid or the Gift Aid Small Donations Scheme rules, the Foundation will not reclaim tax on the donation

## **9-Managing donations-passive fundraising**

The Foundation may receive donations other than by actively seeking for funds. This may include any type of spontaneous giving, post tax salary donations, payroll giving and legacies

The Foundation will only use donations for the purpose for which they were given<sup>5</sup> and will apply the specific rules of the Code, and in any case, the logic of this Policy

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<sup>4</sup> Changes of use can trigger permission from the Charity Commission before changing the purpose, even if the person making the donation has given you permission to do this.

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## **10-Processing donations**

The Foundation and all fundraisers working its behalf will:

- Apply all standards of the Code in relation to the processing of Donations as documented here

[Processing donations | Fundraising Regulator](#)

## **11-Refusing or returning donations**

The Foundation will not refuse or return donations, except in exceptional circumstances as described through the Policy

In the event that fundraising is deemed not acceptable or a donation has been found to be not acceptable, the Foundation will:

- will refuse the donation, keeping a record of the decision and the reasons for it
- Return the donation, keeping a record of the decision and the reasons for it and steps given to return it
- Consider legal advice when it is not clear how to best return or refuse the donation
- Seek the Charity Commission's advice when depending on the terms of the donations and how the funds were raised, there may be restrictions on whether a donation can be returned and.
- Report any serious incidents which could harm the charity's reputation to the Commission in the relation to donation acceptability

If the situation arises, the Foundation can give a refund if a donor correctly exercises their right to one.

## **12- Test for donation acceptability**

The test for donation acceptability is that all donations received must be obtained in a manner that is legal, open, honest and respectful

For all attributes to be present, donations must satisfy at a minimum the policy principles of this Policy and the Code

If the Foundation cannot evidence how the Policy and the Code have been applied, a Trustee may motion to agree to the return or non acceptance of a donation. It is the Board of Trustees in plenary that must take the final decision



## **13-Communications<sup>6</sup>**

The Foundation will make every reasonable effort to ensure all fundraising advertisements are legal, decent, honest and truthful. To achieve this, the Foundation will consider withdrawing approval of an appeal if communications are suitable for the people they are aimed at

Fundraisers will:

- Design appropriate communications
- Avoid communications that contain anything that is likely to cause serious or widespread offence, taking particular care to avoid causing offence on the grounds of race, age, religion, sex, sexual orientation or disability
- Avoid communications containing anything that is likely to cause fear or distress without a justifiable reason
- Avoid using a claim or image that some people may find shocking merely to attract attention or give warnings about this material
- Includes in literature all information required by law, for example, registered charity status or number, full company name and registered office
- Disclose money splits when the fundraising event is in partnership with one or more charitable institutions
- Make clear if case studies are used or use real examples to inspire a case study, that the foundation is able to prove that the case study is representative of a real situation
- Justify how often you contact people, balancing the need to communicate with not overwhelming or bombarding people
- Meet trademark and copyright law and make sure that the permission to use images, logos and so on from the people or organisations are in place if they do not belong the Foundation
- Design the communication method specific to each appeal in application of the following requirements in the Code

[Fundraising communications and advertisements | Fundraising Regulator](#)  
[Digital | Fundraising Regulator](#)

The Executive Director will:

- Support the communications design
- Request changes in any appeal communication strategy if deemed to be outside of this Policy
- Raise to the board instances in which communications requirements are not being observed

## **14-Fundraising related complaints**

All fundraising related complaints must be process in line with the Foundations Complaints Policies and the provision of the Code

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<sup>6</sup>Further guidance on the UK Code of Non-broadcast Advertising and Direct and Promotional Marketing (CAP Code) and the UK Code of Broadcast Advertising (BCAP Code)

## **10- Conflicts of interest**

The Foundation operates a Conflicts of Interest policy which applies to volunteers and fundraisers

The volunteer should identify conflicts or potential conflicts as/if/when they arise in the course of their association with the Foundation, these must be raised in line with the Conflicts of Interest Policy

## **15- Insurance**

The Foundation is covered by the following insurance policies for all volunteering work:

- Employers Liability
- Public Liability
- Professional Indemnity

The charity does not cover:

- Unauthorized actions
- Activities outside the volunteering agreements
- Activities outside of the volunteer's mandate
- Motor insurance coverage

## **16-Data protection and non-disclosure**

The Foundation operates under the General Data Protection Regulation (GDPR) regime and will:

- Protect volunteer information in accordance with GDPR
- Secure data will be held securely
- Provide access to data by authorised personnel in accordance with GDPR and our Data privacy policies

Fundraisers are expected to manage all the data they come across in the same manner and following Foundation data related Policy

Fundraisers are likely to become aware of confidential information about the Foundation itself, other volunteers, children and some young people supported by the charity and our partners. All volunteers are required to maintain confidentiality and should not disclose the charity's information during their volunteering services and any time afterwards

## **17- Feedback and conflict resolution**

The Foundation is based on strong positive values of kindness and collaboration. It expects all volunteers to make support each other and create appositive and relax atmosphere that ensures psychological safety

However, we recognise that volunteers at times may experience difficulty within their role, they may want to share feedback or raise concerns about an issue with a member of staff or another volunteer or fundraiser

In that case, the Foundation will:

- make every reasonable effort to resolve difficulties at an early stage and we always review feedback and learn from it
- ensure that feedback giving and conflict resolution is done fairly, amicably and openly

Fundraisers should:

- Approach the relevant manager to discuss the issue
- Escalate to the Executive Manager if resolution of the issue is not for the coming
- At any point but more importantly when all other avenues are exhausted, escalate to a trustee if resolution of the issue has not been achieved

### **18-Intellectual property**

Fundraiser assign the Intellectual Property to the Foundation of all material created by them as part of their role with the charity

### **19-Roles and responsibilities**

The Board of Trustees will:

- a) Approve the withdrawal of support from the Foundation to fundraising appeals however the arise
- b) Approve the return or rejection of donations that do o pass the acceptability test as per the Policy

The Executive Director will:

- c) Undertake actions prescribed to the role as per this Policy
- d) Take executive decisions in relation to the approval of fundraising appeals
- e) Escalate to the Board of Trustees scenarios that invoke the need to reconsider withdrawal of approval of fundraising appeals, rejection and /or return of a donation
- f) Manage the fundraiser's onboarding after completion of necessary checks have been satisfied
- g) Ensure that relevant provision of documentation has been completed in advance of volunteers acting on behalf of the Foundation as fundraisers
- h) Oversee the work of fundraisers in pursuance of the objectives of the charity

Every fundraiser will:

- i) Read and adhere to Thomas's Foundation's principles, policies and procedures
- j) Act always in the best interest of the charity and the intended beneficiary
- k) Raise conflicts of interest if any arises in the course of the volunteering

### **19- Monitoring and Review**

The policy shall be monitored, reviewed and updated by the Trustees once a year. Compliance with this policy shall be monitored by the Chair, and appropriate action taken when necessary.

### **20- Date of last review of policy**

**Date of last review: 15th March 2022**

**Approval by the Board of Trustees: 15th March 2022**

**Date of Next Review: 15th March 2023**

### **APPENDIX 1- Fundraisers' expected behaviours**

Fundraising must be legal and must be open, honest and respectful

As a Fundraiser for Thomas's Foundation:

You must be polite to people at all times

You must not unfairly criticise or insult other people or organisations.

You must not encourage a donor to cancel or change an existing donation in favour of a donation to another charitable institution.

While reasonable persuasion is allowed, you must not fundraise in a way which is an unreasonable intrusion on a person's privacy, is unreasonably persistent or places undue pressure on a person to donate.

You must not continue to ask a person for support if that person clearly indicates – by word or gesture – that they do not want to continue to speak to you. You must end the conversation in a polite way

You and the fundraising materials you use must not mislead anyone, or be likely to mislead anyone, either by leaving out information or by being inaccurate or ambiguous or by exaggerating details.

Before you make any direct or implied claim in your fundraising which is likely to be taken literally, you must make sure that there is evidence to prove the claim.

You must not take advantage of mistakes made by a donor.

When talking about finances and financial benefits, you must tell donors that you are not in a position to offer formal financial advice.

You must take all reasonable steps to treat a donor fairly, so that they can make an informed decision about any donation.

You must take into account the needs of any possible donor who may be in vulnerable circumstances or need extra care and support to make an informed decision.

You must not exploit the trust, lack of knowledge, apparent need for care and support or vulnerable circumstance of any donor at any time.

You must not take a donation if you know, or have good reason to believe, that a person lacks capacity to make a decision to donate, or is in vulnerable circumstances which mean they may not be able to make an informed decision. Among other things, you should consider:

- any physical or mental-health condition the person may have;
- any disability the person may have;
- any learning difficulties the person may have;
- whether the person is facing times of stress or anxiety (for example, following the death of a loved one or redundancy);
- whether a donation is likely to affect the person's ability to sufficiently care for themselves or leave them in financial hardship;
- how well the person can communicate and understand what they are being told;
- whether the person is under the influence of alcohol or drugs; and the person's age.

If a donor makes a donation while they do not have the capacity to make an informed decision, you must return the money to them.

You must take all reasonable steps to avoid asking for regular donations (for example, by direct debit) from anyone aged under 18.

You must act in any way that might reasonably cause members of the public to be or become startled or anxious;

- act dishonestly or manipulatively, or deliberately try to make a potential donor feel guilty; or
- act in any other way that a reasonable person might consider would damage the charitable institution's reputation. This includes:
  - smoking or drinking alcohol while wearing clothing that contains a charitable institution's branding;
  - taking or being under the influence of illegal drugs;
  - lewd or aggressive behaviour, including swearing, while wearing clothing that contains a charitable institution's branding;

- putting undue pressure on members of the public to donate;
- exploiting your position for personal gain (for example, asking for a job, asking someone for a date, or asking for a discount on goods or services); or
- any other behaviour that harms the reputation of the fundraising profession or the charitable institution you are representing.

You must avoid causing an obstruction, congestion and nuisance to the public. You must not deliberately block the path of members of the public.

You must treat the locations you are working at or visiting with respect.

You must not suggest to any member of the public that the conversation you are attempting to start is not about money or that you are 'not fundraising'.

When asking for a regular gift, you must not suggest to any member of the public that it is 'without commitment'.

Unless this is authorised under an agreement with a private site, you must not approach members of the public who are:

- seated, unless the seating is part of a charitable institution's promotional stand; or
- in queues, unless the queue is directly related to the fundraising activity.

You must not knowingly approach people who are carrying out official duties, such as uniformed officials while they are on duty or people who are clearly working.

You must not obstruct, interfere with or disrespect members of staff from local businesses.

## **APPENDIX 2-Material required for fundraisers induction**

Volunteering policy

Complaints policy

[Behaviour when fundraising | Fundraising Regulator](#)

## **APPENDIX 3- Solicitation statements for paid employees, officers and trustees of charitable institutions and connected companies**

If fundraising, a paid employees, officers and trustees of the Foundation or a connected companies when carrying out a public charitable collection, and are paid more than £10 per day or more than

£1000 per year to collect donations and are not a professional fundraiser, then statement must be given, saying:

- the name of the charitable institution or institutions which will benefit and, if there is more than one, the proportions in which they will benefit;
- that you are an officer, employee or member of a governing body of a charitable institution; and
- that you are receiving payment as an officer, employee or member of a governing body, or for acting as a collector. You do not have to say how much you receive.

You must make the statement either before the donor gives any money or before you ask for any financial details relating to the donation (whichever is sooner).

If you ask for a donation for general charitable, benevolent or philanthropic purposes (not for a specific named charitable institution), you must make a similar statement that you are being paid for those general purposes.