



MALVERN ST JAMES

Girls' School

Ethical Fundraising Policy

This policy is the responsibility of the Director of Development and will be reviewed biennially.

It should be read in conjunction with our Privacy Notice, the Anti-Corruption and Bribery Policy and the Conflicts of Interest Policy.

Scope

This policy relates to all fundraising activities undertaken directly by Malvern St James Girls' School (MSJ) through its Development Office, staff, volunteers and contractors for the benefit of the School.

It applies also to the work of the School's Development Committee and other structures created to assist with the delivery of fundraising initiatives.

Guiding Principle

Our fundraising approach is to act fairly, transparently and ethically in the best interests of serving the School's charitable objectives and those in our community. We will always aim to follow best practice, and in doing so abide by specific fundraising law and relevant guidance from regulatory and other bodies including The Fundraising Regulator, the Charity Commission (CC), The Institute of Fundraising (IoF) and The Information Commissioner's office (ICO). Above all, we value most highly the relationships we have with members of the MSJ community, including current pupils and parents, alumnae and former parents and staff, friends of the School and more widely. We will seek at all times to protect our relationship with our supporters and in doing so to treat them with respect and integrity.

Overview

Council (the Governing body) has an overriding duty to act in the interests of MSJ. The ultimate responsibility for ensuring the School conducts its fundraising activities ethically, and in adherence with this policy, rests with Council.

1. All fundraising undertaken by the MSJ Development Office shall be agreed, monitored and reviewed by the Development Committee, passed to the Finance Committee for ratification and ultimately confirmed by the Council.
2. Council will permit MSJ's Development Office actively to seek funding for mutually agreed projects provided that they:
 - are fully costed (including all additional staff and running costs);
 - are approved by the School Senior Leadership Team and formally approved by Council as being strategically important in improving the provision of education at the School;
 - fit with the School's charitable objectives, namely to promote and advance the School's charitable aims and objectives.

Fundraising Practices

A. Rights of Donors and Prospective Donors

1. All fundraising solicitations by or on behalf of MSJ will disclose the School's name, registered address, charity number and purpose for which the funds are requested. Printed solicitations (however transmitted) will also include full contact information.
2. Donors and prospective donors are entitled to the following, promptly on request:
 - the most recent published Annual Report and Accounts;
 - confirmation of MSJ's charitable status;
 - the names of those serving on Council, the Development Committee and those in positions of fundraising leadership of the School;
 - a copy of this policy.
3. Donors and prospective donors are entitled to know, upon request, whether an individual soliciting funds on behalf of the School is a volunteer, an employee or a contractor working for a paid third party organisation.
4. If deemed appropriate and in recognition of sensitivities in this area, donors may be encouraged to seek independent advice if the School 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.
5. Donors' requests to remain anonymous will be respected.
6. Donors and prospective donors will be treated with respect. Every effort will be made to honour their requests as to:
 - the frequency of solicitations;
 - solicitation by telephone or other technology;
 - printed material concerning the School.

B. Solicitation of donations

1. The School is registered with the Fundraising Regulator and adheres to the Code of Fundraising Practice. All staff involved in fundraising should read and be familiar with those parts of the Code which are relevant to their work.
2. Fundraising solicitations on behalf of MSJ will:
 - be truthful;
 - accurately describe MSJ's Development Office's activities and intended use of donated funds;
 - respect the dignity and privacy of those who benefit from the Development Office activities.
3. MSJ's Development Office will obtain the written permission of all persons mentioned in case studies and other promotional material (including photographs) prior to publication.
4. Volunteers, staff and contractors who solicit or receive funds on behalf of the School shall:
 - adhere to the provisions of this code;
 - act with fairness, integrity and in accordance with all applicable laws;
 - adhere to the provisions of applicable professional codes of ethics and standards of practice meeting the requirements of the Charity Commission, the ICO, GDPR, the Fundraising Regulator and other regulatory bodies;

- cease solicitation of a prospective donor who identifies solicitation as a harassment or undue pressure;
 - disclose immediately to the Chair of the Development Committee (Member of Council) any actual or apparent conflict of interest;
 - not accept donations for purposes that are inconsistent with the School's objectives or mission.
5. Paid fundraisers, whether staff or consultants, will be compensated by a salary, retainer or fee, and will not be paid finders' fees, commissions or other payments based on either the number of gifts received or the value of the funds raised. Compensation policies for fundraisers, including performance-based compensation practices (such as salary increases or bonuses) will be consistent with the School's policies and practices that apply to non-fundraising personnel.

C. Data Protection

1. Data will be processed, stored and accessed in line with the requirements of GDPR legislation as outlined in the School's Privacy Notice.
2. The privacy of donors and prospective donors will be respected. Any donor records that are maintained by MSJ's Development Office will be kept secure and confidential. Records will only be accessed by members of the Development Office, Finance Office and in some circumstances and with the prior agreement of the respective individual, the Head of Careers. Donors and prospective donors have the right to see their own records and to challenge their accuracy.
3. There will always be the option available to opt out of fundraising communications, and appropriate wording and notification will be made clearly on all fundraising materials, however presented.
4. MSJ will never sell any data to a third party. Nor will we share any personal data pertaining to existing and prospective donors, other than with approved representatives of the School who are involved in activities relating to data analysis and/or data correlation for administrative purposes and fundraising feasibility analysis, and this will always be protected by full compliance to data regulation such as GDPR.

D. Acceptance, Refusal and Repayment of Donations

1. The ultimate responsibility to accept or decline a donation resides with Council.
2. Donations up to and including a value of £25,000 may be accepted by the Development Director, in consultation with the Director of Finance, both of whom shall be accountable through the School's management structure, to Council. Any donation over this value shall be referred to the Chairman of the Development Committee, who in consultation with the Chairman of Council, Headmistress, the Director of Finance and Development Director, will accept or decline the donation on behalf of Council.
3. There is a legal obligation for the School to undertake a degree of due diligence when approaching potential donors or accepting donations, particularly for amounts in excess of £10,000. In order to comply with financial regulations the Development Office is unable to accept gifts of cash in excess of £250. Donations larger than this value are very welcome but should be made electronically, by cheque, by credit card or by debit card.

4. On occasion the School may wish to delay the acceptance of a donation with a view to receiving confirmation from the donor that he/she has sought professional advice enabling them to donate in a more tax efficient manner, if it is felt this will not jeopardise the donation itself.
5. Key criteria for accepting gifts are:
 - all gifts adhere to the School's aims in ways which meet their objectives and are productive and reasonable;
 - the gift is applied for the purpose for which it was donated and meets the donor's wishes;
 - the source of the donation is morally acceptable to the School, in line with the School's aims and objectives and values;
 - the completion of the project for which donations are accepted should be achieved. If the project is not completed or there are excess funds, then by law (and morally) the gift should be returned to the donor unless they agree to change the purpose of their donation;
 - all gifts are accepted as voluntary contributions and not in lieu of tuition or other fees;
 - the decision of a parent/guardian to make or not make a gift to the School will have no bearing on the academic, sporting or extracurricular opportunities open to an individual pupil.
6. The School will only decline a donation if it is felt by the Development Committee, and endorsed by Council, that the gift:
 - would impair the Development Office in fulfilling its objectives, particularly with respect to supporting the School;
 - is damaging to the objectives of the School, its agreed policies or its beneficiaries;
 - consists of goods, property, or services which the School cannot lawfully use, convert, sell or exchange in direct support for its charitable aims;
 - is dependent on the fulfilment of unacceptable conditions applied by the donor, for example if Council believed such conditions would place the assets of the School in undue or inappropriate risk;
 - may require action that is potentially illegal;
 - could seriously damage the reputation of the School;
 - creates a serious conflict of interest;
 - involves a suspicious transaction;
 - involves the acceptance of funds from proscribed organisations, designated individuals or sanctions targets;
 - harms the School's relationships with stakeholders (e.g. donors, alumnae, parents, staff, pupils etc.).
7. Where a change in circumstances prompts a donor to request the repayment of part or all of a donation, the final decision to repay a donation shall rest with Council.
8. Once the School has accepted a donation it can only be returned if:
 - the terms and conditions of the gift provided for it to be returned under particular circumstances;
 - the law specifically provides for the donation to be returned, for example under section 61 of the Charities Act 1992 (Updated 1999) donations over £100 made by credit or debit card are subject to a seven day cooling-off period;
 - the Charities Commission grants authorisation for an ex-gratia payment to be made by the School to discharge a "compelling moral obligation". Such a payment is subject to section 106 of the Charities Act 2011.

E. Complaints

1. We will respond within 30 days to a complaint by a donor or prospective donor about any matter that is addressed in this policy. In the first instance, the Development Director will attempt to satisfy

the complainant's concerns. A complainant who remains dissatisfied will be informed that he/she may appeal in writing to the Chair of the Development Committee and will be advised of the outcome of the appeal within a further 30 days. If the issue remains unresolved the complainant may pursue the issue with the independent complaints body, The Fundraising Regulator.

2. Details of all complaints will be recorded by the Development Office and will be a standing item at each meeting of the Development Committee.
3. The Chair of the Development Committee will inform Council at least annually of the number, type and disposition of complaints received from donors or prospective donors about matters that are addressed in this policy.

Financial Accountability

1. The registering of donations and maintaining of the Development Office budget will be overseen by the Development Director in collaboration with the Finance Department. All financial matters will be conducted in a responsible manner, consistent with the ethical obligations and the legal requirements of the Charity Commission, the outcomes of the Etherington Review (September 2015) and other regulatory bodies that are inherent to ethical fundraising.
2. All donations will be used to support the objectives of MSJ.
3. All donations given for specific purposes will be applied in accordance with a donor's wishes. If necessary due to programme or organisational changes, alternative uses will be discussed where possible with the donor or the donor's legal representative.
4. Annual financial reports will:
 - be audited as part of MSJ's accounts;
 - be factual and accurate in all material respects;
 - disclose the total amount of fundraising expenses;
 - identify government grants and contributions separately from other donations;
 - be prepared in accordance with generally accepted accounting principles and standards;
 - be circulated in summary to the MSJ community through an annual Development report.
5. The cost effectiveness of the Development Office's fundraising programme and costs incurred will be reviewed by the Development Committee which will report at each Council meeting.
6. From time to time supporters of the School may wish to offer tokens of thanks to staff, members of the Development Committee who are not members of Council, or volunteers with whom they have worked. It is recognised that in some instances to refuse such items may cause misunderstanding or offence and hence be contrary to the work of the Development Office. Acceptance is allowed, with the proviso that:
 - all such gifts should be registered by the Development Director with the Director of Finance at the earliest opportunity. Gifts will be recorded in the School Gift Register;
 - a copy of the School's Gift Register will be presented annually to Council;
 - gifts to individuals (not the School) worth less than £100 may be kept by the recipient and need not be registered;
 - Cash gifts of any value should be reported to the Finance Director. They should be donated to the School or School's nominated charity. The gift giver should be thanked for their gift and informed that it is being donated to the School or the School's nominated charity
 - if an individual receives a substantial gift, worth over £100, this gift should be registered with the Finance Director, and must be accepted on behalf of the School or School's nominated charity. (Gifts made by individuals or groups of supporters to leaving members of staff however are exempt from this code).

- such gifts should be lodged with the Director of Finance until Council decide how to dispose of the gift to the best advantage of the School. Their decision will be recorded in the Register;
- If the substantial gift is perishable then the Head will decide how to dispose of the item, and record this decision in the Register;

Serious Incident Reports

The School is committed to reporting serious incidents to the Charity Commission.

A serious incident is an adverse event, whether actual or alleged, which results in, or risks, significant:

- Loss of a charity's money or assets
- Damage to a charity's property
- Harm to a charity's work, beneficiaries or reputation

Examples of serious incidents which could arise in connection with fundraising include:

- Suspicions or allegations of criminal activity including theft, fraud, bribery and money laundering
- Suspicious financial transactions, suspicious or unverified donors particularly if the donation or series of donations totals £25,000 or more
- Circumstances in which a report has to be made to the Information Commissioner's Office
- Links to terrorism through donors
- Investigation by the police or another regulator, significant adverse findings by a regulator, or significant penalty from a regulator
- Harm to beneficiaries or donors/the public
- Circumstances attracting negative media attention or adversely affecting the School's reputation

If staff or volunteers believe there may have been a serious incident, they must immediately inform their line manager and the Development Director. The Development Director shall apply the procedures of the School for the consideration, management and reporting of serious incidents. Staff or volunteers may in addition report serious incidents using the whistleblowing policies of the School.

Review

The fundraising policy should be reviewed annually or exceptionally, following new regulation or guidance from relevant bodies including the ICO and The Fundraising Regulator. Any amendments will be notified to, and approved by Council.

Authorised by	Resolution of the School Council
Signature	
Date	21 March 2020

Effective date of the Policy 21 March 2020

Review date February 2022

Circulation Members of School Council / teaching staff / all staff / parents / pupils [on request]