

Policy for the Acceptance of Donations

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| Policy Category: | Governance |
| Subject: | Soliciting and accepting donations |
| Approving Authority: | College Council |
| Responsible Officer: | President & Principal |
| Responsible Office: | Fundraising & Supporter Development |
| Related Procedures: | Gift Acceptance Escalation Process, Financial Due Diligence Process, Process for recording decisions |
| Related College Policies: | Anti-Money Laundering Policy, Fraud, Theft, Bribery & Corruption Policy, Policy on the Acceptance of Gifts by Staff, Philanthropic Funding Policy, Disclosure of Interest Policy, Policy on Due Diligence Relating to International Partnerships, Policy on Returning Donations |
| Effective Date: | June 2022 |
| Supersedes: | March 2018 |
| Next Review: | June 2025 |

1. Purpose & Scope

1.1 King's College London is an exempt' charity under Schedule 3 of the Charities Act 2011 for the purposes of UK charity legislation and a company incorporated by royal charter (no. RC000297). Members of the College Council, as its governing body, are considered as its trustees. As such, they are expected to act in the best interests of King's as governed by its constitution, which usually means advancing its purpose by generating philanthropic income, in line with the university's objectives. The Fundraising Regulator also requires that organisations 'must not refuse or return donations, except in exceptional circumstances'.¹

1.2 This policy sets out the conditions under which donations will be both solicited and accepted by Fundraising & Supporter Development on behalf of the following organisations (hereafter known as the 'Fundraising Partners') by which it is employed to fundraise, namely:

- King's College London, and its subsidiary companies. This policy also covers the distribution of funds by Friends of King's College London Association Inc in the US
- Guy's & St Thomas' Charity, Evelina London Children's Charity, Guy's Cancer Charity and any subsidiary charitable funds
- Maudsley Charity
- King's Health Partners (comprised of Guy's & St Thomas' NHS Foundation Trust (which incorporates the Royal Brompton and Harefield NHS Foundation Trust), King's College London, South London & Maudsley NHS Foundation Trust, King's College Hospital NHS Foundation Trust)

1.3 The policy provides a clear set of principles that allow fundraising to take place sustainably, in line with the Fundraising Partners' values, to comply with regulatory requirements, and to ensure fundraising is conducted in a professional and ethical way which builds trust with our stakeholder communities.

¹ [Responsibilities of charitable institutions and those who govern them | Fundraising Regulator](#) 2.3.1

- 1.4 The Fundraising Partners, as charitable entities, have a responsibility to accept philanthropic donations which further their objectives, provided they comply with all relevant regulation as set out by the Charity Commission, the Fundraising Regulator, and, for universities, the Office for Students. In addition, the Fundraising Partners are required by law to comply with all relevant legislation when soliciting and accepting donations, including legislation on bribery, proceeds of crime/ money laundering, terrorist financing, and mental capacity.
- 1.5 The policy covers all philanthropic donations over £100,000 that are in the process of being solicited on behalf of one of the Fundraising Partners, and all philanthropic donations over £100,000 received by the Fundraising Partners from individuals, charitable trusts/ foundations, and organisations. It also covers relationships established by Fundraising & Supporter Development with individuals for the purpose of enabling the generation of donations: for example, with ambassadors or fundraising board members.
- 1.6 This policy applies to all employees of the Fundraising Partners named above who undertake fundraising for these organisations, or who generate philanthropic income raised for the benefits of these organisations. There is an expectation on the fundraising partners to ensure that employees uphold these principles.
- 1.7 This policy does not cover:
- Research grants (both philanthropic and non-philanthropic)
 - Non-philanthropic international or commercial partnerships

2. Definitions

- 2.1 **Philanthropic donation (as set out by the CASE-ROSS Support of Education Survey):** A donation or gift made voluntarily by an individual or organisation, which is of philanthropic intent and does not provide the funder ownership of a deliverable, financial benefit, or control of the funding. Please see the [Philanthropic Funding Policy](#) for a full definition
- 2.2 **King's Health Partners:** Is an Academic Health Sciences Centre (AHSC) created by a collaboration between King's College London, Guy's & St Thomas', King's College Hospital and South London and Maudsley NHS Foundation Trusts. AHSCs are partnerships, accredited by the Department of Health, between universities and NHS organisations that combine excellence in research, education and patient care, accelerating innovation in these areas for the benefit of patients, communities, staff and students.
- 2.3 **Staff:** A member of staff is any person employed by one or the fundraising partners or its subsidiary companies, or anyone working to fundraise for the fundraising partners for a fee or in a voluntary capacity.
- 2.4 **Tobacco industry funding (as set out by Cancer Research UK Code of Practice on Tobacco Industry Funding to Universities 2018)** "Tobacco Company" means a company, entity or organisation (or groups or combinations of the same) whose business other than for an insignificant part (less than 10% of its revenue), is the development, production, promotion, marketing, or sale of tobacco in any country of the world, or is a subsidiary or a holding company or affiliate of the same. E-cigarette companies which are fully or partially owned by the tobacco industry are also considered tobacco companies under this definition.

3. Policy

- 3.1.1 The Fundraising Partners will accept philanthropic donations which meet their charitable objectives, except for in the following circumstances:
- 3.1.2 The Fundraising Partners will not solicit or accept donations of funds that they judge to be unethically or illegally obtained. This includes but is not limited to donations which fail to meet the requirements of the Equality Act 2010.
- 3.1.3 The Fundraising Partners will not accept donations from tobacco companies as defined by Cancer Research UK's and Wellcome Trust's funding policies (see definitions).
- 3.1.4 The Fundraising Partners will not solicit or accept donations that represent an unacceptable conflict of interest. This might include but is not limited to:
- Companies or products that are counter to the values or ethos of the individual Fundraising Partners. This definition may vary between partners and separate guidance should be sought on individual partner stipulations.
 - Terms of donation cannot be reasonably met by the fundraising partners
 - Donation gives rise to an actual or perceived conflict of interest between the donor, the recipient of funding (e.g Principal Investigator), and the relevant partner.
- 3.1.5 The Fundraising Partners will not accept a truly anonymous donation, in which the fundraising partners only deal with an intermediary who is not willing to identify the donor. In the case of Donor Advised Funds, the fundraising partners must be satisfied that there are appropriate due diligence measures in place to vet donors who wish to give anonymously through this or a similar mechanism.
- 3.1.6 The Fundraising Partners will not accept a gift if, by doing so, it would compromise their academic or clinical integrity. This includes but is not limited to:
- Uncritical promotion of a particular cause
 - Limitations placed on the findings and publication of research or teachings of the curriculum
 - Limitations placed on the selection or appointment of research or clinical posts
 - Attempted to influence admission to King's or qualification outcomes
 - Attempts to gain preferential clinical treatment
- 3.2 The Fundraising Partners will carefully consider whether, by accepting a gift, the partner organisations would face a level of reputational risk disproportionate to the advantages gained from it.
- 3.3 The Fundraising Partners will not fundraise from individuals who are considered unable to make independent financial decisions.

4. Delegation of Authority

- 4.1 The Fundraising Partners agree to use King's College London's Fundraising & Supporter Development department for such of their fundraising activities as set out in the relevant contracts. For King's College London, all philanthropic gifts must be channelled through

Fundraising & Supporter Development to ensure adherence to the policy, the regulations as set out above, and best practice.

- 4.2 The executive bodies of the Fundraising Partners have delegated authority to Fundraising & Supporter Development to administer the policy and to escalate where necessary to the Fundraising Ethics Review Group for the purpose of ruling on decisions in line with this policy.
- 4.3 The Executive Director of Fundraising & Supporter Development holds overall accountability for escalating risks to the Fundraising Ethics Review Group (FERG).
- 4.4 The Fundraising Ethics Review Group should administer this policy where there is ambiguity as to whether gifts should be sought where risks are identified based on the above principles. FERG comprises of senior representatives from all fundraising partners who should reflect the spectrum of opinion within their community and who can provide objective input on potential donations to other fundraising partners.

5. Implementation

- 5.1 For donations or potential donations under £100,000, the appropriate checks will be carried out to verify the donor's identity and flag any concerns related to Anti-Money Laundering/ Proceeds of Crime regulation.
- 5.2 Gift Acceptance research will be conducted to ascertain risks under the principles of the policy for donations or potential donations that are:
 - £100,000 or greater (one-off or cumulative), including legacy notifications
 - Above £10,000 where these are actively solicited by Fundraising & Supporter Development
 - Where risk has been identified against the principles of the policy
 - For new ambassadors or fundraising board members
 - Where naming recognition is being sought
- 5.3 All potential donations of £1 million or greater must be escalated to the Executive Director of Fundraising & Supporter Development for review.
- 5.4 Fundraising & Supporter Development is responsible for implementing and monitoring the policy and facilitating the Fundraising Ethics Review Group in effective decision-making.

6. Non-Compliance

- 6.1 Staff who fundraise independently of Fundraising & Supporter Development and do not adhere to the principles of this policy create unnecessary risk to the Fundraising Partners and will be held accountable. It is the responsibility of Faculty Deans to ensure staff understand how to comply with this policy when seeking philanthropic support.
- 6.2 Staff should always seek advice from Fundraising & Supporter Development when looking to fundraise to ensure best practice and the greatest return.

7. Reporting & Governance

- 7.1 Fundraising & Supporter Development will provide an annual report to FERG on its decision making and FERG's activity and these reports will be shared with the relevant governing boards of the Fundraising Partners. An annual report on FERG's activities will be made to King's College Council through the Audit Risk & Compliance Committee.
- 7.2 Fundraising & Supporter Development will inform the relevant Fundraising Partners on decisions made by FERG in relation to their organisation and, where possible, will seek partner input prior to escalating significant risks to FERG.
- 7.3 Fundraising & Supporter Development will inform the relevant Fundraising Partners at the earliest opportunity where significant reputational risks arise and work with the partners to mitigate those risks.
- 7.4 The policy will be reviewed every three years as standard and by exception at request of one of the Fundraising Partners.