

Charitable Funds Policy

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1. Introduction

Avon and Wiltshire Mental Health Partnership NHS Trust has established a Charitable Fund for the benefit of service users in our care.

All funds received are in the name of the Trust as Corporate Trustee. Powers exercised by the Trust as Corporate Trustee are exercised separately and distinctly from the powers exercised as the NHS Trust. The Trustee has a legal and ethical duty to act in the interests of the charity, including ensuring that funds are spent only for the purpose for which they were raised.

Charity activity -and fundraising in particular- is subject to several key pieces of legislation and is regulated by the Charity Commission and Fundraising Regulator.

2. Purpose or aim

The purpose of this policy is to ensure that all charitable activity undertaken by or on behalf of the Charitable Fund:

- Meets our charitable obligation to act at all times in the best interests of our beneficiaries;
- Is compliant with relevant legislation and regulatory requirements;
- Is consistent with our principles of:
 - Enhancing AWP environments to be more comfortable and enjoyable;
 - Supporting service user recovery through recreation and meaningful activity;
 - Promoting the advancement of mental health treatment and practice;
 - Raising awareness and reducing the stigma of mental illness
- Treats donors fairly, providing accurate information and enabling them to make an informed decision about any donation

3. Scope

This policy specifically relates to charitable activities within Avon and Wiltshire Mental Health Partnership NHS Trust. This applies to all members of staff when:

- Seeking funds for projects, activities or items that cannot be met by statutory funding;
- Engaging with service users, carers or members of the public regarding donations or fundraising;
- Undertaking charitable activities on behalf of any charity when on AWP sites or using AWP resources.

4. Definitions

4.1 Charitable activities

To be a charity in England and Wales, the Charities Act requires that an organisation can only be granted charity status if established for charitable purposes and for the public benefit (in the case of the AWP Charitable Fund, the charitable purpose is the advancement of health and saving of lives). NHS activities are not charitable as they are the result of a statutory obligation and are paid for from government funding. By contrast, the Charitable Fund is solely funded by public goodwill and we therefore have an obligation to ensure that the activities undertaken as a result of this income deliver the public benefit intended.

Charitable activities are any activities that generate or spend funds for the charity's purpose.

4.2 Regulated fundraising

All fundraising activities undertaken on behalf of charities is regulated by the Fundraising Regulator. However some types of fundraising such as public collections and legacy fundraising are subject to additional legislation and regulation, and pose a greater risk to the charity's reputation if managed inappropriately.

5. Policy description

5.1 Charitable grants

Employees of Avon and Wiltshire Mental Health Partnership NHS Trust are able to apply for grants from Charitable Funds for projects that benefit service users but wouldn't otherwise be possible from statutory funding.

Grants are available for four key areas of work:

- Improving the physical environments in which we deliver services;
- Supporting recovery through recreation and enjoyment;
- Raising awareness and reducing the stigma of mental illness;
- Promoting the advancement of mental healthcare standards and practice.

Grant applications will be evaluated against the published criteria and the decision of the Trustee is considered final.

Grants will be paid in line with the [Payment of Charitable Funds procedure](#). Applicants are responsible for spending charitable funds appropriately and must follow Trust procurement procedures.

5.2 Donations

All donations will be directed to the General Fund unless otherwise instructed. Money that is donated for a certain purpose has to be used for that purpose and a donor may attach conditions to a donation. Donations or funds raised for a specific unit or department will be directed to the relevant Local Fund where this exists. Where no suitable fund exists, donations will be credited to the General Fund.

Donations will be processed in line with the [Donation Handling Procedure](#). Ward staff should familiarise themselves with this procedure and use the supplied stationery when receipting donations.

In some circumstances, the Trustee may consider it against the best interests of the charity to accept the donation:

- Where it is impractical to fulfil the condition in the particular circumstances;
- If a donor were to insist that the charity adopt a particular policy or that they have a say in selecting beneficiaries;
- If the conditions were contrary to the objectives of the charity

In addition, the charity is legally obliged to decline/ return a donation when:

- The charity knows or has reasonable grounds to believe that a donor lacks the capacity to make an informed donation;
- Where the cost of processing the donation exceeds its value;
- Where the goods, services or property donated cannot lawfully be used or converted.

5.3 Fundraising by employees

AWP Staff must be protected from any implication that they are fundraising for personal gain and to ensure that all funds are properly accounted for.

NHSE and Charity Commission guidance clearly states that the Trust should not subsidise fundraising activities for the Charitable Funds. Therefore fundraising towards charitable activities will not usually be authorised within Trust time. If staff wish to fundraise for Charitable Funds in their own time, they are free to do so, but it must be emphasized to staff that this is entirely their own choice and there is no obligation on them to do this. It is still, however, subject to the policy and procedures related to Charitable Funds.

Monies received from independent fundraising will be treated as a donation.

It is only appropriate for employees to use Trust premises and resources for the benefit of the Trust Charitable Fund. Other charities should not be promoted using Trust premises, distribution lists or resources. Events such as Red Nose Day, Comic Relief and similar may be supported by the Trust at the discretion of the Chief Executive and where this is the case, Trust-wide communications will be made.

5.4 Regulated fundraising

Some types of fundraising are subject to additional regulation and should not be undertaken without prior approval and guidance from the Fundraising Manager:

Street/ public collections

All static collections must have written permission from the site owners prior to being placed. The charity will provide a letter of authority and procedures for placing and collecting static collecting boxes.

Public (street) collections on behalf of the charity must have written permission from the charity and a permit from the site owner/ council. All collectors must be clearly identifiable as representing the charity and must be courteous at all times, including terminating their approach when asked to do so.

All monies must be returned as soon as reasonably practical and in line with the [Donation Handling Procedure](#).

Legacies

Members of Trust staff must avoid exerting undue influence (whether intended or not) on potential legators to leave a gift.

Where a legacy is being made to benefit Avon and Wiltshire Mental Health Partnership Trust Charitable Fund, the charity including all Trust staff must not be directly involved in the preparation of the will, and cannot act as Executor or Witness. Staff are advised to contact Charitable Funds staff immediately should they become aware of any potential bequests.

If any member of AWP staff is offered a legacy in a personal capacity, they must explain that they have an obligation to disclose this to his/her line manager, who should in turn notify the Board of Trustees. No member of staff may use their position to solicit a personal legacy.

5.5 Fundraising communications and supporter data

Fundraising communications must include all legally required information such as registered charity number, full company name and registered office. They must be suitable for those targeted and must not mislead by exaggeration or omission.

Supporter data is managed in accordance with Data Protection legislation and best practice. This includes collecting only relevant information, respecting communication preferences where given and taking all relevant steps to ensure supporter data is current and correct.

5.6 Managing complaints about charitable activities

AWP has a formal complaints procedure in place so any complaints about the Charitable Funds can be dealt with through this procedure and escalated to the Fundraising Manager and Charitable Funds committee. Any complaints regarding fundraising practice by staff or others fundraising on their behalf will be dealt with in a timely manner through the complaints procedure so that poor or controversial fundraising methods or approaches are not repeated.

Any complaints regarding the professional conduct of AWP when fundraising that cannot be resolved to the satisfaction of the complainant within 4 weeks must be raised to the Fundraising Regulator. In some cases, the charity may need more than four weeks to investigate and resolve the complaint. In these circumstances, they should set out the reason for the delay and provide a deadline for resolution.

5.7 Money laundering and other criminal activity

The Charities Commission is aware of cases where donations or loans to charities have been used to facilitate money laundering or other criminal activity and so requires that charities should have policies and procedures in place both to ensure that staff and volunteers are aware of this risk, and to ensure that Trustees and staff are alerted to any suspicious donations. For example:

- If offered large donations or interest-free loans from individuals or organisations unknown to the charity;
- If conditions attached to a donation mean that the charity would be merely a vehicle for transferring funds from one individual or organisation to another;
- Where the donation is for a certain period of time, giving the charity the interest but with the principal sum to be returned at the end of the specified period, and possibly to another person or organisation
- Where the donation is given in foreign currency, with the provision as above, but the principal sum is to be returned as a sterling cheque or to a different organisation.

The Financial Accountant who administers the Charitable Fund must check all donations for the possibility of money laundering and other criminal activity and when there is a suspicion must raise this with issue with the Head of Financial Control who will decide whether to raise it with the Director of Finance.

6. Roles and responsibilities

6.1 Trustees

Trustees are accountable to the Charity Commission for the proper management of the charity. They are responsible for ensuring that the charity complies with its governing document and all relevant legislation. They are accountable for the enforcement of this policy and associated procedures and are the final decision makers regarding any charitable activity.

6.2 Operational staff of the Charity

The operational staff of the charity are responsible for advising on and supporting the generation of fundraising across the Trust, overseeing the funds and all administration related to donations and grants.

6.3 Ward staff & cashiers

Ward staff and cashiers may receive donations and are responsible for processing these in line with the [Donation Handling procedure](#).

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Where units or departments have a dedicated Local Fund, ward staff may be delegated authority as a Fund Manager. Fund Managers have the same responsibility for proper management of funds as operational staff of the charity.

6.4 Collective responsibilities

All staff may consider opportunities to further the work of the Charitable Fund through fundraising and/or awareness raising. Staff may also identify suitable opportunities for improvement with grants from charitable funds and it is expected that these are represented honestly in grant applications and evaluations, and that funds are spent responsibly.

7. Training

All staff can access guidance on the grant application process and fundraising on [Ourspace](#).

In addition, a binder is provided for each ward with a copy of the charity guidance and all relevant stationery.

Any member of staff undertaking fundraising will receive training and support from the charity's Fundraising Manager, focussed on safe and effective practices.

Fund Managers will receive an internal induction from the charitable funds team and be invited to annual Fund Manager meetings.

8. Monitoring or audit

The Charitable Funds Committee meets quarterly, with a standing agenda item to review the fundraising activities undertaken and the grant applications received. The Committee will receive a report summarising the income and expenditure, together with activity reports as appropriate.

The charity's Annual Report is internally and externally audited to ensure that the charity is adhering to its purposes and is financially sustainable.

9. References

Charities Act 1992

Charitable Institutions (Fund-Raising) Regulations 1994

Charities Act 2011

Charities (Protection and Social Investment) Act 2016

Gift Aid regulations

Data Protection Act 1998

10. Appendices

10.1 Statement of Ethical Fundraising

Avon and Wiltshire Mental Health Partnership Trust Charitable Fund is committed to its charitable aims. We fundraise so that we can deliver our mission to improve care for those with mental illness and their families and carers.

In order to raise these funds, we aim to develop and maintain a broad fundraising program, which will always be consistent with guidance and best practice provided by the Institute of Fundraising and the Charity Commission. We are a member of the Fundraising Regulator and actively support the Regulator's Fundraising Promise to be transparent, honest, respectful, fair,

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reasonable and accountable. All AWP Charitable Fund staff and volunteers have a responsibility to be aware and knowledgeable about the legal and ethical standards required when fundraising. We will evaluate our policies and practices regularly to ensure we stay up to date with changing legislation and best practice.

We are committed to treating our supporters with honesty and professionalism, and will never mislead, exaggerate or omit information that would unduly influence our supporters' decision to give. We will never place undue pressure on anyone to make a donation and take particular care to avoid asking vulnerable people for donations. However, many of our supporters will have a mental illness themselves or be family, friends or workmates of someone who does –and may themselves be considered vulnerable. Mental illness is not a constant, lifelong state for everyone, but we must consider that all our donors might at any time be considered vulnerable. To protect all of our supporters, we will ensure all interactions are mindful and sensitive and ensure that we do not put any of our supporters in a vulnerable position.

We do not solicit donations by 'cold calling' either via telephone or door-to-door collections.

We will make every possible effort to respect supporters' wishes in respect to frequency or method of communication, and we will never contact you without your permission to do so. All supporter data will be held securely and kept confidential, complying at all times with the Data Protection Act 1998. We take all reasonable steps to ensure that the data that we hold is proportionate, current and used solely for the purpose it was given. We will never sell or swap personal information.

All donations that we receive will be used to support the activities of the charity and for the stated purpose. We will decline donations that are ethically dubious, specifically when the gift:

- Is given by an individual or company who participates in activities that are illegal, in violation of human rights, compromise integrity or are contrary to the charity's work;
- Would materially affect our future ability to generate support;
- Would cost more to process than the value of the gift;
- Consists of goods, property or services which the charity cannot lawfully use, convert, sell or exchange in support of its charitable aims;
- Is dependent on the fulfilment of unacceptable conditions applied by the donor

Version History

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