

Policy: Gift Acceptance and Refusal

This policy sets out the Stroke Association’s approach to gift acceptance and complements the Ethical Policy by providing guidance on how we will deal with donations or in-kind support which may be damaging to the organisation, its beneficiaries or other donors. This policy applies to:

- Staff, including permanent and temporary colleagues, as well as colleagues on fixed term contracts.
- Volunteers, including trustees and people on student placements

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1. Introduction

At the Stroke Association we will always act in the best interests of the charity and its beneficiaries. As part of this, our Trustees will seek to maximise the charity's income from fundraising. All donations offered must be accepted, unless exceptional circumstances apply.

In line with the Charity Commission we recognise there are exceptional circumstances where a donation may be refused or returned. These are:

- 1) where accepting the donation or in-kind support would be against our charitable objectives;
- 2) where we can prove that accepting the donation would prevent us from raising a larger sum for other sources; or
- 3) where funds have been illegally acquired.

Decisions will be made on practical and ethical grounds, without prejudice from personal, political or commercial interests. All decisions on acceptance and refusal of donations or the sale of donated items will be made in line with our [Ethical Policy](#) and the Stroke Association's vision, purpose and values.

This policy has been set by the Trustees of the Stroke Association and is aligned with the Fundraising Regulator's Code of Practice and charity law.

2. Who does this policy apply to?

This policy applies to:

- staff, including permanent and temporary colleagues, as well as colleagues on fixed term contracts.
- volunteers, including trustees and people on student placements

3. Delegation of Responsibility

Our Trustees take overall legal responsibility for decisions relating to whether a donation is accepted or refused. On a day-to-day basis, the Board of Trustees delegates the responsibility to accept or refuse donations to the charity's Chief Executive Officer, assisted by the Executive Directors Team (EDT). In the first instance, the Executive Director of Customer Experience is responsible for ensuring any potential donors are supporting the charity in accordance with this Policy and the [Ethical Policy](#).

In rare circumstances donations may be made that contravene the policy. In these circumstances the Board of Trustees will be informed in a timely way of donations rejected or returned.

For complex cases, Trustees have the option to seek Charity Commission approval for a course of action. In certain cases, a Charity Commission Order may be required to be able to return or refuse a donation.

4. Guiding Principles

When deciding whether to accept or refuse a donation or relationship, the Trustees and their delegates will consider certain aspects of the donation or relationship, evaluate the risk that the donation or relationship poses, and then decide whether to accept or refuse it.

4.1 Triggering the Policy

Due to the volume of voluntary donations and the need to operate within a reasonable cost/income ratio, donations under £5,000 will not routinely be investigated unless a cause for concern is raised. In the case of donations exceeding £5,000;

- Staff actively soliciting donations in excess of £5,000 will follow a due diligence process;
- Unsolicited gifts in excess of £5,000 will be routinely checked and any concerns reported immediately to the Executive Director for Customer Experience. This will include particularly large restricted donations where capacity to spend may be considered an issue;
- Any anonymous donation above £5,000 will be reported immediately to the Executive Director for investigation.
- Where a donation is not drawn on a bank or financial institution subject to the FCA or the Financial Action Task Force (FATF) regulations, donor scrutiny must occur and the donation referred to the Executive Director and CEO prior to acceptance. Where a payment is made by transfer from a foreign bank to a UK bank, the onus is on the receiving bank, not the recipient of the funds. UK banks have reciprocal arrangements regarding [anti-money laundering compliance](#).

4.2 Further consideration of donations and relationships

The following will also be considered:

- Where an offer of support is dependent upon the Stroke Association first spending its own money or resources in order to facilitate the conditions of the donation, as this might place our assets under undue and inappropriate

risk. Donations should preferably be given in full up-front or alternatively in instalments linked to an agreed contract and work plan.

- Where the support, whilst reflecting the Stroke Association's objectives, is untenable. For example, if we do not have the resources to maintain the running costs associated with the donation.
- Where the support consists of goods, services or property which we cannot lawfully use, convert, exchange or sell in direct support of our charitable objectives.
- Where the donation comes with a condition that requires the charity to hand over the money to another charity or cause in such a way that it would amount to 'conduit funding'.

4.3 Restricted donations

If a donation with a geographical restriction is spent on a UK wide service, we can deduct the amount correlating to the sum expended on that service in the given area. We would need to evidence this with appropriate statistics /figures.

Restricted donations should be applied within a reasonable time, but can be contingent on future planned events taking place if we have an audit trail to support this. Where a restriction cannot be met and/or we wish to alter the scope, an application will be made to the donors (or executors of the Will in the case of a legacy) and if they are unavailable an application will be made to the Charity Commission for an Order that empowers the charity to make the alteration.

4.4 Health Sector Companies

Where a donation or sponsorship of over £5,000 is made from a company or individual operating in the health sector we will follow the ABPI guidance on collaboration between charities and pharmaceutical companies. For more information you can read our [Policy Statement on Working with Pharmaceutical and Med-Tech Companies](#).

5. Refusing Donations

We will refuse donations and relationships in the following circumstances:

- Where donations are from companies or individuals whose wealth are known to result from illegal activities or where there are indications of corruption and related economic crime.

- Where the activities of a donor are directly contrary to the objectives or agreed policies of the Stroke Association or we suspect that the gift has been donated to facilitate money laundering or other criminal activity.
- Where it can be clearly shown that the cost to the Stroke Association of accepting a donation will be greater than the value of the donation itself, and that acceptance of the donation will directly lead to a net decline in the assets of the charity.
- Where the offer of support is dependent upon the fulfilment of certain conditions placed upon the Stroke Association and any condition: a) is in itself contrary to the objectives of the charity b) is regarded as needing an unreasonable level of support from the charity especially in relation to the size or impact the donation will have on the charity's charitable activities c) will divert the charity from pursuing its current objectives, policies or work priorities as a necessary result of the fulfilment of the conditions alone.
- Vulnerable adults – if at any time we consider a donor to be vulnerable, we will only accept their donation if that would be appropriate in view of the Fundraising Regulator's Code of Practice and the 'Treating Donors Fairly' guidance from the Institute of Fundraising.
- We will not, under any circumstances, accept donations from tobacco companies nor will we enter into partnerships with companies whose sole or main purpose is the promotion of consumption of alcohol or foods with high salt (sodium chloride) content.

In the situation where we refuse a donation or relationship we will act with the utmost integrity; we will respect any matters of legitimate confidentiality and, in conducting all discussions and conveying the decision, will respect the dignity of the prospective donor.

5.1 Returning donations

Charities must not return donations unless certain criteria are fulfilled. We follow the Fundraising Regulator's Code of Practice when considering whether we must return a donation, for example where conditions or restrictions attached to the gift cannot be met. We will also seek legal advice and/or guidance or an Order from the Charity Commission/OSCR where appropriate or required.

Ex Gratia payments – please see our [ex gratia policy](#) which governs circumstances where our trustees feel under a moral obligation to return part or all of a legacy.

For donations in excess of £5,000 a register of investigations will be kept by the Philanthropy and Partnerships Director. An annual report of issues raised and

decisions made will be presented to the Trustees' Financial Performance Committee for information.