

## **The RGSW and AOS FOUNDATION (the “Foundation”)**

### **Ethical Fundraising Policy**

#### **Scope**

This policy relates to all fundraising activities undertaken directly by the Foundation through the Foundation Office of The Royal Grammar School Worcester (the “Foundation Office”), its employees and any contractors for the benefit of The Royal Grammar School Worcester (the “School”).

#### **Guiding Principles**

The fundraising approach of the Board of Trustees of the Foundation (the “Board”, the trustees shall be referred to in this document as the “Trustees”) is to act fairly, transparently and ethically in the best interests of serving the Foundation’s charitable objectives and those in its community. Trustees 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 Charity Commission, The Institute of Fundraising, The Information Commissioner and The Fundraising Regulator. Above all, Trustees value most highly the relationships the Foundation has with members of the School community, including current pupils, parents & staff, alumni, former parents, ex-staff and other friends of the School. The Trustees will seek at all times to protect and develop the Foundation’s relationship with its supporters and in doing so to treat them with respect and integrity.

#### **Overview**

The Trustees have an overriding duty to act in the interests of the Foundation and the ultimate responsibility for ensuring the Foundation conducts its fundraising activities ethically, and in adherence with this policy, rests with them.

1. All fundraising undertaken by the Foundation Office shall be agreed, monitored and reviewed by the Board.
2. The Board will endorse the Foundation Office to actively seek funding for a mutually agreed project provided that it:
  - is fully costed (including all additional staff and running costs);
  - is approved by the School’s Strategy Group and Governing Body as being strategically important in improving the provision of education at the School;
  - fits with the Foundation’s charitable objects, namely to promote and advance the School’s charitable objectives (refer to the Foundation’s Articles of Association for specific purposes).

#### **Fundraising Practices**

## **A. Rights of Donors and Prospective Donors**

1. All fundraising solicitations by or on behalf of the Foundation will disclose the Foundation'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 Foundation's most recent Annual Report and audited Annual Accounts;
  - confirmation of the charitable status of the Foundation;
  - the names of those currently serving:
    - as Trustees;
    - the main point of contact in the Foundation Office;
    - as current School Governors;
    - in positions of fundraising leadership;
  - 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 Foundation is a volunteer, an employee of the School or a contractor working for a paid third-party organisation.
4. Donors will be encouraged to seek independent advice if the Foundation 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 Foundation.

## **B. Solicitation of Donations**

1. Fundraising solicitations on behalf of the Foundation will:
  - be truthful;
  - accurately describe the Foundation Office's activities and intended use of donated funds;
  - respect the dignity and privacy of those who benefit from the Foundation Office activities.
2. The Foundation Office will obtain the written permission of all persons mentioned in case studies and other promotional material (including photographs) prior to publication.

3. Trustees, employees of the School, volunteers, and contractors who solicit or receive funds on behalf of the Foundation 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 including those set out by the Fundraising Regulator and other self-regulatory bodies;
  - cease solicitation of a prospective donor who identifies solicitation as a harassment or undue pressure;
  - disclose immediately to the Chair of the Board, the Board and the Foundation Director any actual or apparent conflict of interest;
  - not accept donations for purposes that are inconsistent with the Foundation's objects or mission.
4. Paid fundraisers, whether employees of the School 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 Foundation's and 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 the Data Protection Act 2018 (incorporating GDPR) as outlined in the School's Data Protection policy and Privacy Notices.
2. The privacy of donors and prospective donors will be respected. Any donor records that are maintained by the Foundation Office will be kept secure and confidential. Records will only be accessed by employees of the School working in the Foundation Office, Bursary and in some circumstances, the School's Careers Office. Donors and prospective donors have the right to see their own records and to challenge their accuracy.
3. Appropriate wording and notification will be made clearly on all fundraising materials, however presented, and there will always be the option available to opt out of fundraising communications.
4. The Foundation Office will not sell, swap or share any of its contact lists.

### **D. Acceptance, Refusal and Repayment of Donations**

1. The ultimate responsibility to accept or decline a donation resides with the Foundation Board. The Board must take decisions relating to the acceptance/refusal of donations in the best interests of the Foundation.

2. As agreed by the Foundation Board, donations up to and including a value of £15,000 may be accepted by the Foundation Director, who shall be accountable to the Board and adhere to the management systems of the School. Any donation over this value shall be referred to the Chair of the Board, who in consultation with the Headmaster, the Director of Finance & Operations (DFO), the Foundation Director, and if necessary, the RGS Chair of Governors, will accept or decline the donation on behalf of the Foundation.
3. There is a legal obligation for the Foundation Trustees to undertake a degree of due diligence when approaching potential donors or accepting donations, particularly for amounts in excess of the figure in 2 above). In order to comply with financial regulations the Foundation Office is unable to accept gifts of cash in excess of £500. Donations larger than this value are very welcome but should be made electronically, by cheque, by credit card or debit card.
4. On occasion the Foundation Trustees may wish to delay the acceptance of a donation with a view to providing the donor with 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 Foundation'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, if 'restricted', and where possible meets the donor's stated (unrestricted) wishes;
  - the source of the donation is morally acceptable to the Foundation Trustees and to the Board of Governors for the School;
  - the completion of the project for which donations are accepted should be achieved. If the project is not completed 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 loans, nor are they in lieu of tuition or other fees;
  - the decision of a parent/guardian to make or not make a gift to the Foundation will have no bearing on the academic, sporting or co-curricular opportunities open to an individual pupil.
6. The Foundation will only decline a donation if it is felt by the Foundation Office and the Trustees in consultation with the School's Strategy Group and endorsed by the School's Governing Body, that the gift:
  - would impair the Foundation Office in fulfilling its objectives, particularly with respect to supporting the Foundation;
  - is damaging to the objectives of the Foundation, its agreed policies or its beneficiaries;
  - would lead to a demonstrable decline in the assets of the Foundation;
  - consists of goods, property, or services which the Foundation 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 the Trustees believed such conditions would place the assets of the Foundation in undue or inappropriate risk;
  - may require action that is potentially illegal;
  - could seriously damage the reputation of the Foundation or the School;
  - creates a serious conflict of interest;
  - harms the Foundation's and the School's relationships with stakeholders (e.g. donors, alumni, 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 the Foundation Board.
  8. Once the Foundation 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 donations over £50 made by credit or debit card are subject to a seven-day cooling-off period;
    - the Charity Commission grants authorisation for an ex-gratia payment to be made by the Foundation to discharge a "compelling moral obligation". Such a payment is subject to section 106 of the Charities Act 2011.

### **E. Complaints**

1. Trustees will respond within 30 days to a complaint by a donor or prospective donor about any matter that is addressed in this policy. The School's Foundation Director will attempt to satisfy the complainant's concerns, in the first instance. A complainant who remains dissatisfied will be informed that he/she may appeal in writing to the Chair of the Board 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. The Trustees will be informed 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 financial affairs of the Foundation Office will be conducted in a responsible manner, consistent with the ethical obligations and the legal requirements of the Charity Commission, the Fundraising Regulator and other regulatory bodies that are inherent to ethical fundraising.
2. All donations will be used to support the objectives of the Foundation.

3. All restricted or designated donations will be used for the purposes for which they are given. If necessary due to programme or organisational changes, alternative uses will be discussed where possible with the donor or the donor's legal representative. If the donor is deceased or legally incompetent, and the Foundation Office is unable to contact a legal designate, the donation will be used in a manner that is as consistent as possible with the donor's original intent.
4. Audited Annual Accounts will 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.
5. The cost effectiveness of the Foundation Office's fundraising programme will be reviewed regularly by the Board.
6. From time to time, supporters of the Foundation may wish to offer tokens of thanks to Trustees, employees of the School or volunteers whom they have worked with. It is recognised that to refuse such items may cause misunderstanding or offence and hence be contrary to the work of the Foundation Office. Acceptance is allowed, with the proviso that:
  - all such gifts should be registered with the School's DFO at the earliest opportunity who will record such gifts in the School's Gift Register.
  - a copy of the School's Gift Register will be presented annually to the Board.
  - gifts to individuals (not the Foundation) worth less than £50 may be kept by the recipient and need not be registered.
  - if an individual receives a substantial gift, worth over £50, this gift (if it is to be accepted) must be accepted on behalf of the Foundation (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 DFO until the Trustees decide how to deal with 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 DFO will decide how to dispose of the item, and record this decision in the School' Gift Register.

## **Review**

This policy will be reviewed annually or exceptionally, following new regulation or guidance from relevant bodies including the Fundraising Regulator. Any amendments will be notified to, and approved by the Board.

December 2020