

## **Donation Acceptance Policy**

### **1 Definitions and scope**

1.1 This policy applies to all donations offered to or received by Cure Parkinson's (CP), and potential donations anticipated by CP, a donation being a voluntary transfer of assets from:

- Individuals in the UK and overseas
- Charitable trusts and foundations in the UK and overseas
- Companies in the UK and overseas
- Legacy bequests
- UK or overseas governments or their agencies and foundations

### **1.2 CP may accept the following types of assets by way of donation:**

- Cash
- Securities - stocks and bonds (with prior agreement of the CEO)
- Land, buildings and other real estate (with prior agreement of the CEO)
- Personal property donated for auction or sale of value less than £10,000
- Personal property donated for auction or sale of value at least £10,000 (with prior agreement of the Director of Fundraising & Marketing)
- Other personal property, including intellectual property, with the prior agreement of the CEO. Examples include major works of art, software licences and large-scale computer hardware.

### **2 Purpose**

2.1 This document sets out CP's policy for the acceptance of donations and consideration of potential donations. It is intended for staff members, trustees, donors, prospective donors and all volunteers likely to introduce significant new donors (including members of CP's Development Board), in order to provide assurance that CP deals with all donations and potential donations with probity.

2.2 The charity's trustees (acting through the charity's staff) are empowered to accept donations for purposes consistent with the charity's objects, within the charity's powers and obligations, as outlined in CP's Memorandum and Articles of Association. In addition, the UK Bribery Act 2010 requires CP to ensure that the receipt of a donation is not related to some inappropriate advantage afforded to the donor. CP also complies with other relevant legislation including the Proceeds of Crime Act 2002, the Terrorism Act 2000 and the Money Laundering Regulations 2017, under which it is an offence to receive, retain or convert money or property known or reasonably suspected to be the product of criminal activity. Further, CP complies with the Code of Fundraising Practice implemented by the Fundraising Regulator, and (as a matter of good practice) with the related guidance of The Chartered Institute of Fundraising, which states:

*"Trustees have a responsibility to act in the best interests of their charity in pursuing its purposes, as set out in its constitution. This means that, when deciding whether to refuse a donation, trustees must only do so if to accept it would be more detrimental to the charity being able to achieve its objectives than rejecting it. Making this decision should involve a careful analysis of the risks of accepting a donation, balancing this against the benefit that will be obtained. These matters should be decided on a case by case basis. Donations to charities should only be rejected in exceptional circumstances, when:*

- It would be unlawful to accept it (e.g. the organisation knows that the gift comprises the proceeds of crime), or*
- Accepting the donation would be detrimental to the achievement of the purposes of the organisation, as set out in its constitution. This anticipated detriment must be set against the benefit of having the funds from the donor, which would enable the organisation to pursue its purposes".*

### **3 CP's policy**

CP is committed to fundraising in an honest, transparent way, with high ethical standards and within all relevant law and guidance. As a result, CP accepts

donations from, and seeks to develop partnerships with, companies and individuals in the following circumstances.

#### **4 Acceptance Principles and Process**

##### *4.1 Principles for Acceptance*

**A. CP will not accept any donations which CP knows or suspects are of money or property which has been illegally obtained.**

**B. CP will not accept donations:**

**(i) where CP reasonably believes that the effects of acceptance would be contrary to the interests of CP and its beneficiaries (see paragraph 4.6 below for guidance and examples); or**

**(ii) which CP has reasonable grounds to believe are offered by someone who lacks the capacity to make an informed decision to donate.**

Otherwise, CP accepts donations provided either with donor identity or anonymously (for example, via JustGiving, the CP website, trusts, representatives or otherwise).

For all donations and anticipated donations, CP will assess the source of the donation and will investigate at a level proportionate to the size of the donation, in order to ensure compliance with this policy.

The Annex to this Donation Acceptance Policy provides assistance on the meaning of the term "suspects" as used above.

##### *4.2 Assessment and investigation – potential donations*

CP will not solicit or encourage any donation where CP is aware that one or more of the circumstances described in 4.1.A and 4.1.B above would be present.

Where any individual or organisation is identified by or for CP as a potential donor,

the fundraiser responsible for that potential donor shall consider the acceptability of the potential donation, to assess whether one or more of the circumstances described in 4.1.A and 4.1.B above would be present. This assessment must be carried out at a level of detail proportionate to the potential size of donation. In addition, where a significant donation is anticipated, such an assessment should be carried out by a staff member other than the fundraiser responsible for the potential donor.

In the case of any doubt, guidance must be obtained from the fundraiser's line manager(s), the Director of Fundraising & Marketing and/or the CEO.

In any event, if a potential donation is anticipated, the acceptability of such potential donation shall also be assessed:

- by the Head of Philanthropy or Head of Public Fundraising, and the Director of Fundraising & Marketing, for potential donations of value between £1,000-£24,999; and
- by the CEO and the Director of Fundraising & Marketing for potential donations of value over £25,000 (and for potential donations of a lesser value where no decision has been made as a result of the assessment above).

Unless a decision is made as a result of this process, the review is escalated to the Trustees for decision by way of resolution pursuant to the charity's Articles of Association.

#### *4.3 Assessment and investigation – existing donations*

Each fundraiser shall consider the relevant context (of which they are aware) of donations for which they are responsible in order to assess whether one or more of the circumstances described in 4.1.A and 4.1.B above were present. This assessment must be carried out at a level of detail proportionate to the size of donation. In the case of any doubt, guidance must be obtained from the fundraiser's line manager(s), the Director of Fundraising & Marketing and/or the CEO.

In any event, where donation is received from an existing donor, the acceptability of such donation shall be assessed in this way, bearing in mind any known change

of circumstance since the previous donation:

- by the Head of Philanthropy or Head of Public Fundraising, and the Director of Fundraising & Marketing, for donations of value between £1,000-£24,999;
- by the CEO and the Director of Fundraising & Marketing for donations of value over £25,000 (and for donations of a lesser value where no decision has been made as a result of the assessment above).

Unless a decision is made as a result of this process, the review is escalated to the Trustees for decision by way of resolution pursuant to the charity's Articles of Association.

#### *4.4 Not Accepting or Returning Donations*

If a donation has been received and CP becomes aware that one or more of the circumstances are present as described 4.1.A and 4.1.B above, CP will inform the relevant authorities and/or take further action and/or return the donation in circumstances where the law specifically provides for the gift to be returned, after consultation within CP between at least the CEO and Director of Fundraising & Marketing or (where the CEO or Director of Fundraising & Marketing do not agree that the correct course of action is clear) for decision by the Trustees by way of resolution pursuant to the charity's Articles of Association.

#### *4.5 Escalation of any concerns*

If it appears to any member of staff that any proposed donation or approach, by that member of staff or any other person, may violate any of the principles outlined in this policy, that member of staff must bring it to the attention of his or her line manager as soon as possible, for resolution or further escalation by the Director of Fundraising & Marketing and/or the CEO in accordance with this policy.

#### *4.6 Examples*

Donations which may be contrary to the interests of CP and its beneficiaries include, but are not limited to, donations that:

- hinder or conflict with CP's objects and/or values;
- are too difficult or expensive to administer or could create unacceptable

liability or future expense;

- compromise the independence of CP;
- damage the reputation of CP;
- are provided when the donor is vulnerable or in a vulnerable circumstance (but still has capacity to make a decision to donate); or
- are of money or property which has been unethically obtained;

always bearing in mind that CP must weigh up (i) the potential benefits to its beneficiaries of accepting the donation (including the ability to fund curative treatments) with (ii) the potential damage to the interests of its beneficiaries (including reputational damage).

CP does not identify vulnerable adults based on disability or age or any other social indicator. CP assesses each donor for these purposes on a case-by-case basis

Examples of donations which may compromise the independence of CP

include, but are not limited to, donations:

- made with an intent to influence the research strategy or funding of CP;
- intended to affect or influence trial or other research participation;
- which give rise to an unacceptable conflict of interest for CP;
- which influence any appointment by CP as an executive or trustee of CP, whether paid or unpaid, or within any CP- funded research projects; or
- where there is any expectation or suggestion that CP's operations or policy will be altered..

#### *4.7 Anonymous donations and requests for anonymity*

Anonymous donations over £25,000 (whether as a lump sum or series of smaller sums) will be reported by CP to the charity Commission in the standard way pursuant to relevant legislation.

For any donations provided to CP with donor identity, CP will also honour any donor's wish to remain anonymous with respect to the public, but identity details (if known) will be recorded on the CP database.

#### *4.8 Acknowledgement and public recognition*

All identified donors and legacy pledgers will receive appropriate acknowledgement from the charity (by way of thanks) and may receive public recognition (with the donor's prior consent), as well as any relevant assurance that their gifts will be used for specific identified charitable purposes, if such purposes are restricted and agreed in advance by the charity.

#### *4.9 Recording and Reporting Decisions*

Where the charity declines or returns a donation, the decision and reasons for it shall be recorded in writing and kept by the charity.

Where any donation of individual value over £25,000 has been assessed by the CEO and Director of Fundraising & Marketing and considered acceptable pursuant to 4.2 above, the CEO shall report the same at the next Trustee Board Meeting.

### **5 Restricted Funding Proposals and Naming Convention**

#### *5.1 Restricted Funding Proposals*

Restricted funding proposals (i.e. prospective donations restricted to a research project other than those already approved by the trustees) may only be accepted provisionally, conditional upon such research project being approved by the trustees, with or without a replacement destination for the funds. Restricted funding proposals for £10,000 or more must be subject to prior approval by the CEO or Deputy CEO before being accepted.

#### *5.2 Naming Recognition*

The naming of proposed donations (i.e. requiring a specific name or brand to be associated with CP's sponsorship funding) will be subject to levels of approval as follows, in each case before the funding announcement becomes public:

- The naming of any academic position as part of a donor agreement will be subject to review and approval from the trustee board.
- The naming of a scholarship, award, prize or bursary as part of a donor agreement will be subject to review and approval by the CEO.

Any approved naming may be withdrawn by CP where subsequent concerns arise regarding the source of the funding or the individual or organisation named.

## **6 Gift Restrictions**

6.1 CP's policy is to favour unrestricted donations (i.e. donations to CP's general funds) over restricted donations (i.e. donations restricted to a research project or other activity approved by the trustees), to enable the trustees allocate funds to the most suitable project or activity in a timely manner.

6.2 However, if a donor requests a donation to be a restricted donation, or CP proposes a particular project or activity for restricted donations, restriction may be acceptable unless and until payments have already been made by CP or restricted funding has already been received in full.

## **7 Legal or Financial Advice**

CP does not provide legal, financial advice or any financial planning services. Prospective donors should seek the assistance of their own legal and/or financial advisors (if needed) in any significant matters relating to donations, tax and/or estate planning. If CP is asked to assist in these areas, it will decline.

## **8 Roles and Responsibilities**

The trustees (advised by the trustee Governance & Risk committee) have responsibility for the scope this policy, and the CEO has responsibility for its operation.

## **9 Notification to CP's Development Board and all other relevant volunteers**

CP shall ensure that the members of CP's Development Board, and all



other volunteers likely to introduce significant new donors to CP, are aware of this policy.

**END OF POLICY (ANNEX TO FOLLOW)**

Cure Parkinson's is the operating name of The Cure Parkinson's Trust. The Cure Parkinson's Trust is a registered charity in England and Wales (1111816) and Scotland (SCO44368) and a company limited by guarantee - company number 05539974 (England and Wales).

## Annex to Donation Acceptance Policy

### Comments on interpretation of the term “suspects”

- 1) Paragraph 4.1A of the Donation Acceptance Policy, and the relevant UK legislation regarding criminal property, require a decision maker, offender or discloser to “know or suspect” that the property derives from criminal conduct (for relevant consequences to follow):
  - a) “knowing” a fact is a relatively straightforward concept. A trustee will know when he/she knows something;
  - b) but the relevant test here also includes the term “suspects”. What constitutes “suspicion” in this context?
  
- 2) The term “suspects” is subjective, not objective. It relates to the trustees’ actual state of mind (not what others know). For example, the trustees themselves (having carried out a proportionate assessment of the facts and context as required by the Donation Acceptance Policy) have a state of mind about a situation. If that state of mind is that they “suspect” a donation derives from criminal conduct, CP should not accept it. Their state of mind is only relevant at the time of decision.
  - *NB. If trustees do not so “suspect”, they will as a separate matter consider whether the other tests in the Donation Acceptance Policy apply (i.e. whether there is “reasonable belief” in ultimate benefit to beneficiaries, on balance, or “reasonable grounds” to believe in incapacity to give).*
  
- 3) The meaning of the verb “suspects” is defined in all major dictionaries. There seems to be no established definition in UK legislation or English case law. A reasonable summary of the dictionary definitions is “to think or believe to be true, or to be likely or probable, albeit with slight evidence or without proof”. To “suspect”, a trustee must actually and honestly believe criminal derivation of the donation to be probable, but the trustee can do so on only slight evidence.
  
- 4) In this context, it is important to distinguish between (a) an impression of an individual based on their actions or reputation and (b) the actual provenance of the money which will be the subject of the donation to the charity. It is (b) that matters. By contrast, (a) is just background, possibly relevant for context only.
  
- 5) This is one reason why CP records and follows this Donation Acceptance Policy. It requires the decision maker(s) to make an informed subjective assessment on whether they “suspect” or not. The existence of the policy is clear evidence that the issue was actually considered by the relevant decision maker, and a decision properly made.

**END OF ANNEX**