

Charitable Fund

The Queen Elizabeth Hospital King's Lynn, Charitable Fund Registered Charity No. 1051327

Fundraising Policy (Charitable Fund)

Unique Reference / Version				
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Corporate Governance	Fundraising Policy (Charitable Fund)	2	February	2020

Current Author	Gill Rejzl
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Department	Corporate (Charitable Fund)
Ratifying Committee	Trust Board (acting as the agent of the Corporate Trustee)
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Owner	Gill Rejzl
Owner's Job Title	Trust Secretary

It is the responsibility of the staff member accessing this document to ensure that they are always reading the most up to date version. This will always be the version on the intranet.

Related Policies & Procedures
<ul style="list-style-type: none"> • The Charitable Fund Strategy • The VIP Policy • Finance Guidance for Charitable Fund Managers • The work of the League of Friends • Trust Standing Financial Instructions • The Terms of Reference of the Board of Directors acting as the agent of the Corporate Trustee and the Charitable Fund Committee • The Gifts, Hospitality and Commercial Sponsorship Policy

Stakeholders	Board of Directors, Charitable Fund Committee, Fund Managers
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Version	Date	Author	Author's Job Title	Changes
V1	July 2016	G Rejzl	Trust Secretary	New Policy
V2	Feb 2017	G Rejzl	Trust Secretary	Assimilation of provisions of the Charities (Protection and Social Investment) Act 2016

Short Description

The Fundraising Policy sets out charitable fundraising principles and guidance and signposts to related policies, procedures, legislation and regulatory provisions / guidance.

Key words

Charitable, fund, fundraising, appeal, campaign

The Fundraising Policy (Charitable Fund)

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The Fundraising Policy (Charitable Fund)

1. Introduction and background

The Queen Elizabeth Hospital, King's Lynn, NHS Trust Charitable Fund, No. 1051327 was registered with the Charity Commission in January 1997. As the Trust has latterly achieved Foundation Trust authorisation, a change of name to The Queen Elizabeth Hospital King's Lynn, Charitable Fund has been registered with the Charity Commission.

The Charity has broad NHS-wide objectives as follows:

"The trustees shall hold the trust fund upon trust to apply the income and at their discretion, so far as may be permissible, the capital, for any charitable purpose or purposes relating to the National Health Service."

Funds will be expended in accordance with donors' wishes.

2. Governance

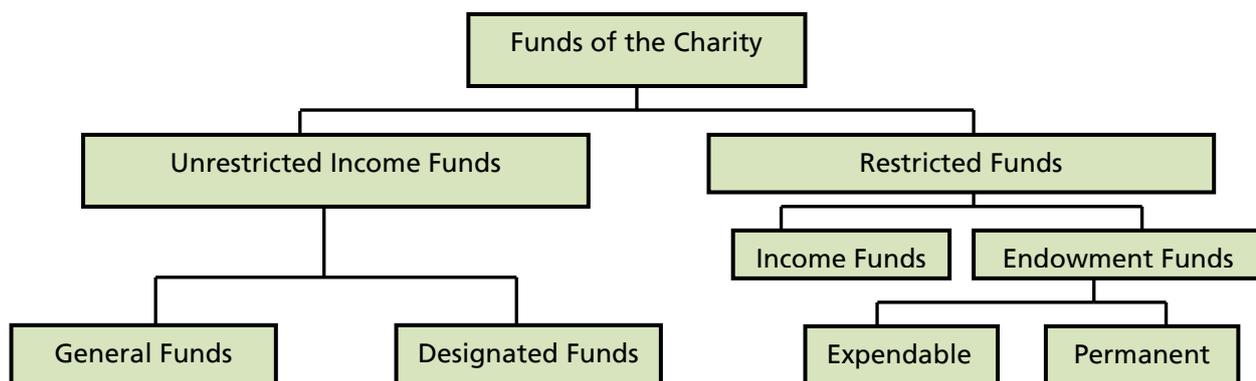
The Queen Elizabeth Hospital King's Lynn, Charitable Fund seeks to operate in accordance with the Charities Act 2011, which came into effect on 14 March 2012 and the regulatory provisions and guidance of the Charity Commission.

The Queen Elizabeth Hospital, King's Lynn, NHS Foundation Trust is the Corporate Trustee of the Charity acting through the Board of Directors.

The business of the Charitable Fund is dealt with at meetings convened outside the Board of Directors' programme of meetings dealing with Trust business, to facilitate the separation of functions of the trust's directors and as an 'indicator' of the independence of the Charity, in line with Charity Commission guidance.

The Charity is configured within the following framework:

Structure of the Fund



Currently, the Trust's unrestricted funds are grouped into designated funds, managed by Fund Managers and include patient / equipment and staff funds.

Restricted funds currently comprise endowment funds and income funds, which include appeals.

The Board (acting on behalf of the Corporate Trustee) has delegated authority to a Charitable Fund Committee (CFC) (see Terms of Reference).

The objects of the Charitable Fund (see table above) are linked to the activities of the hospital.

In very broad terms, the Charity Commission takes the view that there are often few legally defined boundaries for services that must only be provided and funded directly by the public sector. It is therefore legitimate for charities to consider becoming involved in the delivery of such services provided:

- a clear charitable purpose is served that falls within the trusts of the Charity concerned;
- the decision is made in the interests of the Charity to further its charitable objects; **and**
- there is a clear open, and independent process of decision making by the trustee(s) to support the decision to apply charitable fund in this way (including an assessment of how far the public sector body's duty of provision extends).

In summary, for corporate NHS trustees the underlying issue is not that certain types of spending are automatically ruled out with regard to the charitable funds. Instead the issue is that the corporate trustee must be able to demonstrate that, before applying charitable funds towards service delivery, there has been a clear and open decision-making process. That process must be independent of that body's decisions concerning the use of its exchequer funds.

The Charities (Protection and Social Investment) Act 2016

The QEH will comply with the provisions, introduced by the fundraising sections of the Charities (Protection and Social Investment) Act 2016, that help charities demonstrate their commitment to protecting donors and the public, including vulnerable people, from poor fundraising practices. The new law will also help to ensure that fundraising standards form part of the agreements between charities and any commercial participators or professional fundraisers with whom they work.

There are 2 new requirements:

1. The first requirement applies where a charity, registered or unregistered, uses a professional fundraiser or commercial participator to raise funds. Broadly, it says that the compulsory written agreements between charities and these third parties must include extra information covering:
 - the scheme for regulating fundraising or recognised fundraising standards that will apply to the professional fundraiser or commercial participator in carrying out the agreement
 - how the professional fundraiser or commercial participator will protect the public, including vulnerable people, from unreasonably intrusive or persistent fundraising approaches and undue pressure to donate
 - how charities will monitor the professional fundraiser or commercial participator's compliance with these requirements
2. The second requirement applies to registered charities that, by law, must have their accounts audited. It says that these charities have to include extra information about fundraising in their trustees' annual report. Broadly, the extra annual statements are about the charity's:
 - approach to fundraising
 - work with, and oversight of, any commercial participators/professional fundraisers
 - fundraising conforming to recognised standards
 - monitoring of fundraising carried out on its behalf
 - fundraising complaints
 - protection of the public, including vulnerable people, from unreasonably intrusive or persistent fundraising approaches, and undue pressure to donate

3. Signposting

This policy should be considered in conjunction with:

- The Charitable Fund Strategy
- The VIP Policy
- Finance Guidance for Charitable Fund Managers
- The work of the League of Friends
- Trust Standing Financial Instructions
- The Terms of Reference of the Board of Directors acting as the agent of the Corporate Trustee and the Charitable Fund Committee
- Foundation Trust Network (latterly NHS Providers) Guidance - Clarifying the landscape: dealing with charitable funds in the NHS
- Healthcare Financial Management Association (HFMS) – NHS Charitable Funds: A Practical Guide
- Charity Commission, NHS Charities Guidance
- The Trustees Act 2000

4. Officer Roles and Responsibilities

The Fundraising Executive

The role of the Fundraising Executive includes:

- Recruiting and managing suitable volunteer support for the Fundraising Office
- Fostering relationships with individuals, corporate donors and the local media
- Devising and implementing campaigns / appeals
- Advising and supporting staff, wards and departments in respect of fundraising, legislation and guidance e.g. Gift Aid
- Advising and assisting fundraisers / donors in the community
- Organising and managing the foyer fundraising stalls
- Organising and managing charity events, projects and activities
- Working with the Communications Team to maintain the profile of the Charity, including on the Trust's website (inc. JustGiving pages) and Intranet and ensuring that promotional material is of a high quality
- Working with the Finance Team to ensure that charitable donations are handled in line with the Trust's policy and procedures.

The Director of Finance

The Director of Finance shall maintain such accounts and records, including an investment register, as may be necessary to record and protect all transactions and funds held on trust. The Director of Finance will delegate tactical and operational responsibility to the Deputy Director of Finance and the Charitable Funds Officer.

Fund Managers

Fund Managers are required to:

- Manage designated funds in accordance with:
 - This policy
 - The Fund Manager's Guide

- Donors' wishes
- Prepare and submit proposed budgets for each financial year in line with procedural deadlines
- Cooperate with other Fund Managers, supporting the utilisation of available funds for the benefit of patients and/or the broader NHS
- Prepare and support business cases for expenditure of funds for approval by the Charitable Fund Committee as required

Fundraisers

Fundraisers are responsible for ensuring that:

- Approval is obtained before undertaking any fundraising activities
- Local authority approvals are obtained (where required)
- Fundraising activities are carried out in accordance with the policy and associated guidance
- That all monies are promptly paid to the Trust's charitable fund.

5. Fundraising Principles and Guidance

Permission should be obtained from an Executive Director before any fundraising for an external charity takes place on Trust premises.

The Trust will not accept liability for any expenses incurred by a third party in connection with any fundraising activity.

5a. Appeals

The Charity's key appeals will be the responsibility of the Fundraising Executive.

Where an appeal is made for a particular project (e.g. an item of medical equipment) the fundraiser should state what will happen to the monies raised if the appeal exceeds or fails to reach its target.

As funds raised as a result of an appeal are handled as restricted funds, unspent funds will be used for a similar purpose (e.g. to purchase other equipment to treat the same condition).

If no plans are made regarding unspent appeal money, the Trustee may have to apply to the Charity Commission before funds can be used for another purpose.

To enable funds from a specific appeal to be identified separately a new trust fund should be set up following the normal procedure.

5b. Public Collections

If the fundraiser intends to make house-to-house or street collections a licence is required from the local authority, for collections within their boundary.

The term "house-to-house" includes visits to pubs, factories and offices as well as domestic dwellings.

The Trustee will not normally approve the use of this method of raising monies on its behalf due to the difficulties involved in verifying that all monies collected have indeed been paid over to the charity.

5c. Raffles and Lotteries

The two main types of raffle (or lottery) are known as: -

- Incidental non-commercial lotteries; and
- Society Lotteries

Both are regulated by the Gambling Act 2005.

Incidental non-commercial lotteries

- include raffles and tombolas
- prize values not exceeding £50
- incidental to 'exempt entertainments' (e.g. fetes, golf days, discos)
- the proceeds (after deduction of expenses) are applied for charitable purposes
- no cash prizes are given; and
- the sale of tickets and announcements of results is carried out during the entertainment and on the premises where it is held.

Incidental non-commercial lotteries do not have to be registered with the local authority or with the Gaming Board.

Where a raffle or tombola is to be run at a fundraising event this should be stated.

Society Lotteries

Society lotteries are public lotteries which do not fall within the definition of incidental non-commercial lotteries.

For example, a raffle held on a ward is a society lottery because it is not incidental to an exempt entertainment. Also a raffle for which tickets are sold several days in advance of the draw would be a society lottery.

The Trust has a Small Society License. Details can be obtained from the Fundraising Office.

Society lotteries must be licensed and all lotteries must be organised in line with the rules of the Gaming Commission (see link below).

http://www.gamblingcommission.gov.uk/Gambling-sectors/Lotteries/Getting-a-licence/Do-I-need-a-licence/Circumstances-in-which-you-do-not-need.aspx#Small_society_lottery

The Gambling Commission website also gives details of other types of lottery, such as workplace lotteries.

5d. Sponsored Events

Advice on sponsorship forms can be obtained from the Fundraising Executive. Guidance will be given on the necessary wording and a suggested format, which may be amended to suit the event. All sponsorship forms must be passed to the Fundraising Executive for approval before use.

It is important when completing a sponsored event that completed forms are signed by a recognisable figure of the community, and that all outstanding monies are collected promptly and paid in to the finance department. Completed sponsorship forms must accompany the monies.

All commercial sponsorships should be declared in accordance with the Gifts, Hospitality and Commercial Sponsorship Policy.

5e. Collection Boxes

The use of collection boxes will only be authorised for use on specific fundraising activities being run by the Trust. Details can be obtained from the Fundraising Office.

Where collection boxes are in use it is important that they are treated as controlled stationery, and that:

- all unused collection boxes are held securely and access to them is limited
- each collection box must have a unique number
- the collection box must be sealed when issued and the seal numbered
- a record is kept of where each collection box has been sent along with its seal number
- recipients of collection boxes are required to confirm in writing that they have received them
- collection boxes must be collected on a regular basis
- they must be opened and counted on Trust premises by two nominated staff.

5f. Fundraising for the Macmillan Care & Treatment Centre

Donors wishing to make donations to support the work of Macmillan Cancer Support should be advised to make their wishes clear if they wish their donation to benefit the local Macmillan Care & Treatment Centre on the Trust site, rather than the national charity.

For donations to the Macmillan Care & Treatment Centre at the hospital: please make cheques payable to 'Cancer Care & Treatment QE' (No. 42129).

The Fundraising Executive can advise on making the wishes of the donor clear in this respect.

6. False Representation

All fundraising must be authorised and undertaken in accordance with this policy. The use of the Trust or Charity name, brand or any implied association that has not been approved will be regarded as false representation and will fall under the auspices of the Trust's Anti-Fraud and Anti-Bribery policy and appropriate action will be taken, which may include the rejection of funds.

7. Ethical Fundraising

The Board, acting as the agent of the Corporate Trustee has a duty to demonstrate to the Charity Commission that members have acted in the best interest of the charity, and that association with any particular donor does not compromise the charity's ethical position, harm the charity's reputation or put future funding at risk.

Acceptance criteria

The Queen Elizabeth Hospital King's Lynn, Charitable Fund accepts voluntary donations and other forms of voluntary support, such as volunteering or gifts in kind from individuals, companies and other organisations on the following conditions:

- There are strong grounds for believing it will result in benefit to patients at the Queen Elizabeth Hospital, King's Lynn or in the wider NHS
- If a gift is offered for a specific purpose then this must be a charitable purpose that is within the Charity's objects

- It is feasible to apply the donation in a way that is consistent with donors' wishes, given the operational constraints and strategic priorities of the NHS
- The NHS will accept the donation together with any reasonable obligations attached, for example requirements to report back to donors on public benefit achieved as a consequence of the gift.

Avoidance criteria

The Queen Elizabeth Hospital King's Lynn, Charitable Fund will not accept voluntary donations and other forms of voluntary support where any of the following criteria apply:

- The support is known, suspected to be or derives from the proceeds of crime
- The support derives from a source conflicting with the Charity's objectives and/or the work of the Queen Elizabeth Hospital, King's Lynn or other NHS organisations, for example a possible gift from a tobacco manufacturer
- The supporting source is known or suspected to be closely associated with a regime known or suspected to be in violation of human rights
- Acceptance is likely to deter actual or potential supporters from future support
- Acceptance would involve onerous obligations, for example the upkeep of an unsuitable building, the cost of which might outweigh the benefit
- Support is offered in an attempt to procure privileged access to treatment for the donor or persons linked to the donor
- Support is offered in an attempt to procure privileged access to NHS contracts
- Acceptance would be in contravention of the Bribery Act 2010
- Acceptance would compromise the Charity's status as an independent registered charity.

Fundraising initiatives involving corporate partnerships

The Queen Elizabeth Hospital, King's Lynn welcomes cooperative relationships with companies from a wide range of sectors and industries and our collaboration could consist of one or several of the following:

- Staff fundraising
- Supplier fundraising and fundraising from other stakeholders
- Cause related marketing (i.e. a commercial activity by which the business and the charity form a partnership with each other to market an image, product or service for mutual benefit)
- Sponsorship (i.e. cash or in kind paid in return for access to exploitable commercial potential)
- Payroll Giving Donations/matched funding
- Employee involvement and volunteering
- Gifts in Kind
- Royalties
- Events

All potential partnerships and initiatives will be considered on a case by case basis. The Charity's overarching principles for corporate partnerships are:

- Integrity and openness
- Maintenance of independence
- Mutual benefit for all parties

8. Dissemination

This policy will be posted to the Trust's Intranet and disseminated by email to:

- Officers involved in the management of the Trust's Charitable Funds

- Fund Managers
- Fundraisers
- Communications Team

EQUALITY IMPACT ASSESSMENT

Equality Impact Assessment Tool

STAGE 1 – SCREENING

Name & Job Title of Assessor: Gill Rejzl, Trust Secretary		Date of Initial Screening: July 2016	
Policy or Function to be assessed: Fundraising Policy (Charitable Fund)			
		Yes/No	Comments
1.	Does the policy, function, service or project affect one group more or less favourably than another on the basis of:		
	• Race & Ethnic background	No	
	• Gender including transgender	No	
	• Disability:- This will include consideration in terms of impact to persons with learning disabilities, autism or on individuals who may have a cognitive impairment or lack capacity to make decisions about their care	No	
	• Religion or belief	No	
	• Sexual orientation	No	
	• Age	No	
2.	Does the public have a perception/concern regarding the potential for discrimination?	No	

If the answer to any of the questions above is yes, please complete a full Stage 2 Equality Impact Assessment.

Signature of Assessor: G Rejzl

Date: July 2016