



Policy Title

Donations Acceptance Policy

Policy Owner

Director of Fundraising Marketing and Media

Owning Dept

Fundraising Marketing and Media

Last Updated

March 2024

Next Review Date

July 2025

Reason for Policy

To comply with the law and relevant codes of practice and protect the RNLI, its staff, and supporters by enabling the refusal of donations that would negatively impact on the Charity

Objective of Policy

To provide an effective and ethical framework for rapid analysis and decision-making on accepting, rejecting, and returning donations - that fits the RNLI's ethos and values, provides clarity on lines of responsibility and accountability, and ensures consistency of approach and transparency.

It is not for the RNLI to make any judgements about legal activities. We will remain neutral on these subjects. The RNLI will look at each legal donation on a case-by-case basis, in accordance with our Donation Acceptance Policy.

Applicability

This policy applies to everyone who may accept a donation on behalf of the RNLI including staff (whether permanent or temporary) trustees and other volunteers. Financial support provided through a Corporate Association, that are not donations, along with gifts in kind are out of this policy's scope and covered by the Corporate Association Policy.

Policy Introduction

Guidance - Accepting, refusing, and returning donations to your charity. www.gov.uk

"As trustees, your principal duty is to further your charity's purposes. Your starting point should be to accept and keep a donation offered or given to your charity. This is because donations are important to successfully delivering your charity's purposes. But sometimes you must refuse or return a donation, and in other circumstances you can decide that it is in your charity's best interests to do this. Your decision will often be significant for your charity. You must always carefully balance all of the factors that are relevant to your charity's circumstances".

The RNLI relies on donations and fundraising activities to carry out its objectives. The RNLI is committed to complying with the law and ensuring that any donations accepted are in the charity's best interest. In certain situations, it may not be in the best interests of the RNLI or its beneficiaries to be associated with an individual or organisation, and a decision will need to be made by Trustees on the potential risks of accepting the gift.

The RNLI must act in the interests of the charity in pursuing its purpose, and when deciding whether to refuse a donation, do so only if accepting it would be more detrimental to the charity. This should involve a careful analysis of the extent to which the charity is likely to be harmed by accepting a donation and balancing that against the benefit to be obtained by accepting it. The RNLI must decide these matters on a case-by-case basis, and this policy sets out to guide trustees and staff in decision-making.

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Department: FM&M

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Donations to charities can, and should, only be rejected in exceptional circumstances, and this policy states the RNLI's position is to only turn down donations for defined reasons. The policy and process give the framework to demonstrate to stakeholders and the wider public that the RNLI is consistent and takes its position and responsibilities seriously.

Policy

Accepting Donations

All RNLI donations are processed and authorised and accepted by our Supporter Experience Team and our Central Processing Unit. Donations are also accepted through our constituted fundraising Branches and stations that are managed by our regional teams.

1. Grounds for refusing a donation.

Refusing a donation is rare because there are only two grounds for refusing a donation:

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

2. Guiding principles: any donation should be accepted provided that:

- It is legitimately given.
- It does not interfere with, or is inimical to, our core purpose of saving lives at sea.
- It does not pose a significant reputational risk which could cause a financial loss greater than the value of the Donation.
- The donor is not in vulnerable circumstances.
- It does not place any requirements on the RNLI that cause a financial loss greater than the value of the Donation.
- Any conditions or restrictions to the donation meet the RNLI's needs to achieve its purpose.
- It has not directly or indirectly come from the tobacco or arms industry.

3. RNLI Interpretations

3.1 Some examples of proceeds of crime:

- a. Evidence/suspicion/conviction of offshore gambling/tax evasion
- b. Donor implicated or convicted of money laundering.

3.2 Some examples of detriment - accepting the donation from the donor would lead to:

- c. the loss of financial support (over a prolonged period) from other supporters at least equivalent to the value of the donation.
- d. The loss of volunteers whose services would be at least of as great value as the donation.
- e. The loss of staff or the inability to recruit staff.

3.3 Some examples of behavior/conduct/operations conflicting with the RNLI's constitution to save lives at sea, its values, and any formal partner agreements:

- I. A donor in vulnerable circumstances without any advocacy/support wanting to donate a sum significant to their lifestyle.
- II. An overseas donation attempting to disinherit family.
- III. An individual or company connected to the tobacco or arms industry.
- IV. An individual or company connected to activities which have led to the loss or serious harm of life, and or significant environmental damage.
- V. A high-profile individual or company with a poor public reputation due to their business practices or personal conduct which have led to convictions/

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sanctions/substantial negative media coverage particularly in relation to health and safety and environmental damage

4. Assessing the risks

The RNLI's policy is to carefully consider all donations from an individual donor, and support is provided to the fundraiser when risk thresholds are met. The Major Gift Team in Fundraising lead this process when donations exceed £/€10,000.

The supporting process includes tools to enable relevant staff to make assessments and be able to evidence that there either is or is not a reasonable expectation that detriment would occur if a gift was accepted. Responsibility for making decisions on accepting donations varies depending on the assessed risks as set out in Appendix 1.

Trustees annually review delegated decisions. Decisions on high-risk/high-value cases recommended for refusal also rest with Trustees. When it is not immediately clear what the 'best interests of the charity' are, or to pre-empt possible disputes and/or negative publicity in complex or potentially difficult cases, trustees may also apply to the Charity Commission for an order authorising the charity to refuse a donation.

5. Requesting donations

When planning to make an ask of an individual for a major gift, the same guiding principles apply, and the same risk assessment process must be followed, and approval granted in line with Appendix 1 before an ask is made. Care must be taken to undertake the screening early to prevent inappropriate asks and manage donor expectations.

6. Returning funds that have already been accepted.

If you suspect that you have received a donation from an illegal source, you should not return it or contact the donor. You must follow the law and your relevant jurisdictional guidance, and you may need to take advice about your next steps. Your first point of contact should be your line manager and each case will be individual.

This may occur in a range of exceptional situations, which may include:

1. If a donation is accepted that subsequently affects our independence or causes reputational issues, this policy and its processes should be used to evaluate whether the RNLI should return the donation or not.
2. Where the RNLI has formally agreed in advance of receiving a solicitors firm's donation from its dormant client assets, to return the donation at a later date if a valid beneficiary subsequently comes forward (see Appendix 2).
3. If the terms of the conditions of the funding received provide for it to be returned in particular circumstances. For example, an appeal does not raise sufficient funds and an alternative redirection of funds was not made clear at the outset; or an appeal for a specific purpose raises too much money (legal authorisation may be needed from the Charity Commission before the excess funds can be directed to a similar purpose); or a project is cancelled or severely delayed.

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4. An ex-gratia payment – where the charity has received an order from the Charity Commission for England and Wales
5. If a donor correctly exercises their right to a refund.

A decision to return a donation can be even more significant than a decision to refuse one. Before deciding to return a donation, in addition to the factors listed above and others that are relevant to our charity, you should also consider:

- the length of time that has passed since the donation was given.
- the impact of the return on our charity's funds, activities, commitments, plans, budgets, and reporting
- if we can afford to return the donation

If you are deciding to return funds, you may need specialist advice on:

- how to show the return in our charity's accounts
- any gift aid or other tax implications

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Definitions

1. **Donation:** A gift from a living person which is being offered to the RNLI without the expectation of anything being given in return, other than agreed donor recognition. Donations may be received in cash, by cheque, online, via text donation, by bank transfer or by card or as a non-cash gift (e.g. a painting, property, shares, etc.). Where the donation is a non-cash gift, an approximate value should be researched to establish the appropriate referral point. Legacies are not affected by this policy. It is not the RNLI's current policy to accept cryptocurrency, however, due to our previous policy to accept this form of donation, there may be exceptional circumstances that arise as a consequence, and we will review and manage these on a case-by-case basis.
2. **Major Donor/Donation:** An individual giving £/€10,000 of their own monies (not fundraising on behalf of others). A company or organisation may also be a major donor when a gift is being offered from the company/organisation without the expectation of anything in return.
3. **Gift in Kind:** products or services that are given to the charity that the RNLI would otherwise need to spend money on (e.g. Pro bono consultancy, equipment, supplies). Gifts in Kind are not Donations.
4. **High profile donor:** A donor would be deemed as 'High Profile' if their activity, background or personal reputation, scale or type of donation is in scope to attract significant media or social media interest.
5. **Due diligence:** is the process and steps that need to be taken to be reasonably assured of the provenance of the funds given to the charity, confident that they know the people and organisation's the charity works with and are able to identify and manage associated risks.
6. **Refund:** A donation has been received by the RNLI into our finance system and the donor has requested the return of the funds (in part or in full).

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Appendices

Appendix 1: Donations Acceptance Decision Matrix – this sets out the levels of delegation (assessed risks and values)

Appendix 2: Process for Indemnifying solicitors donating from dormant client accounts

Reference Documents

Our Watch 2020 (RNLI)	The Charities Act 2009 (RoI)
RNLI values	https://www.charitiesregulator.ie/en - Irelands Charity Regulator.
RNLI Constitution	Charities Governance Code (RoI) Charities Institute Ireland (Cii)
Code of Fundraising Practice 2021 (Fundraising Regulator)	http://www.guernseylegalresources.gg/article/91269/Charities [2/12 9:40 AM] Simon Payne
Acceptance refusal & return: a practical guide to dealing with donations May 2018 (Institute of Fundraising)	Isle of Man – Charities Registration and Regulation Act 2019
Compliance Toolkit (Protecting Charities from Harm), Charity Commission	Jersey -
Proceeds of Crime Act 2002	https://www.jerseylaw.je/laws/revised/Pages/15.070.aspx
The Charities Act (1992 and 2011)	
Accepting, refusing and returning donations to your charity - https://www.gov.uk/guidance/accepting-refusing-and-returning-donations-to-your-charity#making-your-decision	

Related Policies, Procedures & Guidance

Donations Acceptance Decision Matrix	Anti-corruption and Bribery Policy	Restricted Fund Policy (new/draft)
Donations Acceptance Process	Policy Research Ethics Policy	World Health Organisation
Corporate Association Policy	Accessing support from the Data Evidence and Insight DEI front door process (for partnerships research)	Declaration

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Related Forms & Instructions

Donations Acceptance Checklist;
Joint Donations Acceptance Report
RNLI Indemnity form template
Process for Indemnifying solicitors donating from their dormant client accounts
Philanthropy Due diligence Process.
Trusts and Grants Due diligence process
Donor error refund process.

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Appendix 1: Donations Acceptance Decision Matrix

Assessed Risk level	Value of donation	Joint report with research required?	Accountable role	Trustee involvement
No assessed risk flags	Less than £/€10K	No	Fundraiser (Community Manager, Fundraising and Partnerships Lead, Philanthropy Manager, Trusts and Grants Manager, Supporter Experience Manager)	No
Risk(s) identified but benefits assessed as greater than risks	Less than £/€10K	No	Team Manager (Fundraising & Partnership Lead, Strategic Trusts and Grants Funding Manager, Strategic Philanthropy Manager)	No
No assessed risk flags	£/€10,000 but less than £100K	No	Team Manager (Strategic Philanthropy Manager, Strategic Trusts and Grants Funding Manager, Regional Engagement Lead)	No
Risks identified, but benefits assessed as greater than risks	£/€10,000 but less than £100K	Yes	Head of Major and Individual Giving	No (reviewed through FMM Director's report to Trustees)
No assessed risk flags	£/€100K+	Yes	Head of Major and Individual Giving	No (reviewed through FMM Director's report to Trustees)
Risks identified, but benefits assessed as greater than risks	£/€100K+	Yes	Head of Major and Individual Giving	No (reviewed through FMM Director's report to Trustees)
No assessed risk flags	£/€1Million+	Yes	Director of Fundraising, Marketing and Media	No (reviewed through FMM Director's report to Trustees)
Risks identified, but benefits assessed as greater than risks	£/€1Million+	Yes	Director of Fundraising, Marketing and Media	No (reviewed through FMM Director's report to Trustees)
Risk identified (anonymous donation over £/€25K)	£/€25K+	N/A	Director of Fundraising Marketing and Media. (Needs to be reported to the Charity Commission as a serious incident (this does not apply in Scotland and Northern Ireland)).	Trustee approval required to accept or refuse
Risks identified and refusal recommended	Less than £/€1M In line with SFIs	Yes	Director of Fundraising, Marketing and Media	No (reviewed through FMM Director's report to Trustees)
Risks identified and refusal recommended	£/€1Million+	Yes	Director of Fundraising Marketing and Media	Trustee approval required to refuse
Returning funds that have already been accepted	Where an error has been made by the supporter; less than £/€1,000	n/a	Managed through the Donor error refund process	No
Returning funds that have already been accepted	£/€1,000 - £/€9,999.99	n/a	Leader (Head of Engagement or Head of Major and Individual Giving) , with approval from Director of Fundraising Marketing and Media (may wish to apply to the Charity Commission for an order authorising the charity to refund a donation or advice)	No
Returning funds that have already been accepted	£/€10,000 - £/€49,999.99	n/a	CE with recommendation from Director of Fundraising Marketing and Media and CFO (may wish to apply to the Charity Commission for an order authorising the charity to refund a donation or advice)	No

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Returning funds that have already been accepted	Greater than or equal to £/€50K	n/a	Trustees with recommendation from CE, CFO, Director of Fundraising Marketing and Media (may wish to apply to the Charity Commission for an order authorising the charity to refund a donation or advice)	Trustee approval required
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Risk flags indicating referral for support required

1. The donation is given with conditions attached (exclude requests for specific funding opportunities or standard donor recognition)	2. The donor has an HMP address
3. The donor is connected to the tobacco or arms industry	4. There are some allegations of the individual being connected to some illegal activity
5. There is a concern that the donor may be vulnerable or in a vulnerable circumstance	6. An intermediary is involved (e.g. IFA, solicitor, relative) (does not apply to Trusts and Grants)
7. The donation is from the proceeds of any gambling activity arranged offshore	8. The individual or any of their close associates is deemed high profile (activities are likely to attract significant media/social media interest) and has not had research completed in the last year
9. The donation is coming from overseas	10. There is some evidence of behaviours/questionable conduct which may conflict with RNLI values or ethical principles
11. You have some other concerns about accepting the donation	12. The donation is anonymous

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Appendix 2 Process for Indemnifying solicitors donating from dormant client accounts

1. If a donation is received from a solicitor's firm where the funds come from a dormant client account then, in exchange the RNLI is required to provide an indemnity to refund the solicitors firm in the unlikely event a client subsequently makes a legitimate claim against the sums donated to the RNLI. This indemnity will oblige the RNLI to refund all sums from the dormant client account to the solicitor's firm for bona fide claims.
2. Anyone issuing an indemnity form to a solicitor's firm must first gain their team manager's approval, then use the RNLI indemnity form template. Any other indemnity forms must be reviewed by the RNLI legal team prior to signature.
3. A copy of the signed indemnity must be stored on the supporter database against the donation

Appendix 3 - Asset donation statement:

The RNLI strives to ensure that every penny and cent raised and donated makes a positive difference to our lifesaving services, and that our future is sustainable and secure. To do this, we must always protect against risk to our reputation and limit our level of liability. By doing this, we can focus on saving even more lives at sea. The RNLI will normally decline the offer of a donation of a physical asset, such as a used motorised vehicle, boat, trailer, or any other item that could cause personal harm or injury if it malfunctioned and is not covered by a manufacturer's warranty, due to the obvious liability and risk that this could create. This includes any RNLI supporter groups, such as Branches and Guilds, from raising funds via an asset as described above. However, if the owner can personally sell the asset (without any RNLI involvement or affiliation) then the RNLI can consider accepting the funds raised, in line with all applicable policies and procedures. The funds can then be spent wisely through the implementation of our services.

Please note that at times there will be exceptions to the above where there is a reduction to the level of risk to the RNLI. Relevant factors include the value of the item and impact to our reputation. For example, it may be possible to accept a new vehicle with manufacturer's warranty or a high value classic vehicle that would be sold via a specialist auction or dealer etc. Each of these cases of exception would be reviewed and managed in line all with applicable policies and procedures via our Major Gift Team with support from other relevant internal teams as necessary.

The RNLI will continue to accept other physical asset donations such as art, raffle and auction prizes, experience days, etc. where the liability and risk is deemed low.

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