



DONATIONS POLICY FOR THE NEW FRITWELL VILLAGE HALL

FVH CIO needs to raise £600,000 (over and above its ongoing fundraising events to maintain the existing Hall) in order to provide a new village hall. Residents have been informed of the reasons for this (see meeting for residents) and plans have been submitted to Cherwell District Council. The secondary purpose of the fundraising will be to refurbish and/or extend the existing Village Hall.

Trustees will take into account all relevant aspects of the Fundraising Regulator's Code of Practice (www.fundraisingregulator.org.uk/code) in the development and pursuance of this policy. The Trustees will identify and refer to, the relevant sections in all fundraising activities. The Charity Commission guidance on fundraising has also been noted (<https://www.gov.uk/government/publications/charities-and-fundraising-cc20/charities-and-fundraising>)

The Trustees' aim is to make sure the fundraising is legal, open, honest and accountable - and in the charity's best interest. Sometimes the Trustees may need to refuse a donation – most times they can be accepted. This policy explains to all volunteers, and trustees how the CIO approaches accepting and refusing donations.

Only the **Trustees** of the CIO have the ultimate responsibility for decisions about accepting donations and the Trustees will make their decisions relating to the acceptance or refusal of donations in the best interests of the charity.

There is no legal statute to guide trustees on this matter, but there is legislation that trustees must make sure is met when deciding whether or not to accept donations. The legislation the Trustees will adhere to includes

- The Charities Act 1992: in relation to commercial participators and professional fundraisers.
- The Charities Act 2011: in relation to seeking the views of the Charity Commission on whether to accept or refuse a particular donation, or an order to sanction the trustees' dealings with charity property.
- The Bribery Act 2010: in relation to bribery offences.
- Finance Act 2011: in relation to tainted charity donations.
- Proceeds of Crime Act 2002: in relation to suspected money laundering.
- Terrorism Act 2000: in relation to disclosures of beliefs or suspicions of terrorism offences.

Fritwell Village Hall CIO, Fewcott Road, Fritwell, OX27 7QA
Website: www.fritwellvillagehall.co.uk



In soliciting funds, the Trustees will not knowingly mislead or provide false information, nor put undue pressure on a donor, particularly if he/she may be vulnerable. The Trustees will also take all reasonable steps to avoid asking for regular donations (for example, by standing order) from anyone aged under 18.

Donations deriving from wealth creating activities that are incompatible with the charitable objects are classified as “No Go” donations. The Trustees ‘No-Go’ areas are donations from any organisation or individual which are not compatible with the views of the CIO i.e. pornography.

Types of donations that would be accepted include:

- Cash of any amount
- Gifts in kind such as - but not limited to - venues, catering and advertising.
- Residuary legacies – a gift made of some or all of the remainder of an estate after all other gifts have been handed out and debts paid off.
- Pecuniary legacies – a gift made of a fixed sum of money.

Due diligence

The Trustees must undertake appropriate risk-based due diligence on potential partners before donations are accepted. However, the Trustees do not need to know the identity (or try to find out the identity) of each small cash donor i.e. under £500. (see risk assessment)

The Trustees must identify and weigh up risks and benefits to the Charities reputation with their due diligence checks. That may include risks such as harm to the beneficiaries’ interests, reputational damage, loss of public trust and the risk of breaking the law. Factors the Trustees will consider in making decision will include any physical or mental-health condition, disability or learning difficulties the person may have, whether the person is facing times of stress or anxiety, whether a donation is likely to affect the person’s ability to sufficiently care for themselves or leave them in financial hardship, how well the person can speak and understand English, whether the person is under the influence of alcohol or drugs and the person’s age.

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Refusal of Donations

The Trustees must not refuse or return donations, except in exceptional circumstances.

If the Trustees decide to refuse a donation, they must keep a record of their decision and the reasons for it.

The Trustees must carry out due diligence, appropriate for the size and nature of the donation, on both the financial and reputational dealings of possible partners before accepting their donations in line with their policies

The Trustees must only refund donations in line with your charitable institution's policies or in exceptional circumstances. If it is unclear whether or not the Trustees should give a refund, consider getting legal advice.

The Trustees must give a refund if a donor correctly exercises their right to one.

The Trustees can only refuse a donation when

- It would be unlawful to accept
- Accepting the donation would be detrimental to the charity.
- The individual or organisation holds views, or is involved in activities incompatible with our values as a charity.
- The donation may be an attempted scam, or to launder money or evade tax, or is in some other way illegal.
- There may be private benefit linked to the donation, such as an obligation to purchase goods or services from a specified company.
- Conditions attached to the donation are so inflexible that they undermine our independence. Or are so onerous as to compromise our effectiveness. Or restrict who may benefit to the extent of undermining our public benefit obligation.
- The cost of accepting the donation would exceed its value.

(See Paragraph 2.3 of the code of fundraising practice dated October 2019)

Return of Donations

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Under charity law, and in common with all registered charities, the trustees are only able to refund donations that are not in line with the CIO's Donations Policy in certain circumstances including:

- If the terms and conditions of the gift provide for it to be returned in particular circumstances; or
- Where the law specifically provides for the gift to be returned in particular circumstances;

Depending on the circumstances, there may be restrictions on whether a donation can be returned, and the relevant charity regulator may need to allow such returns by issuing a specific order.

The Trustees will require any donor not giving a donation through a third party or through the giving tins to complete a donation form. (see the Charity's GDPR policy)

Anonymous Donations

The Trustees would only accept anonymous donations through fundraising sites or through a legal representative.

CASH donations

All cash donations will be collected via the collection boxes only. No Trustee or Friend of the charity can accept cash donations.

GIFT Aid

Gift Aid allows registered charities to reclaim tax on donations made by UK taxpayers. This effectively increases the amount of the donation. The Trustees must only claim Gift Aid for a donation if all of the Gift Aid conditions are met. One of these is that a donor's Gift Aid declaration must meet HMRC's guidance on Gift Aid.

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This policy will be reviewed on an annual basis. All donations and accounts will be reviewed on a regular basis at the Trustee meetings.

(See financial regulations and other related policies)

Record Keeping

A donation must be used for the purpose for which it was given. The Trustees must keep a record of donations that are given for specific purposes to make sure that they keep to the conditions of the donation. A donor form will be completed for any donations over £100.

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