

Ethical Fundraising & Donations Policy

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| Name & job title of document author: | Louise Cook (Head of Fundraising) & John Paul Garside (Board Secretary & Executive Lead for Charitable Funds) |
| Division responsible for document: | N&N Hospitals Charity Team |
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| For use in: | All Trust Departments |
| For use by: | All staff actively involved in fundraising for the N&N Hospitals Charity |

Key points summary:

- This Policy sets out boundaries and approaches intended to protect the reputation of the Charity in the areas of fundraising and donations;
- It provides an overview of the Charity's policies with respect to:
 - naming rights** – authority is reserved to the Trust Board/Corporate Trustee;
 - conditions associated with donations** – what is acceptable & unacceptable as a conditional gift;
 - association with third parties** – how will we decide whether to agree to a relationship with potential corporate or personal supporters;
 - acceptable and unacceptable donations** – circumstances in which we may decline donations;
 - appropriate fundraising** – ensuring that fundraising on behalf of the Charity is sensitive to the context, values and best interests of the Charity;
 - safeguards to be applied to promote **responsible and safer gambling** with regard to fundraising through games of chance.
- The Policy is considered consistent with national guidance and local Trust policies. Details are given of sources of advice in case staff have questions or concerns.

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| Key words: | Ethical, Fundraising, Donation, Charity |
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Version Information

| Version | Updated By | When | Description of Changes |
|---------|------------|----------|---|
| 3 | JPG | June '20 | Insertion of provisions relating to responsible gambling. |
| 4 | JPG | July '22 | Periodic review. Cross reference to Trust Green Plan and Anti-Slavery Statement |

1. Background and Context

- 1.1 The Norfolk and Norwich Hospitals Charity ('the Charity') (registered Charity no 1048170) is the primary Charity associated with the NNUH Foundation Trust.
- 1.2 The support of the public for our Charity is hugely appreciated and valued. To maintain and grow public support for the Charity we must:
- i) show that we are using donations appropriately, efficiently and economically;
 - ii) demonstrate and publicise the benefits achieved through the Charity;
 - iii) protect the reputation of the Charity in terms of probity and ethics – so that it is recognised as an organisation in which the public and potential donors can have confidence and with which they wish to be associated.
- 1.3 With respect to Fundraising, it is the third of these imperatives that this Policy aims to address in the following areas:
- i) Naming Rights
 - ii) Restrictions or conditions associated with donations
 - iii) Association with third parties
 - iv) Acceptable and unacceptable donations
 - v) Appropriate fundraising
 - vi) Decision making

2. Naming Rights

- 2.1 In some circumstances, the Charity and/or Foundation Trust may wish to recognise and reflect a major donation or long-term relationship through naming a part of the Hospital Estate or activity after an individual donor or organisation. Only the Foundation Trust Board and/or Corporate Trustee (as circumstances dictate) has authority to agree the award of naming rights (in accordance with the Schedule of Matters Reserved to the Trust Board).

3. Restrictions or conditions associated with donations

- 3.1 It is possible to anticipate that certain restrictions or conditions of donation may be unacceptable to the Charity – for example a requirement that funds may only be used in a specific locality or for a purpose that does not accord with the Charity Objects or the strategy of the Charity or Foundation Trust.
- 3.2 Donations that are offered to the Charity with restrictions may therefore only be accepted on behalf of the Charity once approval has been received from either the Charitable Funds Committee or Corporate Trustee, with delegated authority to the Executive Lead for Charitable Funds where such restrictions are obviously not contentious (e.g. donation to or consistent with a fundraising appeal).
- 3.3 When considering accepting any particular donation, the Charity will ensure that association with the potential donor does not compromise the Charity's ethical position or reputation or put future funding at risk.

4. Association with third parties

Celebrity or Other Endorsement

- 4.1.1 The Charity is very grateful for the support of 'celebrities' or persons with a prominent public profile. This can help raise awareness of the work of the Charity and the beneficial impact it can achieve. Notorious cases, such as that of Jimmy Saville, highlight however the importance of ensuring that appropriate due

diligence is undertaken and maintained to safeguard the reputation of the Charity and the interests of associated patients and public.

4.1.2 Appointment of Patrons or Ambassadors for the Charity will be subject to the provisions of a specific Standard Operating Procedure and the involvement of external parties through the Charity will be in accordance with the Foundation Trust's policies on safeguarding adults and children.

4.1.3 In any event, the Charity reserves the right to decline to enter into a relationship with a third party or to end such a relationship at any time if it is considered detrimental to the reputation or best interests of the Charity. The Corporate Trustee will be the final arbiter of what it considers to be the best interests of the Charity.

4.2 Corporate and organisational collaborations

4.2.1 The Charity welcomes co-operative relationships with a wide range of organisations from corporate and third sectors. A non-exhaustive list of examples of such collaboration may include the following:

- Staff fundraising
- Payroll Giving
- Donations/matched giving
- Secondments
- Employee involvement and volunteering
- Gifts in Kind
- Royalties
- Sponsorship of identified posts or activities, potentially in return some form of public recognition

4.2.2 All potential partnerships and initiatives will be considered on a case by case basis. Those that involve novel or potentially contentious approaches will be escalated to the Executive Lead for Charitable Funds, Charitable Funds Committee and/or Corporate Trustee as appropriate.

4.2.3 As appropriate a written agreement/contract between the Charity and external party will be produced for each joint initiative/collaboration. The Charity should retain editorial control and copyright over materials produced through such joint activities.

4.2.4 The Charity has identified certain sectors of business that are not appropriate for association with the Charity. This is reflected in the Charity's Investments Policy and similar restrictions apply to fundraising such that the Charity will not accept financial support from, or enter into a partnership with, third parties involved in:

- manufacture of tobacco products;
- production of pornography;
- armaments.

4.3 Working with the Pharmaceutical and Medical Device sectors

4.3.1 The Charity may seek collaboration with companies that manufacture and market drugs and other medical treatments and products. In doing so, the Charity should avoid putting itself in a position where it might be perceived to be endorsing or promoting a particular product, service or treatment. We therefore expect any pharmaceutical company working with the Charity to adhere at all times to the

Association of British Pharmaceutical Industry (ABPI) Code of Practice (2019) as may be amended from time to time.

4.4 The circumstances of fundraising collaborations should be kept under review by the Charitable Funds Committee to ensure that they continue to be in the best interests of the Charity.

5. Acceptable and unacceptable donations

5.1 The Corporate Trustee reserves the right to decline any donation from any source at its discretion and in accordance with its views of the best interests of the Charity. The following are relevant factors to be taken into account:

- there is a reasonable suspicion that the support derives from the proceeds of crime;
- the support derives from a source that is inconsistent with the values and objectives of the Charity, as adjudged by the Corporate Trustee;
- acceptance is likely to deter current or future association with the Charity in a material way;
- conditions associated with the donation create onerous obligations for the Charity, for example upkeep of an unsuitable building, the cost of which might outweigh the benefit;
- support is offered in an attempt to procure privileged access to NHS contracts or treatment or to unduly influence the policy or activities of the N&N Charity or Foundation Trust;
- acceptance would be in contravention of the Bribery Act 2010 or compromise the Charity's status as a registered charity;
- the principles and positions set out in the Trust's Anti-Slavery Statement and the Trust's Green Plan.

6. Appropriate fundraising

6.1 It is important that fundraising on behalf of the Charity is consistent with the values and objectives of the Charity. Fundraising activities can have impact not only in raising financial support but also in enhancing the profile and reputation of the Charity and its work.

6.2 The Charity Team will accordingly apply professional judgement and guidance to ensure that the best interests and values of the Charity are promoted and maintained. Fundraising activities will comply with data protection legislation and guidance from the Charity Commission, Department of Health and the Fundraising Regulator – Code of Fundraising Practice.

6.3 In order to ensure that promotion and marketing efforts on behalf of the Charity properly reflect its values and objectives, any proposed approach that is novel or contentious should be escalated to the Executive Lead for Charitable Funds, Charitable Funds Committee and/or Corporate Trustee as appropriate for decision as to whether this is appropriate for the circumstances of the Charity.

6.4 Care must be taken to protect the reputation of the Charity by association and approval must be sought from the Charity whenever its brand (name or logo/s) are intended for use in any internal or external communications. Prior approval of the Executive Lead for Charitable Funds, Charitable Funds Committee and/or Corporate Trustee should be sought before any public endorsement of product or services on behalf of the Charity.

6.5 The use of donations arising in response to fundraising appeals may be restricted by the terms of those appeals. This can limit the beneficial effect of such donations. It can also

generate difficulties where operational or patient circumstances change, or where donated funds are no longer required for the specific purpose previously identified. All appeals on behalf of the Charity should therefore be broadly worded or accompanied by an explanation to the effect that appeal proceeds may be used for other purposes of the Charity in the event that the appeal purposes cannot be fulfilled. (Further detail is included in the Charitable Funds Classification Policy).

7 **Responsible Gambling**

7.1 There is a long and distinguished history of the use of games of chance in fundraising for good causes – the tombola at the church fete, a Christmas raffle, the Charity Prize Draw at a fundraising dinner, or the National Lottery

7.2 The N&N Hospitals Charity uses vehicles that involve gambling – for example the Boudicca Appeal Raffle. We also accept funds derived from lottery sources – e.g. the National Lottery or the 2020 Virtual Grand National, which recently raised £2.6m for NHS Charities Together.

7.3 In this regard the N&N Charity is following accepted and established best practice. There are over 140 examples of NHS hospitals and health charities that operate lotteries, including Addenbrookes, Royal Brompton & Harefield, Royal Free, Royal Surrey, Royal Papworth, Cheltenham & Gloucester, East & North Herts, East Kent, Leicester, Southampton, St George's, UCLH, Birmingham Children's, Colchester & Ipswich, Isle of Wight, Luton & Dunstable, Bristol Children's, Coventry & Warwickshire, Royal National Orthopaedic, East Coast Hospice, Sue Ryder, St John' Hospice, Leukaemia UK, Myeloma UK, The Christie Charity, World Cancer Research Fund, Liver Trust, Cystic Fibrosis Trust, Colostomy UK, Haemophilia Society, Moorfields Eye Charity and East Anglian Air Ambulance.

7.4 It is however recognised that there is significant concern about 'problem gambling' and the impact that this can have in terms of mental health, social dysfunction, family disruption, financial distress and domestic violence. It is therefore right that we should apply appropriate safeguards to avoid association with or encouragement of gambling behaviour that has a negative impact.

7.5 Based on best practice in other healthcare charities and guidance from the Charity Commission, a set of procedures and principles for responsible and safer gambling have been set out in Appendix A to this Policy.

8 **Decision Making**

8.1 The Corporate Trustee is the body with authority to determine any questions of judgement arising in the application or interpretation of this Policy. The Corporate Trustee retains the right to refuse a donation or association with a third party at its discretion and guided by its views on the best interests of the Charity.

9 **Sources of advice**

9.1 Staff are advised to refer any concerns or questions regarding appropriate fundraising, donations or other partnerships to the Charity Team for advice and assistance (01603 287107 or fundraising@nnuh.nhs.uk).

10 **References and associated policies**

10.1 National guidance:

- Charity Commission guidance: <http://www.charitycommission.gov.uk/detailed-guidance/fundraising/wills-and-charitable-legacies/ex-gratia-payments-by-charities>

- Association of the British Pharmaceutical Industry (ABPI) - Code of Practice for the Pharmaceutical Industry (2019)
- Fundraising Regulator – Code of Fundraising Practice
<https://www.fundraisingregulator.org.uk/code>
- Charity Commission guidance: Information to lottery players: proceeds and prizes (April 2020)

10.2 Trust and Charity Policies:

- SOP for Appointment of Charity Appeal Patrons & Ambassadors
- N&N Hospitals Charity Funds Classification Policy (Trust Docs ID 16428)
- N&N Hospitals Charity Investment Policy (Trust Docs ID 15771)
- VIP Visitors Policy (Trust Docs 11488)
- Safeguarding Adults and Children policies (Trust Docs ID 1105 & 1179)
- Trust Environmental Sustainability Plan (Green Plan)
- Trust Anti-Slavery Statement (as contained in Trust Annual Report)

Appendix A – procedures and principles concerning responsible and safer gambling

Context and Background:

- A.1 The N&N Hospitals Charity is grateful for all the support that it receives from our community and we are continuously impressed and appreciative of the varied and creative means that our supporters employ to raise funds on our behalf.
- A.2 Such fundraising endeavours may involve games of chance – for example the Boudicca Appeal Raffle organised for us by the Rotary Clubs of Norwich, a tombola at the Open Day or a Prize Draw at a fundraising dinner. We also gratefully accept funds derived from lottery sources – e.g. the National Lottery or the 2020 Virtual Grand National, which raised £2.6m for NHS Charities Together. In this regard the Charity is following accepted and established best practice.

There are over 140 examples of NHS hospitals and health charities that operate lotteries, including:

- Addenbrookes, Royal Brompton & Harefield, Royal Free, Royal Surrey, Royal Papworth, Cheltenham & Gloucester, East & North Herts, East Kent; and
- Leicester, Southampton, St George's, UCLH, Birmingham Children's, Colchester & Ipswich, Isle of Wight, Luton & Dunstable, Bristol Children's; and
- Coventry & Warwickshire, Royal National Orthopaedic, East Coast Hospice, Sue Ryder, St John' Hospice, Leukaemia UK, Myeloma UK, The Christie Charity; and
- World Cancer Research Fund, Liver Trust, Cystic Fibrosis Trust, Colostomy UK, Haemophilia Society, Moorfields Eye Charity and East Anglian Air Ambulance.

- A.3 It is however recognised that there is significant concern about 'problem gambling' and the impact that this can have in terms of mental health, social dysfunction, financial difficulties, family disruption and domestic violence. It is therefore right that we should apply appropriate safeguards to avoid association with or encouragement of gambling behaviour that has a negative impact.
- A.4 Based on best practice in other healthcare charities and guidance from the Charity Commission, a set of procedures and principles for responsible and safer gambling have been established to apply to the N&N Hospitals Charity.
- A.5 The Gambling Act 2005 governs the way that Charity raffles and lotteries are operated. The Gambling Act is regulated by the Gambling Commission which was established to monitor gambling activity in the UK. NB the Gambling Commission uses the term lottery and raffle interchangeably ("*lotteries (also known as raffles)*") <https://www.gamblingcommission.gov.uk/for-the-public/Fundraising-and-promotions/Fundraising/Lotteries-at-events.aspx>
- A.6 The Charity will ensure that raffles, prize draws, lotteries or other 'games of chance' with which it is associated are run in accordance with the law and requirements of the Gambling Commission.

A.7 Key principles are to ensure:

- i) gambling is conducted in a **fair and open** way;
- ii) **a minimum age of 18** shall apply to participants (NB this is higher than the 16 years specified by the Gambling Commission);
- iii) gambling is prevented from being a source of **crime or disorder**, being associated with crime or disorder or being used to support crime.

These three principles are addressed in turn as below:

A.8 Fair and Open Proceedings

The N&N Hospitals Charity will ensure that:

- Terms and Conditions for the running of raffles are fair and open and are published on the Charity's website so as to be available to participants or potential participants;
- Participants will be notified of any changes to the terms before they come into effect;
- Manual draws will be witnessed by at least one independent representative other than that person manually selecting the winning tickets;
- Winning numbers will be published on the Charity's website;
- Prizes will be delivered directly to winners so that their identity can be verified and publicised where possible, so that there is openness and transparency that entries have not been manipulated by 'hidden' third parties.

A.9 Children and Vulnerable Persons

The Charity will not permit vulnerable people or any person under the age of 18 to participate in a lottery, raffle or any other form of gambling;

The N&N Hospitals Charity has implemented the following procedures to ensure that its raffles or other fundraising games of chance do not attract vulnerable people or persons under the age of 18:

- the rules and associated marketing and promotional literature, including any tickets, will adequately and effectively advertise the minimum age for participation;
- staff, volunteers and representatives who are selling tickets will request any entrant who appears to be under the age of 18 to produce appropriate proof of identity and age before being allowed to purchase a ticket;
- if a person enters a N&N Hospitals Charity raffle stating that they are over the age of 18 years but subsequently it is found that they are less than 18 years of age, they will have any entry money paid returned to them and where relevant they will automatically forfeit the right to any prize;
- we will keep under review on at least an annual basis the methodology adopted in order to establish whether or not potential or actual participants are over 18 years old and will implement all reasonable improvements that may become available as

technology advances and as information improves;

- to ensure that entry tickets are not knowingly sold to vulnerable people, we will politely refuse to accept any further participation from people who have been discovered to be vulnerable or are suspected of being vulnerable, typically by recommending that the customer speaks with a carer or family member, before proceeding further with the transaction.

A.10 Crime and Disorder

The N&N Hospitals Charity is committed to preventing gambling from:

- being a source of crime or disorder;
- being associated with crime or disorder or being used to support crime.

In order to support these commitments:

- the Charity will refuse to be associated with any proposed lottery/raffle scheme or other gambling activity that is suspected to breach the law;
- the Charity will refuse to contract with any contractors or agents who are reasonably suspected of being associated with any potential or actual criminal activities;
- the Charity will require all suppliers associated with organising a proposed lottery/raffle scheme to provide information about responsible gambling and appropriate signposting for help with problem gambling;
- a Standard Operating Procedure for sellers of tickets on behalf of the Charity will apply to each raffle/lottery to ensure transparency and probity;
- all money received by the Charity will be handled in accordance with Standing Financial instructions and cash handling policies;
- the Charity will maintain records of all tickets distributed and any tickets not returned;
- the Charity will provide the Gambling Commission with all relevant information which may relate to the commission of an offence under the Gambling Act;
- any known or suspected use of the proceeds of crime in gambling will be escalated within the Charity Team and reported to the Local Counter Fraud and Security Management (LCFS) for advice in relation to potential money laundering and duties arising under the Proceeds of Crime Act.

A.11 Responsible Gambling

The N&N Hospitals Charity has put in place the following procedures to encourage people to gamble responsibly and seek help should gambling become a problem:

- ticket purchases will not be permitted by credit card;
- we will apply a ticket pricing policy and maximum spending limits as may be considered appropriate from time to time in order to discourage problem gambling;

- all ticket despatches are recorded and players can request a self-exclusion from our database for future participation in raffles, lotteries or similar fundraising activities;
- information about responsible gambling and accessing help in respect of problem gambling will be promoted and made readily available to all participants or potential participants;
- the raffle rules and any raffle marketing and promotional literature, including invitations to purchase raffle tickets will, as far as is reasonably possible, advertise the Gamble Aware logo, the Gamble Aware website and the GamCare National Helpline number (0808 8020 133), with the following supporting text:

“If you feel you have a problem with gambling, visit www.gambleaware.co.uk or call the GamCare National Helpline on 0808 8020 133.”

A.12 Problem Gambling

GamCare is a registered charity that provides confidential telephone support and counselling to anyone who is affected by problem gambling. GamCare can be contacted through a confidential helpline on 0845 6000 133 (local rate from UK) operated by trained counsellors.

A range of advice and resources is available from the GamCare website www.gamcare.org.uk/

The N&N Hospitals Charity will endeavour to ensure that it identifies and reacts to any suspected problem gamblers. If the Charity receives an application to participate in a raffle from a suspected problem gambler:

- the customer will be referred to GamCare;
- care will be taken with regard to future written and verbal communications to avoid encouraging gambling or participation in future raffles;
- the matter will be escalated within the Charity Team and a limit applied to purchase of entry tickets.

A.13 Self-Exclusion From Gambling

The N&N Hospitals Charity will ensure that any person who has asked to be excluded from raffle mailings is not contacted by Charity for these purposes. If an existing customer self-excludes from gambling:

- the Charity will use reasonable endeavours to ensure that any person who has asked to be self-excluded from gambling is removed from any gambling related marketing databases within two weeks of the Charity receiving the completed self-exclusion notification;
- self- excluders will then not then receive any future marketing materials that are focussed on gambling, for a minimum of six months and unless the participant has agreed to or applied to receive such materials;
- all communication between staff and self -excluders or suspected problem gamblers should be recorded in writing and monitored and approved by the senior manager

responsible for raffles.

At its discretion, the Charity may choose to exclude a person from all of its databases, to avoid accidental communication in breach of a self-exclusion request.

If the Charity receives an application to participate in a game of chance from a person who has previously advised the Charity that they have excluded themselves from participating in gambling:

- the application will be rejected and the prospective customer will be advised in writing of the reasons for rejection and referred to GamCare;
- all communication between staff and self-excluders or suspected problem gamblers will be recorded in writing and monitored and approved by the senior manager responsible for raffles.

A.14 Complaints or Concerns

Any complaints or concerns relating to raffles and games of chance associated with the Charity will be handled in accordance with the N&N Hospitals FT Complaints Policy and will be reported to the Gambling Commission as required.

A.15 Marketing and Advertising

The N&N Hospitals Charity will comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) which apply to the form and media in which they advertise any fundraising activities that may involve gambling.

At all times, the Charity will seek to ensure that marketing materials are socially responsible and do not feature anyone who appears to be under the age of 25 years old participating in a game of chance.