

## Policy for Accepting Donations

Donations help us continue to give children better educational experiences. Our aim is to make sure our fundraising is legal, open, honest and accountable - and in our best interest.

Sometimes we may need to refuse a donation – most times we can accept. This policy explains to all The St Michael Steiner School volunteers, staff and trustees how St Michael Steiner School approaches accepting and refusing donations.

### DEFINITIONS

What legislation do we follow?

Trustees have the ultimate responsibility for decisions about accepting donations. There is no legal statute to guide trustees on this matter, but there is legislation that trustees and advisers must make sure is met when deciding whether or not to accept donations.

Relevant legislation 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.

Trustees must also take decisions relating to the acceptance or refusal of donations in the best interests of the charity.

What types of donations can The St Michael Steiner School accept?

- Cash of any amount.
- Publicly traded shares at fair market values.
- Land and buildings.
- Personal property.
- Gifts in kind such as - but not limited to - venues, catering and advertising.

The St Michael Steiner School may also be named as the beneficiary of planned gifts:

- 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.
- Specific legacies – a particular named item left as a gift in a will, for example shares, property, jewellery, furniture or a painting.

## The St Michael Steiner School

### Due diligence

The St Michael Steiner School must undertake due diligence on potential partners before donations are accepted. However we don't need to know the identity (or try to find out the identity) of each small cash donor.

St Michael Steiner School takes a risk-based approach to due diligence. This means we must identify and weigh up risks and benefits to St Michael Steiner School with our due diligence checks.

### When can The St Michael Steiner School refuse donations?

St Michael Steiner School can only refuse a donation - as explained by the Institute of Fundraising - when:

- It would be unlawful to accept it (for example the gift comprises the proceeds of crime).
- Accepting the donation would be detrimental to the objects of The St Michael Steiner School, as set out in our articles of association. Such detriment or anticipated detriment has to be set against the benefit of having the funds from the donor, which enable The St Michael Steiner School to pursue its purposes.

### When can St Michael Steiner School return donations?

- Under charity law, and in common with all registered charities, St Michael Steiner School is only able to refund donations 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; or
- By way of an ex-gratia payment.

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

### Where can I get more information or advice?

- Contact the College, [college@stmichaelsteiner.com](mailto:college@stmichaelsteiner.com)
- As a trustee in England and Wales you can seek the view of the Charity Commission under section 110 Charities Act 2011 (power to give advice), or an order from the Charity Commission sanctioning a decision under section 105 Charities Act 2011 (power to authorise dealings with charity property etc).