



Wellacre Donations Policy

1. Purpose

This document sets out the School's policy for the acceptance of donations. It is intended for the School community and for prospective donors and their advisers, providing assurance that all donors are treated equitably. It is not intended to cover gifts and hospitality offered to individual members of the School which are the subject of a separate policy.

Wellacre actively encourages philanthropic support, in line with its charitable status, and views increasing such support as a key element in being able to fulfil its mission.

2. Context

Wellacre Academy holds the dual status of a company limited by guarantee under the Companies Act 1985 and an exempt charity under Schedule 3 of the Charities Act 2011. In principle, trustees of a charity are expected to accept money given to that charity for purposes consistent with the charity objects, but the trustees have discretion to consider other factors relevant to the charity's best interests.

In addition, the UK Bribery Act 2010 requires the institution to ensure that the receipt of a donation is not related to some inappropriate advantage that be afforded to the donor. Other relevant legislation includes the Proceeds of Crime Act 2002, the Terrorism Act 2000 and the Money Laundering Regulations 2007 under which it is an offence to receive, retain or convert money or property known or reasonably suspected to be the product of criminal activity.

Wellacre is bound by the Financial Handbook for Academies; trustees are expected to act in accordance with this and the Seven Principles for Public Life at all times.

3. Definitions and scope

This policy applies to all philanthropic donations received by Wellacre. A donation, or gift, is a voluntary transfer of money by an individual or organisation, made with philanthropic intent for the benefit of the institution.

Wellacre actively seeks and can accept donations from the following sources in accordance with this policy:

- Donations from individuals in the UK and overseas.
- Grants from charitable trusts and foundations in the UK and overseas.
- Donations from companies in the UK and overseas.

- Donations from legacy bequests.
- Grants from overseas governments or their agencies and foundations.

4. Acceptance Principles

Donations are accepted and held by Wellacre in accordance with the Financial Handbook for Academies.

In considering the acceptance of any donation, Wellacre will consider if the donation is compatible with the purposes and goals outlined in its Memorandum and Articles of Association, all relevant legislation and Wellacre policies and regulations.

Wellacre will not accept donations where the sources, or naming of a gift fall short of the standards determined through the procedures for the ethical review of grants and donations, where:

- The funds may have been illegally or unethically obtained.
- Acceptance may damage the reputation of Wellacre.

Wellacre will not accept donations which compromise the independence of Wellacre. Examples include but are not limited to gifts that:

- Intend to influence the application of the School's selection criteria for admissions.
- Intend to affect the academic record of any current or future students or have bearing on any dispute between a student and the School about the outcome of his/her programme of study.
- Intend to influence the conferral of any academic or non-academic privilege, benefit or undue advantage upon any currently registered or future student.
- Limit Wellacre's academic freedom or its capacity to operate independently.
- Give rise to an unacceptable conflict of interests.

Wellacre must be consulted and agree to any publicity relating to any donation before issue to the media.

Wellacre will not accept donations which are counter to Wellacre's interests. Examples include but are not limited to gifts that:

- Do not further or are in conflict with the Wellacre's mission and/or values.
- Are too difficult or expensive to administer or could create unacceptable liability or future expense.
- Fail to meet the requirements of the Equalities Act 2010.
- Violate the terms of this policy or other School policies or regulations approved by WELLACRE Council.

Wellacre will not accept donations from registered students or known close relatives (parents, spouses, legal partners, children, grandparents, step-parents and former or current legal guardians) of registered students under the following circumstances:

- Where any naming recognition is proposed, whilst the student is registered.
- Where accepting the donation would be harmful or detrimental to the student or reputation of the School.

5. Approach, Negotiation and Acceptance Practices

General

All philanthropic donations must be coordinated through the Full Governing Body in order for the School to meet its legal obligations as a charity, to protect donor rights and expectations and to manage conflicting requests from different parts of the school.

The Full Governing Body must therefore be informed, in accordance with the procedures for the Ethical Review of Grants and Donations, of an intended approach to a donor before it is made, or of any approaches from a donor which have been made to any member, department or other academic unit or any division within the School as soon as possible after the approach has been made.

All donations or funding proposals over £500 must be approved by the Full Governing Body before any action is taken.

Ethical Review and Independence

All donations with which there are ethical concerns will be subject to due diligence and full review. With respect to donors that pose potentially high ethical or reputational risks, approval must be obtained prior to a proposal for a donation being submitted to the potential donor, or when a donor approaches the School before negotiations with the donor can continue. In all other cases, approval must be obtained to continue negotiations as soon as it becomes clear that a donation will be made, or to continue negotiations if issues arise during the course of negotiations which give rise to ethical concerns. Approval must always be obtained prior to acceptance of a donation by the School.

Naming rights in recognition of a donor, a third party or in memoriam are also subject to due diligence in the same way as donations as indicated in the paragraph above.

Wellacre will encourage and advise that acceptable donations from parents or close relatives support unrestricted School funds.

Donors are not permitted to participate in the selection or appointments to any position within Wellacre, paid or unpaid, including those to which they have donated or which are associated with projects which they have funded.

Naming Recognition

In addition to approval, proposed donations which involve naming will be subject to levels of approval as follows before the funding announcement becomes public:

- The naming of any Wellacre department, centre, building or grounds as part of a donor agreement will be subject to review and approval from the Full Governing Body.
- The naming of portions of a Wellacre building or a classroom, seminar room or lecture theatre, as part of a donor agreement, will be subject to review and approval from the Full Governing Body.
- The naming of plaques requires approval from the Principal.

Naming may be withdrawn by the Full Governing Body where subsequent concerns arise regarding the source of the funding or the individual or organisation named.

Violation of Principles

If it appears that a proposed donation may violate one of principles contained within this policy, the Business Director must bring it to the attention of the Principal, to determine further action.

6. Bequests and gift restrictions

Wellacre welcomes notification by donors that they have included Wellacre in their wills or estate plans, the Business Director would record this information confidentially.

Unrestricted gifts, such as those received through the Wellacre parental contributions programme are extremely valuable to Wellacre and are allocated to school purposes at the discretion of the Principal, subject to approval by the Resources Committee.

In appreciation of substantial philanthropic support, Wellacre may accept restricted donations with specific restrictions to a particular department or unit, area or course of study.

However, restrictions should fit within the mission of the School and must comply with equalities legislation and School policies.

Restricted donations are subject to the approval of the Full Governing Body in consultation with the Principal.

7. Gift agreements

A written gift agreement is required for all charitable contributions or pledges to Wellacre which are not given as contributions for those purposes identified by the school.

All gift agreements provided to donors by Wellacre should be in the form of templates which are available from the Business Director.

Gift Agreements must include the details of the gift, the project to be supported (if restricted), fulfilment schedule, naming rights (if applicable), relevant stewardship information and principle statements on academic freedom, including but not limited to statements affirming no donor involvement in decisions on recruitment, student admissions and the achievements of students.

Gift agreements for endowment must include a standard clause reserving the authority of the Full Governing Body to change the use or purpose of the donation when its object is no longer viable at Wellacre. For example, where Wellacre no longer offers a course for which a restriction has been accepted.

Restrictions related to the use or purpose of a donation should be written as intentions or preferences to allow Wellacre the greatest latitude in ensuring future use. When that is not possible, the agreement should reserve the authority of Council to change the use or purpose of the donation as circumstances change.

8. Gift processing and acknowledgement

All donations to Wellacre must be processed and recorded confidentially by the Business Director to ensure compliance with this policy.

9. Legal or financial advice

Wellacre does not provide legal advice or financial planning services for donors. Prospective donors should seek the assistance of their own legal and financial advisors in matters relating to donations and to tax and estate planning consequences.

To avoid conflicts of interest or the appearance of improper influence, WELLACRE will not pay legal or other fees for the preparation of a donor's will or other documents which name WELLACRE as a beneficiary.

10. Roles and Responsibilities

The Full Governing Body has overall responsibility for this policy including the specific responsibilities set out herein.

The Full Governing Body is responsible for the School's ethical framework and ensuring the Ethics Code and Guidance is embedded in the life and work of the School through the plans, policies, procedures, guidelines and other documents which govern and inform the conduct of the business of the School.

The Full Governing Body is responsible for deciding whether the sources of funding coming in to the School via prospective grants or donations referred to it are ethically acceptable as set out in Section 4: Ethical Review and Independence.

The Full Governing Body is responsible for determining naming opportunities as set out previously.

The Full Governing Body is responsible for approving naming as set out previously and for agreeing to and signing gift agreements in accordance with the Financial Handbook for Academies.

The Principal/Business Director are responsible for:

- Managing the shared interests of donors and the School in conjunction with this policy.
- Co-ordinating procedures for ethical review and recording decisions.
- Constructing and advising on gift agreements, including templates for agreements.
- Processing donations and recording donations.