

Code of Ethical Fundraising for Durham School

A. Donor's Rights

1. All fundraising solicitations by or on behalf of Durham School will disclose the Durham School's name, charity number and purpose for which the funds are requested. Printed solicitations (however transmitted) will also include its address or other contact information.
2. Donors and prospective donors are entitled to the following, promptly upon request:
 - the most recent annual report and financial statements;
 - confirmation of the charitable status of Durham School;
 - a copy of this code.
3. Donors and prospective donors are entitled to know, upon request, whether an individual soliciting funds on behalf of Durham School is a volunteer, an employee or a hired solicitor.
4. Donors will be encouraged to seek independent advice if Durham School has any reason to believe that a proposed gift might significantly affect the donor's financial position, taxable income, or relationship with other family members.
5. Donors' requests to remain anonymous will be respected in recognition and stewardship activities.
6. The privacy of donors will be respected. Any donor records that are maintained by Durham School will be kept secure and confidential. Records will only be accessed by members of the Development, Finance and in some circumstance the Careers Offices. Donors have the right to see their own donor record, and to challenge its accuracy.
7. Donors and prospective donors will be treated with respect. Every effort will be made to honour their requests to:
 - limit the frequency of solicitations;
 - not to be solicited by telephone or other technology;
 - receive printed material concerning the Durham School.
8. Durham School will respond within 30 days to a complaint by a donor or prospective donor about any matter that is addressed in this ethics policy. The Development Director will attempt to satisfy the complainant's concerns in the first instance. A complainant who remains dissatisfied will be informed that he/she may appeal in writing to the Headmaster, who will respond to this appeal within a further 30 days. If the issue remains unresolved the complainant may pursue the matter with the Fundraising Regulator.

B. Fundraising Practices

1. Fundraising solicitations on behalf of Durham School will:
 - be truthful
 - accurately describe the Durham School's activities and the intended use of donated funds
 - respect the dignity and privacy of those who benefit from the Durham School's activities
2. Durham School will obtain the written permission of all persons cited in case studies and other promotional material (including photographs) prior to publication.
3. Volunteers, employees and hired solicitors who solicit or receive funds on behalf of Durham School shall:
 - adhere to the provisions of this code
 - act with fairness, integrity, and in accordance with all applicable laws
 - adhere to the provisions of applicable professional codes of ethics, standards of practice, including those published by the Institute of Fundraising.
 - cease solicitation of a prospective donor who identifies solicitation as harassment or undue pressure;
 - disclose immediately to Durham School any actual or apparent conflict of interest; and
 - not accept donations for purposes that are inconsistent with the Durham School's objects or mission.
4. Paid fundraisers, whether staff or consultants, will be compensated by a salary, retainer or fee, and will not be paid finders' fees, commissions or other payments based on either the number of gifts received or the value of funds raised. Compensation policies for fundraisers, including performance-based compensation practices (such as salary increases or bonuses) will be consistent with the Durham School's policies and practices that apply to non-fundraising personnel.
5. Durham School will not sell its supporter lists.
6. The Governors will be informed at least annually of the number, type and disposition of complaints received from donors or prospective donors about matters that are addressed in this code.

C. Financial Accountability

1. The Durham School's financial affairs will be conducted in a responsible manner, consistent with the ethical obligations of stewardship and the legal requirements of the Charity Commission.
2. All donations will be used to support the mission of Durham School.
3. All restricted or designated donations will be used for the purposes for which they are given. If necessary due to programme or organisational changes, alternative uses will be discussed where possible with the donor or the donor's legal designate. If the donor is deceased or legally incompetent, and Durham School is unable to contact a legal designate, the donation will be used in a manner that is as consistent as possible with the donor's original intent.
4. Annual financial reports will:
 - be factual and accurate in all material respects
 - be prepared in accordance with generally accepted accounting principles and standards.
5. The cost effectiveness of the Durham School's fundraising programme will be reviewed regularly by the Governors

D. Acceptance and Refusal of Donations

1. The ultimate responsibility to accept or decline a donation resides with the Governors.
2. Donations up to and including a value of £10,000 may be accepted by the Development Director, who shall be accountable through the Durham School's management structure, to the Governors. Any gift over this value shall be referred to the Chairman of Governors or in their absence a nominated Governor, who in consultation with the Headmaster and Development Director, will accept or decline the donation on behalf of the Governors.
3. There is a legal obligation for Durham School to undertake a degree of due diligence when approaching potential donors or accepting donations. Particularly for gifts in excess of £10,000. In order to comply with financial regulations, Durham School is unable to accept gifts of cash of more than £3,000. Gifts larger than this value are welcome but should be made electronically, by cheque, by credit card or debit card.
4. On occasion Durham School may wish to delay the acceptance of a gift with a view to providing the Donor with advice enabling them to donate in a more tax efficient manner, if it is felt that this will not jeopardise the donation itself.
5. Durham School will only decline a donation if it is felt by the Governors or their delegated representatives that the gift:

- would impair the Development Office in fulfilling its objectives, particularly with respect to supporting the Durham School.
 - is inimical to the objectives of the Durham School, its agreed policies or its beneficiaries. For example, if the donation were to come from a tobacco company.
 - would lead to a demonstrable net decline in the assets of the Durham School.
 - consists of goods, property, or services, which Durham School cannot lawfully use, convert, sell or exchange, in direct support of its charitable aims.
 - is dependant on the fulfilment of unacceptable conditions applied by the donor. For example if the Governors believed such conditions would place the assets of Durham School at an undue or inappropriate risk.
6. Trustees may apply to the Charity Commission for an order authorising Durham School to refuse a donation according to the guidelines set out in section 62 of the Charities Act 1992 and Section 26 of the Charities Act 1993 if:
- it is not immediately clear what the 'best interests of the charity' are in relation to the proposed donation
 - large sums of money or property are involved
 - the Governors have reason to believe that a decision taken by them might be subsequently challenged in the courts
 - the Governors wish to use the 'authority' of a Charity Commission order to mitigate against the threat of negative publicity engendered by the refusal of a donation.
7. Gifts from parents and families with children at Durham School are important because they help us to continue to provide high quality facilities and opportunities to all our pupils.

Such gifts can only be accepted if they support defined projects or opportunities available to a wide range of pupils. For example, a capital development or a bursary fund. Gifts cannot be made to offset School fees or the cost of a trip or activity for an individual pupil who is related or known to a donor.

Gifts from parents and families are most welcome and will be rewarded with the same gratitude and stewardship offered to other, similar, gifts.

The decision of a parent to make or not make a gift to Durham School will have no bearing on the academic, sporting or extracurricular opportunities open to an individual pupil.

E. Repayment of Donations

1. Once Durham School has accepted a donation it can only be returned if:
 - a. the terms and conditions of the gift provided for it to be returned under particular circumstances.
 - b. the law specifically provides for the donation to be returned, for example under section 61 of the Charities Act 1992 donations over £50 made by Credit or Debit Card are subject to a seven day cooling off period.
 - c. the Charities Commission grant authorisation for an ex-grata payment to be made by Durham School to discharge a “compelling moral obligation”. Such a payment is subject to section 27 of the Charities Act 1993.
2. Where a change in circumstances prompts a donor to request the repayment of part or all of a donation, the final decision to repay a donation shall rest with the Governors.

F: Tokens of Thanks

1. From time to time supporters of Durham School may wish to make gifts to staff, Governors or volunteers they have worked with.
2. It would be churlish to suggest that such tokens of thanks should not be accepted and it is recognised that to refuse such items may cause misunderstanding or offence and hence be contrary to the work of the Development Office.
3. All such gifts should be registered with the Development Director at the earliest opportunity, and always within 72hrs. The Director will record such gifts in the Gift Register.
4. A copy of Durham School Gift Register will be presented annually to the Governors.
5. Gifts made by individuals or groups of supporters to leaving members of staff are exempt from this code.
6. Gifts worth less than £20 need not be registered.
7. Gifts to individuals (not the School) worth less than £100 may be kept by the recipient. Those over £20 must be registered.
8. If an individual receives a substantial gift, worth over £100, this gift must be accepted on behalf of Durham School and declared in the register.
9. Substantial gifts should be lodged with the Headmaster until the Governors decide how to dispose of the gift to the best advantage of Durham School. Their decision will be recorded in the Register.
10. If the substantial gift is perishable then the Headmaster will decide how to dispose of the item, and record his decision in the Register.
11. Failure to register gifts of over £20 may be in breach of the school's non collusion policy and result in disciplinary action.