LEGACY BRISBANE POLICY

Fundraising – Donation Acceptance and Refusal

Policy number: **FR- 07**

Effective date: **1 August 2024**

Approving authority: **CEO**

Sponsor: **Head – Fundraising, Marketing and Communications**

Web address: https://legatee.guide/

Date for review: **1 August 2027**

Purpose	The Charter of Legacy commits the organisation to the care and safeguarding of the interests of entitled dependants of those who served. Legacy Brisbane has an obligation to its dependants, staff, volunteers, donors, stakeholders and the wider public to ensure it conducts its fundraising and relationships with donors in an ethical manner. This includes making informed decision on the acceptance or refusal of donations whether in the form of money, property or services.
Policy Statement	The purpose of this policy is to allow Legacy Brisbane to make clear and consistent decisions regarding the acceptance or refusal of donations.
Who should read this policy	Board of Directors, Legatees and Fundraising staff
Scope	This policy covers when Legacy Brisbane will accept or refuse donations and who makes that decision.
Definitions	Definitions of terms used in this policy are provided in Appendix 1.

Policy

Policy General Principals

Legacy's vision is that no dependant of a veteran suffers financial or social disadvantage as a result of their loved ones' death or injury from service. As an organisation almost entirely funded through philanthropic and community donations it is in the interest of our beneficiaries to accept all donations except when it would be unlawful to do so or would be detrimental to the achievement of Legacy's charitable purpose.

Donations Legacy Brisbane will always refuse

- Donations that result from unlawful activities (including unlawful discrimination, violation of international conventions on human rights or any form of theft, bribery, fraud, tax evasion, money laundering or terrorist activity) whether in Australia or overseas.
- Donations that require unlawful action by or on behalf of Legacy or its staff or Directors.
- Donations from organisations that conflict with Legacy's Corporate Fundraising Policy.
- Donations where the donor restricts the donation for activities which are outside of Legacy Brisbane's charitable purpose.

Donations which will be reviewed

Some donations will need to be considered before deciding whether to accept or refuse them. These include:

- Donations from people in vulnerable circumstances;
- Donations that may have detrimental implications to achieving Legacy Brisbane's Objects or where the detriment is likely to be greater than the benefit;
- Donations that are not financially viable or are outside the plans and budgets of Legacy Brisbane;
- Donations with conditions attached.

Donations from people in vulnerable circumstances

Legacy abides by The FIA Code which states: *Members will not accept a donation where they have a reasonable belief that the donor is in vulnerable circumstances or lacks capacity to make a decision to donate.*

Vulnerability can be permanent or temporary and will vary from person to person. It is the person's circumstance at the time of making a decision about whether or not to donate that is relevant. Examples of people who **may** be in vulnerable circumstances include:

- People with intellectual disabilities that affect comprehension or understanding;
- People with physical or mental health issues;
- People who do not fully understand the language the fundraiser is speaking;
- Those experiencing financial difficulty, stress or anxiety;
- People under the influence of alcohol or drugs;
- Those who are unable to care for themselves.

By law, donors must 'consent' to making a donation. To provide consent, a donor must have the 'capacity' to consent. This means they are able to understand information relevant to the decision to make a donation, use the information to make a decision and communicate that decision clearly. The extent to which a person's capacity to make a decision about donating is reduced will depend on their particular circumstances. Some people in vulnerable circumstances may still be capable of making an informed decision if they have extra support.

Whilst Legacy will never accept a donation from a person in a vulnerable circumstance who lacks the capacity to consent; it can be difficult for fundraisers to recognise these situations. All Legacy fundraising staff are required to complete the FIA Code course which includes training on identifying and responding to people in vulnerable circumstances.

If staff identify that a potential donor is in a vulnerable circumstance and lacks capacity to consent they should politely end the interaction without taking the donation.

Should staff suspect a donor is in a vulnerable circumstance and **may** lack the capacity to consent, they are required to notify the Head – Fundraising, Marketing and Communication who may further escalate the concern to the Chief Executive Officer (CEO) and/or Community Services Manager for advice if required (for example if the donor is also a Legacy client).

A note on older people:
Legacy should not refrain from approaching or engaging in fundraising with people only because of their age. To deny someone the opportunity to give a donation because of their age could be taken to be discriminatory.

Donations that may have detrimental implications to achieving Legacy Brisbane's mission or where the detriment is likely to be greater than the benefit

This includes donations which could:

- lead to the loss of donations from other supporters or funders that might be equivalent or greater in the longer term than the value of the new donation;
- lead to the loss of volunteers whose services are greater than the value of the donation;
- have significant implications for the ability to recruit or retain staff;
- lead to the loss of reputation or creditability, for example where the activities of the donor are otherwise contrary to the values and strategic goals of Legacy, such that association with the donor could adversely affect the reputation of Legacy and its ability to further its Objects.

Potentially problematic donations will initially be reviewed by the Head – Fundraising, Marketing and Communications who will decide if there is an issue with the donation. If required the Head – Fundraising, Marketing and Communications will escalate to the CEO who in turn may escalate to the Board.

In making a decision to refuse a donation the following factors will need to be determined:

- It is reasonable to conclude that acceptance would be detrimental to achieving Legacy Brisbane's Objects AND
- It is reasonable to conclude that such detriment is likely to be greater than the benefit to be obtained from accepting the donation.

A decision to refuse a donation as a result of the detrimental impact of accepting it must be taken by the CEO.

Donations that are not financially viable or are outside the plans and budgets of Legacy Brisbane

Donations may be refused on the basis that they are not financially viable or are outside the plans and budgets of Legacy Brisbane. For example:

- Donations for an activity that would incur unacceptable costs beyond the initial donation;
- Donations tied to beneficiary services or activities that are not within Legacy Brisbane's current plans and budgets if the donation does not cover the total cost of the activity.

Decisions on the financial viability of a donation will be taken by the Finance Manager and CEO who may also be referred to the Board. The final decision to refuse a donation will be made by the CEO.

Donations with conditions attached

Legacy may refuse donations on the basis of conditions attached, for example:

- Corporate sponsorship where the cost to fulfil sponsor benefits is greater than the sponsorship amount;
- Donations which are conditional on part of the monies being sent somewhere else except in relation to a joint fundraising event with another registered charity;
- Donations which are based on conditions that Legacy Brisbane believes we cannot reasonably fulfil or in doing so would be contravening statutory regulations or Legacy policies.

Potentially problematic donations will initially be reviewed by the Head – Fundraising, Marketing and Communications who will decide if there is an issue with the donation. If required the Head – Fundraising, Marketing and Communications will escalate to the CEO who in turn may escalate to the Board.

A decision as to refuse a conditional donation must be taken by the CEO.

Due Diligence

Legacy Brisbane will conduct routine background research on any prospective donor contributing $10,000 or more to Legacy Brisbane in order to ensure such donations meet the requirements of this policy.

Research on individual donations will be done by the Donor Liaison

Manager and research on corporate donations will be done by the Corporate Partnerships Coordinator.

Responsibility of Fundraising Staff
Fundraising staff must read and understand this policy and advise the Head – FRMC of any donations which may not satisfy the requirements of this policy. All Fundraising Staff must also complete the FIA Code course within first 12 months of employment.

Staff must not allow personal interest to affect their decision to accept or refuse a donation and staff must derive no personal benefit from a donation.

When considering the acceptance of a donation, Legacy will take all reasonable steps to ensure the privacy of the potential donor.

Responsibility of Directors
Directors must read and understand this policy. When assisting the CEO to make a decision to accept or refuse a donation, the Board must:

- Review donations on a case-by-case basis;
- Declare any conflict of interest in the organisation accepting or refusing a donation;
- Act in the best interest of the organisation;
- Only refuse a donation on the basis that accepting it would be unlawful or would do detrimental harm to the organisation.

Evaluation and review

Evaluation and review of this policy will be conducted by the Head - Fundraising, Marketing and Communications and the policy sponsor every three years. Following review, recommendations for change will be forwarded to the approving authority.

References and linkages

Constitution of The Legacy Club of Brisbane Limited.
Legacy Statutes - Annexes A, B and D to The Code of Legacy.

Appendix

Appendix 1 – Definition of Terms

APPENDIX 1 DEFINITIONS

Corporation means an entity incorporated under the *Corporations Act 2001* (Cth) and established for the purpose of profit.

Director means a person who is appointed or elected to the position of a director of an Organisation or a Corporation.

Donation means a voluntary contribution by a Donor of money, property, goods or services to an organisation for the purpose of furthering that organisation's Objects.

Donor means an individual or other entity that makes a contribution of value to an Organisation to further the Organisation's Objects. A Donor includes prospective Donors and an individual or entity that has previously made a Donation. A Donor does not include an individual or entity that engages with an Organisation for the purpose of trade.

FIA means Fundraising Institute Australia.

FIA Code is a voluntary, self-regulatory code of conduct for Fundraising in Australia. Its content is informed by the International Statement of Ethical Principals in Fundraising.

FIA Code Course is an online course provided by FIA that equips fundraisers with a practical understanding of the Code and how to conduct fundraising in accordance with best practice.

FIA member means a person or organisation who is registered as an FIA member.

Fundraiser means a person, Corporation or Organisation, who carries out activities, whether for remuneration or as a volunteer, for the purpose of raising Donations for the Objects of an Organisation.

Fundraising Activity means an activity carried out by a person, Corporation or Organisation, whether for remuneration or as a Volunteer, for the purpose of raising funds for the Object of an Organisation.

Objects means the objective, purpose or cause, however so defined in an Organisation's constituent documents.

Organisation means an entity incorporated under Commonwealth, State or Territory legislation and established for a purpose other than profit.

Professional Misconduct means conduct by an FIA member that is a violation of the Principles and Standards of Fundraising Practice that has serious adverse consequences to a Complainant or was committed intentionally by the Fundraiser or both.

Sponsor means a third party who sponsors a Fundraising Activity for an agreed outcome.

Unsatisfactory Conduct means conduct by a FIA member that is neglectful of the Principles and Standards of Fundraising Practice or that has minor adverse consequences to a Complainant or both.

Volunteer means a person who performs a service for an Organisation without requiring compensation for performing the service.