



Acceptance and Refusal of Donation policy

This policy has been set out by the Trustees of Pancreatic Cancer UK. It is a public guide to how Pancreatic Cancer UK makes decisions on accepting and refusing donations and the procedures they follow.

This policy is aligned with the Codes of Fundraising Practice published by the Institute of Fundraising in the United Kingdom.

This document makes clear the Trustees' legal obligations with regard to the acceptance and refusal of donations. It outlines the day-to-day procedures that need to be adhered to and ensures that decisions are not taken on an ad-hoc basis, but are in support of Pancreatic Cancer UK's strategy and objectives.

This policy provides a clear objective standard against which external bodies can judge Pancreatic Cancer UK's actions in cases of potential or actual dispute, and should protect the Charity's reputation against adverse public reaction from existing or potential supporters.

The Trustees' Legal Obligations with Respect to the Acceptance or Refusal of Donations

The Trustees take overall legal responsibility for decisions relating to whether a donation is accepted or refused.

The Trustees must be able to demonstrate that they have acted in the best interest of the Charity in each and every case.

The Trustees have a duty to consider carefully, on the basis of the evidence made available to them, whether the Charity's interests will be better served by accepting or refusing the donation and to act accordingly.

These judgments must not promote any Trustee or employee's personal moral agenda or interest and the Trustees must not allow individual or collective personal, political or ethical issues, which are not directly related to the interests of the Charity, to affect their judgment.

Trustees must derive no personal benefit (individually or collectively) from donations, loans or other material support offered to the Charity.

Procedures

On a day-to-day basis, the Charity's Board of Trustees delegates the responsibility to accept or refuse donations to the Charity's Chief Executive, assisted by the Senior Management Team (SMT).

In the first instance, the Director of Fundraising and Marketing is responsible for ensuring any potential corporate or individual donor are supporting the Charity in accordance with this policy. If any element of the policy is contravened the Director of Fundraising and Marketing will make recommendations to the Chief Executive on the acceptance or refusal of suggested donations.

The Chief Executive will ensure that the Board of Trustees is informed on any donation that he/she judges could potentially raise questions to why the Charity rejected it or accepted it. The Chief Executive, assisted by the SMT will present the case, any evidence and share the key decision points and procedure that was followed in that particular case in order for the Trustees to make a recommendation of acceptance or refusal.

Guiding Principles

A suggested donation must be clearly evaluated in order to establish whether it would be in the best interest of Pancreatic Cancer UK to accept or refuse it. The donation will be evaluated against these factors:

- The donation should contribute towards the Charity's overall strategy and plans
- The Charity should be able to successfully deliver the agreed activity and advance its mission under the conditions tied to the donation, such as schedule and channelling of payment(s), required co-funding if any, reporting requirements and other legal aspects of the contract
- The donor's objectives or activities must not appear to be incompatible with the Charity's vision, mission and values, particularly if this risks causing significant damage to the Charity's integrity, public image or professional reputation
- The Charity will not accept donations from companies or individuals whose wealth are known to result from illegal activities or where there are indications of corruption and related economic crime.

Pancreatic Cancer UK will refuse donations in the following circumstances:

- Where the activities of a donor are directly contrary to the objectives or agreed policies of the Charity or the Charity suspects that the gift has been donated to facilitate money laundering or other criminal activity
- Where it can be clearly shown that the cost to the Charity of accepting a donation will be greater than the value of the donation itself, and that acceptance of the donation will directly lead to a net decline in the assets of the Charity
- Where the offer of support is dependent upon the fulfilment of certain conditions placed upon the Charity and any condition:
 - a) is in itself contrary to the objectives of the Charity
 - b) is regarded as needing an unreasonable level of support from the Charity especially in relation to the size or impact the donation will have on the Charity's charitable activities
 - c) will divert the Charity from pursuing its current objectives, policies or work priorities as a necessary result of the fulfilment of the conditions alone.

The Trustees (and their delegates) will take great care and consideration in deciding whether to accept or refuse a donation:

- Where an offer of support is dependent upon the Charity first spending its own money or resources in order to facilitate the conditions of the donation, as this might place the Charity's assets under undue and inappropriate risk. Donations should preferably be given in full up-front or alternatively in instalments linked to an agreed contract and work plan.
- Where the support, whilst reflecting the Charity's objectives, is untenable. For example, if the Charity does not have the resources to maintain the running costs associated with the donation.
- Where the support consists of goods, services or property which the Charity cannot lawfully use, convert, exchange or sell in direct support of its charitable objectives.

Policy concerning specific industries

Tobacco Industry

Due to the proven link¹ between tobacco use and pancreatic cancer we would not accept any kind of corporate donation or support from a tobacco company. This includes a Charity of the Year partnership, corporate sponsorship and matched giving for any employee fundraising.

However, if an employee of a tobacco company, due to personal circumstances, wishes to support and donate to the charity from personal efforts, this is acceptable. Not accepting their donations on the basis of who they work for would be unacceptable discrimination.

Alcohol Industry

There has not been a direct link established between moderate alcohol consumption and pancreatic cancer to date. However there *may* be a link between heavy alcohol consumption and pancreatic cancer². For this reason we would not accept funds from an alcohol company if it involved a consumer promotion (for example a Cause Related Marketing (defined as a type of marketing involving the cooperative efforts of a for-profit business and a non-profit organisation for mutual benefit) campaign including on-pack promotion or where the Charity receives funds raised from the sale of a specific alcoholic product) as this could easily be construed as Pancreatic Cancer UK promoting increased consumption.

¹ Tobacco smoking is the only established risk factor for pancreatic cancer. Smoking increases the risk of developing pancreatic cancer. This includes smoking cigarettes, cigars, pipes and chewing tobacco. A study published in 2011 estimated that 29% (nearly 1 in 3) of pancreatic cancer cases in the UK are caused by smoking. - See more at: <http://www.pancreaticcancer.org.uk/information-and-support/facts-about-pancreatic-cancer/risk-factors-for-pancreatic-cancer/#sthash.FMMtdBos.dpuf>

² Chronic heavy alcohol use is a risk factor for chronic pancreatitis which is a risk factor for pancreatic cancer. However, research evidence on a direct link between alcohol and risk of pancreatic cancer is mixed. There does not appear to be an increased risk of developing pancreatic cancer from moderate alcohol consumption. However, some studies suggest that heavy drinking (more than 3 drinks a day) may lead to an increased risk of developing the disease. - See more at: <http://www.pancreaticcancer.org.uk/information-and-support/facts-about-pancreatic-cancer/risk-factors-for-pancreatic-cancer/#sthash.FMMtdBos.dpuf>

However we would be willing for an alcohol related company to support our events through donation of products to be used at our event (which we would monitor), or corporate sponsorship. This policy also applies to companies such as supermarkets, off licenses and pubs where alcohol (as well as other) products are stocked.

In addition if an employee of an alcohol company, due to personal circumstances wishes to support and donate to the charity from personal efforts, this is acceptable. We would accept matched giving of employee donations from the company. Not accepting their donations on the basis of who they work for would be unacceptable discrimination.

Food Industry

There has not been a link established between moderate consumption of food high in sugar or fat and pancreatic cancer to date. However there *may* be a link between a higher BMI and abdominal fatness and pancreatic cancer³. For this reason we could not accept funds from a food company if it involved a consumer promotion (for example a Cause Related Marketing campaign including on-pack promotion encouraging two for one, or buy one get one free purchases) as this could easily be construed as Pancreatic Cancer UK promoting consumption.

However we would be willing for a food related company to support our events through donation of products to be used at our event (which we would monitor), or corporate sponsorship. This policy also applies to companies such as supermarkets, restaurants and pubs where foods high in sugar or fat (as well as other) products are stocked.

³ Body mass index and weight

A review of the evidence on weight and BMI (Body Mass index) suggests that a higher BMI and increased abdominal fatness increase the risk of developing pancreatic cancer. The review found that there was a 10% increase in risk for a five point increase in BMI. A UK study published in 2011 suggested that 12% (around 1000) of cases of pancreatic cancer were related to being overweight or obesity. (Overweight was classed as a BMI of over 25 and obesity as a BMI of over 30). The World Cancer Research Fund estimates that maintaining a healthy weight could help prevent 15% of pancreatic cancer cases in the UK a year.

Key references

Aune D, Greenwood, D.C., Chan, D.S.M et al (2011) Body mass index, abdominal fatness and pancreatic cancer risk: a systematic review and non-linear dose-response meta-analysis of prospective studies. *Annals of Oncology* Volume 23, Issue 4 Pp. 843-852

Parkin, D.M. and Boyd, L. (2011) Cancers attributable to overweight and obesity in the UK in 2010. *British Journal of Cancer*. 105, S34-S37.

- See more at: <http://www.pancreaticcancer.org.uk/information-and-support/facts-about-pancreatic-cancer/risk-factors-for-pancreatic-cancer/#sthash.0IMl9KjN.dpuf>

In addition if an employee of a food company, due to personal circumstances wishes to support and donate to the charity from personal efforts, this is acceptable. We would accept Matched Giving of employee donations from the company. Not accepting their donations on the basis of who they work for would be unacceptable discrimination.

Pharmaceutical industry

We accept financial donations from pharmaceutical companies to fund specific areas of our work, all of which adhere to the [Association of the British Pharmaceutical Industry \(ABPI\) Code of Practice for the Pharmaceutical Industry 2015](#)

Pharmaceutical funding must **not**:

- exceed 5% of our total budgeted income of the financial year. This includes donations, gifts in kind, sponsorship. It does not include staff fundraising initiatives.
- cover sponsorship of staff attending parliamentary party conferences
- give a platform to representatives from pharmaceutical companies as part of one of our campaigns
- fund a specific product related activity e.g. a conference on Pancreatic Enzyme Replacement Therapy sponsored solely by one manufacturer of PERT would be unacceptable.

Any funding must sit within the Charity's agreed strategy for the given period.

The Charity will not permit a pharmaceutical company to influence the content of its publications, information or campaigning work.

The Charity may, from time to time, campaign for access to a particular treatment, drug or product as part of the range of treatment options that should be available if it is considered beneficial to the quality of life and/or survival of pancreatic cancer patients. However the charity will not endorse, nor put itself in a position where it might be perceived to be endorsing or promoting a particular treatment or product above other treatment options.

We strive to have more than one pharmaceutical supporters or sponsors represented at any one event.

Relevant Legal Framework

As a way to pre-empt possible disputes and/or negative publicity in potentially difficult cases the Charity, as a UK registered charity, has the option of applying to the Charity Commission for an order authorizing Pancreatic Cancer UK to refuse a donation. This is contained within powers conferred on to the Charity Commission by Section 26, Charities Act 1993.

Whilst in general it is not sufficient cause to refuse a donation on the grounds of a general objection to the potential donor, Section 62, Charities Act 1992, Part II, does provide some leeway in this respect. However, precise procedures must be followed if injunctions from the courts are to be obtained.

Section 61, Charities Act 1992, Part II, provides for the return of donations of more than GBP 50 made by credit/debit card within a seven day 'cooling off' period.

An ex-gratia payment is a payment made to discharge a compelling moral, but not legal, obligation. This type of payment needs to be authorized by the Charity Commission under Section 27, Charities Act 1993. See Commission's leaflet, Ex-gratia Payments by Charities (CC7).