



ETHICAL DONATIONS POLICY



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

ETHICAL DONATIONS POLICY

I. INTRODUCTION

- 1.1 Historic Environment Scotland (HES) is a Non-Departmental Public Body and a charity registered with the Office of the Scottish Charity Regulator (SC045925) with lead responsibility to protect, understand and share Scotland's historic environment, for current and future generations. HES has the power to fundraise and the expectation from the Scottish Government that it will do so.
- 1.2 HES receives donations of funds and expertise from individuals and organisations through giving as a result of appeals, individual approaches and by working collaboratively with partners.
- 1.3 We need to ensure we are open and transparent in our dealings with people from whom we accept funds and other benefits.
- 1.4 Before accepting these gifts, we need to consider if there are associated costs or conflicts of interest.
- 1.5 Our Ethical Donations Policy is designed to help us all decide how to balance the needs of our organisation with the rights of donors and other stakeholders, whilst remaining true to our values. This policy sets out how we will do this.
- 1.6 All our operational policies are held under open review and subject to periodic revision in the light of experience gained during their implementation. This policy will be reviewed at least every three years.

2. SCOPE

- 2.1 This policy covers a range of fundraising activities which result in donations and grants from individuals and organisations, both financial and in-kind
- 2.2 It does not cover gifts of physical assets such as collections or archives which are dealt with separately through our Acquisitions and Disposal of Collections Policy.

3. OUR VALUES

3.1 HES' values:

- **collaboration:** working closely and inclusively with others
- **professionalism:** striving for excellence in everything we do
- **innovation:** being forward-looking and creative, embracing change
- **openness:** transparency in our business and in our relationships
- **respect:** for the contribution everyone makes, and, in the way, we treat one another.

Our ethical donations policy is structured around these values.

4. COLLABORATION

- 4.1 We will seek partnerships with people, communities, organisations and businesses that share our values.
- 4.2 We will always work collaboratively to ensure that enhanced, rather than reduced, benefits are realised for people, places and the planet.
- 4.3 We will focus on genuine collaborations that benefit both parties.

- 4.4 We will not normally accept a donation before ensuring that when any associated conditions are requested, that these are appropriate, documented, and can be reasonably met.
- 4.5 It is important for HES and our partners that the reputations of all parties be wholly protected from any real or perceived impropriety in the relationship that is established through any collaboration.

As such, we will not enter collaborations that could:

- Be contrary to our statutory functions.
- Create a conflict with our values.
- Create a conflict with our other policies.
- Involve us in costs that outweigh the benefits of the collaboration.
- Influence our decisions related to our statutory functions (or be capable of being perceived to have had such an influence).
- Compromise our independence or be entered in to for the purposes of securing some inappropriate advantage (or be capable of being perceived to have done so).
- Damage the public trust in HES, our people, our stakeholders, our reputation, our brand-names, or our assets.
- Create a conflict with our commitments to the Climate Change Act, and to sustainable tourism.
- Negatively impact the well-being of our staff, volunteers or customers.

5. PROFESSIONALISM

- 5.1 We will ensure that any individual who has responsibilities in relation to gifts and donations, should have those responsibilities identified. These individuals will always maintain a professional relationship with donors and will notify the Director of Development and Partnership of any personal conflicts of interest or personal relationships with donors or potential donors.
- 5.2 We will comply with the law as it applies to charities and fundraising.

- 5.3 We will adhere to best practice as outlined in the Fundraising Code of Practice and commit to the Fundraising Guarantee.
- 5.4 We will monitor fundraisers, volunteers and third parties working with us to raise funds, ensuring that they also comply with this Code of Practice.
- 5.5 We guarantee to operate in line with the values of the Code.
- 5.6 We recognise that perceptions of what is acceptable and factors affecting reputations change over time. In our acceptance of donations, we will act in good faith according to the prevailing standards at the time of receipt.

6. INNOVATION

- 6.1 In collaboration with other organisations HES will seek to develop new forms of fundraising and new opportunities for giving for the heritage and environmental sectors in Scotland. We will look for opportunities to improve the performance and results of fundraising in the sector, and thus make a broader contribution to the economy of Scotland and its people.

7. OPENNESS

- 7.1 We will be open and transparent in our dealings with donors, about our fundraising activities, and about the source and destination of donations.
- 7.2 In the event we ask a third party to fundraise on our behalf, we will make this relationship and the financial arrangement transparent.
- 7.3 The ultimate responsibility to accept or decline a donation resides with our Board. Our internal scheme of delegation will set out financial delegated authority limits, clarifying which staff members can authorise the receipt of donations at which level.

- 7.4 Appropriate due diligence steps will be taken to:
- confirm the identity and address of any donor whose identity is not already known to HES, and/or any donor of a sum or series of sums exceeding £5,000, and the source of any funds donated
 - to ensure donations are for purposes matching HES's functions
 - establish that no legal or reputational issues are raised by their acceptance.
- 7.5 For any donor proposing to donate a sum or series of sums exceeding £25,000 in a calendar year, HES will take steps in advance of any donation being made or accepted to:
- establish whether the donor has any known links which present a risk to the reputation of HES
 - to record the terms of the donation in a formal agreement.
- 7.6 Consideration will be given in every case to whether any donation involves or is linked to any suspicious transaction.
- 7.7 In determining whether or not to accept any donation we will follow the principles set out in our approach to collaboration.
- 7.8 HES must refuse donations where:
- the donation derives from any illegal activities such as (but not limited to) tax evasion, fraud or money laundering and where it is otherwise required to do so by specific prevailing legislation.
 - the source of the donation, or its ethical origin is unclear, and/or could impact on HES's reputation were it to be accepted, regardless of value.
- 7.9 HES may refuse donations where:
- the donation comes from an individual or organisation which is in direct conflict with HES's vision.
 - it is believed that the cost to HES of accepting a donation will be greater than the value of the donation itself.

- the donation is deemed to come from a vulnerable person or a person in vulnerable circumstances.
- the donation is made with the intention of influencing HES with an explicit or implicit exchange for favours or benefits.
- the donation, through either its magnitude or nature, will unduly restrict HES's ability to deliver or to be seen to deliver the full scope of its work.
- it is considered that the donation may, in our opinion, bring HES into disrepute or involve HES in controversy or publicity which would do meaningful damage to our reputation and standing.
- it is otherwise permitted to do so by specific prevailing legislation.

7.9 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 Board.

7.10 Once HES has accepted a donation it can only be returned if required by the terms of the donation or permitted by law.

7.11 Gifts that are paid in error by the donor, the donor's bank or by bank overpayments, will be refunded to the donor

7.12 Where a donation is made and it is not possible to trace the donor or return the donation, the donation will be retained and passed to the Historic Scotland Foundation.

7.13 We will:

- Publish this policy on our website.
- Publish annually a list of all donors of £5,000 or more, except where the donor specifically requests anonymity and we may lawfully withhold their name.
- In addition, full details of anonymous donors and their gift will be recorded in our records.
- Include in our annual report information about the sources and destinations of donations, and the cost of fundraising.

8. RESPECTFULNESS

- 8.1 Fundraising will be planned and managed to balance our needs with the rights and expectations of donors.
- 8.2 We will treat all donors with respect, acknowledging their support, and responding quickly and directly to their concerns.
- 8.3 We will respect donors' rights and privacy and will hold data securely in accordance with our Privacy Notice. Donors should note that we are subject to the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Act 2004 and may be required to disclose information pursuant to it, including disclosing the identity of donors.
- 8.4 We will give a clear explanation of how to make a gift and change or stop a regular donation. If a donor does not want to give, or wishes to cease giving, we will respect their decision.
- 8.5 We will take care not to cause nuisance or disruption to the public.
- 8.6 We will have a procedure for dealing with people in vulnerable circumstances and it will be published on our website or will otherwise be available on request.
- 8.7 We will support all staff members engaged in fundraising, so that ethical decisions are taken as a team, and not as an individual.
- 8.8 We value all customer comments including complaints, as they tell us how we can do better. Our [complaints handling procedure](#) follows the approach used across government and complies with the Scottish Public Services Ombudsman's (SPSO) guidance on a model procedure. Where a complaint relating to fundraising is not resolved by reference to the SPSO we will share data with the [Scottish Fundraising Standards Panel](#) on request.

Historic Environment Scotland is the lead public body established to investigate, care for and promote Scotland's historic environment.

We are committed to ensuring this publication is accessible to everyone. If you need it supplied in a different format or language, please get in touch.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Historic Environment Scotland
Longmore House, Salisbury Place
Edinburgh EH9 1SH

0131 668 8600
historicenvironment.scot

Historic Environment Scotland – Scottish Charity No. SC045925
Registered Address: Longmore House, Salisbury Place, Edinburgh EH9 1SH