

SET Board Document Record	
Title:	COMPANY POLICY ON DONATIONS
Draft No:	2
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Proposed next stage	Adoption by Incorporal Meeting

SPIRITAN EDUCATION TRUST

COMPANY POLICY ON DONATIONS

Introduction

The main objective of the Spiritan Education Trust (“**SET**”) is to advance Roman Catholic education and religion in the tradition of the combined ethos, characteristic spirit and educational philosophies of the Irish province of the Religious Congregation of the Holy Spirit and the Immaculate Heart of Mary¹ (hereinafter referred to as the “**Objective**”).

This Policy on Donations (“**this Policy**”) is intended to ensure best practice and compliance with legal requirements regarding receipt of donations and gifts by SET.

Occasionally, donors, be it an individual, a business, a group of people, or other body may offer voluntary contributions / gifts / donations to SET; and/or supply equipment, either for its general use or for a specific type of activity or designated use (“**Donations**”). Donations also include a voluntary transfer of assets from an individual or organisation to SET, howsoever described.

This Policy sets out the procedures to be followed by SET in the receipt of a gift/donation.

Overarching Principle

Donations and gifts shall be for and on behalf of SET and for its sole benefit.

Donors

Donations shall be made with charitable intent, are non-refundable except as provided for herein and are made without any expectation of favour in return.

Donations are accepted on the strict understanding that no benefit or favour will accrue to the donor and/or his/her family or any person/body connected to the donor.

¹ Also known as the Holy Ghost Fathers or the Spiritans (“the **Spiritans**”)

A donor's request to remain anonymous shall be respected to the extent that SET will agree not to publicise the source of the Donation but the donor's identify shall be disclosed to SET's Board of Directors (the "**Board**"). The Board will comply with all legal requirements, including but not limited to, a requirement to notify statutory authorities.

Board of Directors Responsibilities

Acceptance of Donations and gifts in the name of SET requires the prior approval of the Board.

The Board, through its Governance Committee who shall report to it, shall ensure compliance with this Policy and any practices regarding receipt of Donations and Gifts shall be immediately regularised if not in compliance with this Policy.

Personal Benefit

Under no circumstances may a Board member and/or a staff member of SET, either personally or collectively benefit from Donations and gifts, except as provided for below in the case of a gift in kind. Board members and staff members of SET must also ensure that a conflict of interest/potential conflict of interest is dealt with appropriately.

Donations and gifts must never be made for the benefit of a Board member or a SET staff member as this may create a sense of obligation and could undermine the Board member's and/or SET staff member's impartiality and could lead to a conflict of interest/potential conflict of interest.

A gift "in kind" to a SET staff member and/or Board member may only be accepted by that staff member/Board member where:

- (i) it does not compromise the integrity of the person;
- (ii) it does not create a conflict of interest or a potential or perceived conflict of interest;
- (iii) it does not exceed a nominal value of **[INSERT]**; and
- (iv) the prior approval of the Chairperson of the Board has been received, in the case of the Chairperson of the Board, the prior approval of the Chairperson of the Members is required.

Breach of this Policy is considered a serious disciplinary offence. If a SET staff member breaches this Policy and/or does not deal appropriately with a conflict of interest/potential conflict of interest, the matter will be dealt with in accordance with the applicable disciplinary procedures.

If the Board or an individual member(s) of the Board, breaches this Policy, the matter will be dealt with by the Members of SET who may remove the Board/the individual member(s).

Whistle blowing

As stated above, a breach of this Policy is considered a serious disciplinary offence. The prevention, detection and reporting of such a breach is the responsibility of all SET staff members and Board members.

If a SET staff member becomes aware of and/or suspects that an activity or conduct which is in breach of this Policy has occurred, s/he should report this to his/her manager, unless the matter involves his/her manager, in which case s/he should report it to a designated member of the Board.

If a Board member becomes aware or suspects that an activity or conduct which is in breach of this Policy has occurred, s/he should report this to the Chairperson of the Board, unless the matter involves the Chairperson of the Board, in this case s/he should report it to the [the Provincial Council].

Anti-Money Laundering requirements (“AML requirements”).

SET is subject to anti money laundering regulations and will comply with AML requirements. A Donation shall not be accepted on the basis that all or part of it is reimbursed to the donor and/or his / her designated representative. In this context, Donations made to SET are "non-refundable". For the avoidance of doubt, the Board may decide to reimburse funds to the donor where the Donation does not comply with the requirements of this Policy.

Training

The Board may decide to undergo training on legal, financial, company law and Revenue requirements as well as on corporate governance to ensure compliance with this Policy.

SET Schools

Schools under the patronage of SET (“**SET Schools**”) are obliged to comply with SET requirements regarding Fundraising and Donations in SET schools. SET schools must have a policy on Fundraising and Donations which must be compliant with SET’s requirements on Fundraising and Donations. A separate policy is in place for SET schools, signed by and overseen by the Board of Management of each school.

Review

This Policy and its implementation will be reviewed regularly, and such review will be recorded in the minutes of the relevant Board meeting(s).

Dated this day of 2019