

Charities and Fundraising Policy



Title:

Charities and Fundraising Policy

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July 2021	Foundation Director, ELHF	v0.1-0.4	New policy under development
March 2022	Foundation Director, ELHF	v1.0	Approved by Policy Approval Group
October 2023	NHS Lothian Charity Director	v1.1	Technical update to reflect charity rebranding.

Executive Summary

NHS Lothian is extremely grateful for the support that it receives from various charities. These charities help NHS Lothian, its hospitals and patients with important work that is not covered by NHS funding.

This policy provides a framework for engagement with these charities.

This policy seeks to ensure that NHS Lothian is maximising the support it gives to its Official Charity, NHS Lothian Charity (the Charity) – and thereby to its patients and staff – through the opportunities it can provide to reach potential donors and supporters.

The Charity's Fundraising Team is the fundraising unit for NHS Lothian; a resource for staff, patients, families, or members of the public who wish to raise money for NHS Lothian or its hospitals, wards and services.

NHS Lothian has a very strong working partnership with its official charity, and with a limited number of other 'Associated' Charities which were formed to support specific areas of NHS Lothian. In addition, NHS Lothian may from time to time enter formal partnerships with external 'Supporting' Charities to support specific services or developments. Full definitions are provided within this document for the Official NHS Lothian Charity, Associated, and Supporting Charities linked to NHS Lothian.

The Charity will develop and maintain NHS Lothian's Register of Associated and Supporting Charities. NHS Lothian will only engage with those charities entered in the register.

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1.0 Purpose

This policy aims to provide a framework for NHS Lothian to engage with charities and to ensure that NHS Lothian is maximising the support it gives to its Official Charity – and thereby to its patients and staff – through the opportunities it can provide to reach potential donors and supporters.

To provide NHS Lothian staff with clarity and guidance about fundraising or charitable support activities:

- Maximise the support NHS Lothian gives to its Official Charity.
- Ensure that other charities which support NHS Lothian are well-informed and clear on their remit across NHS Lothian, its physical premises and digital footprint.
- Help donors and supporters understand the difference between the various charities so they can make a well-informed decision on which charity to support.
- Provide staff with information to help them understand the role of each charity at NHS Lothian, so they can be transparent and clear with patients and visitors when asked about charitable support and where donations go, or how to obtain further information about fundraising should they, or a supporter, request it.
- Define the responsibilities of NHS Lothian staff and the governance and procedures required when receiving donations or fundraising proceeds.
- Set out a framework for any fundraising involving NHS Lothian staff, use of NHS Lothian premises or other assets including grounds, shops and concessions, where NHS Lothian (or any part of it) is the intended beneficiary.
- Protect patients, visitors and staff from receiving too many fundraising messages, which they may not wish to receive.
- Clarify which organisations can and cannot undertake fundraising and promotional activities, clearly outlining the various types of activities and the processes for their approval and coordination, thereby maximising support NHS Lothian gives to its Official Charity and Associated Charities.
- Create a Register of Associated and Supporting Charities

2.0 Policy statement

NHS Lothian Charity (the Charity) is the ‘Official’ Charity of NHS Lothian.

NHS Lothian has a very strong working partnership with its Official Charity, and with a limited number of other ‘Associated’ Charities which were formed to support specific areas of NHS Lothian. In addition, NHS Lothian may from time to time enter formal partnerships with external ‘Supporting’ Charities to support specific services or developments. Full definitions are provided for the Official NHS Lothian Charity, Associated, and Supporting Charities linked to NHS Lothian.

Every year the Charity contributes over £5m in the delivery of non-clinical services and through investing in programmes and projects across NHS Lothian.

The Charity's Fundraising Team is the fundraising unit for NHS Lothian; a resource for staff, patients, families, or members of the public who wish to raise money for NHS Lothian, its hospitals, wards and services.

The Charity's Fundraising Team works closely with teams at NHS Lothian's Associated Charities to ensure best practice and avoid any duplication of resources.

The Charity will develop and maintain NHS Lothian's Register of Associated and Supporting Charities. NHS Lothian will only engage with those charities entered in the register.

3.0 Scope

3.1 All staff

This policy applies to all staff employed by NHS Lothian, including all temporary, locum and agency staff, students and volunteers.

3.2 Charities with an established relationship with NHS Lothian

The policy applies to all charities that have an established relationship with NHS Lothian, and any other charity with an interest in supporting NHS Lothian in future. It covers all charities proposing to undertake any fundraising or promotional activities on or within the NHS Lothian estate, including shops and concessions, whether for the benefit of NHS Lothian or not.

3.3 Third Sector organisations which provide indirect volunteers

Those Third Sector organisations which provide indirect volunteers to NHS Lothian must adhere to the [Indirect Volunteering in NHS Lothian Policy](#) when engaging in volunteering activities but, are within scope of this policy for all other activities, including funding or fundraising.

3.4 Charitable organisations not registered as charities with OSCR

Charitable organisations not registered as charities with the Office of the Scottish Charity Regulator (OSCR), including voluntary associations, community and self-help groups and social enterprises are not within scope of this policy and will not be entered into NHS Lothian's Register of Associated and Supporting Charities, or be permitted to carry out fundraising and promotional activities within the NHS Lothian estate.

4.0 Definitions

4.1 Charity

For the purposes of this policy a charity is a legal entity which must be entered in the Scottish Charity Register and have a registered charity number. It must have only charitable purposes, provide public benefit, use its funds and property only for charitable purposes, allow fair access to the benefit it provides, and not be used to, or exist to, advance any political party.

4.2 Official Charity

NHS Lothian Charity is registered as a charity in Scotland (SC007342). The Charity, in line with the [National Health Service \(Scotland\) Act 1978](#) is constituted as a corporate trustee, i.e., Lothian Health Board, as a corporate body, has been appointed Trustee of the Charity. The NHS Lothian Charity is therefore the legal and official charity of NHS Lothian. The Charity's Fundraising Team will only raise funds for this charity and some of its 'Specific Funds'.

- **'Specific Funds'** are held for specific purposes for the benefit of NHS Lothian, these include ward, departmental and general-purpose funds.

4.3 External Charities (with an established or possible future relationship with NHS Lothian)

All other charities are **External Charities**. These charities must be registered in NHS Lothian's Register of Charities as either Associated or Supporting Charity:

- **Associated Charities** are charities that are established with the objective to support work solely within NHS Lothian or some part of it.
- **Supporting Charities** are local or national charities working in medicine or healthcare, which may fund ad-hoc specific projects within NHS Lothian or otherwise support the work of NHS Lothian and its staff on an occasional basis, or which provide advice or pastoral services that benefit NHS Lothian patients.

External Charities are NOT permitted to use the descriptor 'official charity' in their identity, branding or communications, whether referring to the whole of NHS Lothian or any part of it.

4.4 Fundraising

Fundraising is any activity which aims to raise funds for a charity; this includes but is not limited to donations, corporate support, legacy giving, major gift giving, fundraising events, raffles, lotteries, bucket collections, bake sales, and sponsored activities.

5.0 Implementation roles and responsibilities

5.1 NHS Lothian Charity

- The Charity will develop and maintain NHS Lothian’s Register of Associated and Supporting Charities.
- The Charity’s Charitable Funds Committee will regularly review and make necessary updates to the Register of Associated and Supporting Charities, assume responsibility for review, amendments, and implementation of this policy, oversee any fundraising activity within/for NHS Lothian, and discuss ways to promote charitable giving.
- The Charity Director is responsible for setting strategic direction for the Charity, leading cross-functional teams to deliver the Charity’s long-term strategy and operational plans in support of NHS Lothian.
- The Head of Engagement is responsible for overseeing all fundraising and charity marketing throughout NHS Lothian and manages the Charity’s Fundraising Team.
- The Communications and Marketing Manager manages all charity marketing and communications activity throughout NHS Lothian and manages NHS Lothian Charity’s marketing communications.
- The Fundraising Team acts as a resource for staff, patients, families or members of the public who wish to donate or raise money for NHS Lothian and its hospitals, wards and services. The team will provide advice, support and materials for fundraising activities and ensure that any fundraising follows legal requirements and good practice. Funds raised by the team for NHS Lothian are held on its behalf by the Charity.
- The Charity’s Fundraising Team works closely with teams at NHS Lothian’s Associated Charities to ensure best practice and avoid any duplication of resources.

5.2 NHS Lothian

- The **Corporate Management Team** provides oversight for this policy, and any subsequent reviews.
- The **Policy Approval Group** assumes the responsibility for approval of this policy.
- The **Corporate Management Team** is responsible for agreement on recognition of benefactors.
- **The Director of Communications Engagement and Public Affairs** is responsible for providing internal and external communications advice and strategies across NHS Lothian, directing NHS Lothian’s Public Involvement activity and reputation management of NHS Lothian.
- **Service and Site Management Teams** are responsible for controlling what activities take place in the general access, clinical and restricted areas of the NHS Lothian estate.

- **Area Managers for Facilities Management** are an on-site resource and will provide support including Hard/Soft FM for activities approved by Service and Site Management Teams, such as power, furniture and security.
- **Any staff** involved with charitable activity including fundraising are responsible for following this policy in accordance with Section 5.4, 5.5 and 5.6 of this policy

5.3 External Charities

External Charities must be registered in NHS Lothian's Register of Associated and Supporting Charities. Requests to join the register must be made in writing to the Charity's Charitable Funds Committee, through the Charity's Head of Engagement, including the submission of a completed Registration Form and must be supported by the relevant Site or Service Director.

External Charities' responsibilities, in accordance with their registration status, are outlined within this policy. Additionally, Associated and Supporting Charities are required to adhere to all relevant NHS Lothian policies, procedures and legal requirements at all times. These requirements must be taken into consideration in addition to the agreed scope of the fundraising activities.

5.4 Staff involvement with charitable activity including fundraising

5.4.1 NHS Lothian staff may wish to carry out their own fundraising activities for specific wards and departments, including with their patients, which is encouraged but should be coordinated through the Charity's Fundraising Team. Staff wishing to promote and carry out their own fundraising activity should inform the Charity before commencing with any plans. That way the Charity can ensure that any fundraising/donations for the benefit of NHS Lothian or its hospitals, wards and services are managed in accordance with the fundraising best practice and OSCR regulations and are prioritised appropriately.

5.4.2 NHS Lothian staff may occasionally identify new initiatives that could enhance the patient, carer or staff experience within NHS Lothian, and become involved in fundraising activities to support them. All such proposals must be referred to the Official Charity (NHS Lothian Charity) in the first instance. The Charity will advise on whether funding sources already exist to support the initiative, whether a new Specific Fund could be created, and/or whether the proposed fundraising activity (if necessary) could be supported by the Charity. If the Official Charity cannot support the initiative, NHS Lothian Charity may advise whether the initiative and the fundraising activity could be supported via a different charity.

5.4.3 NHS Lothian staff may occasionally be approached directly or indirectly by a charitable organisation or individual which has identified new initiatives, services, posts or research which they believe could enhance the patient, carer or staff experience within NHS Lothian, and offer financial support including fundraising to support them. All such proposals must be referred via senior clinical, nursing or site management to the Official Charity (NHS Lothian Charity). Consideration will be given to whether the initiative would enhance the service or patient experience

including its sustainability, resulting in a decision on whether to accept the financial support or fundraising. Such initiatives may require a Deed of Grant or contractual basis such as a Service Level Agreement, procurement agreement or Memorandum of Understanding between NHS Lothian and the third party.

- 5.4.4 If a patient or family member approaches a member of staff wishing to donate, give a gift-in-kind, or to fundraise for NHS Lothian, its hospitals, staff or patients, staff should direct them to the Charity's Fundraising Team.
- 5.4.5 NHS Lothian staff should NOT accept donations intended for Associated or Supporting Charities, but should instead direct patients, families or members of the public to those charities' websites or official addresses. This includes NHS Lothian Cashiers Offices who do not accept or bank donations for Associated or Supporting Charities.
- 5.4.6 NHS Lothian staff should avoid entering into discussions with patients or their family or friends regarding large donations above £5,000 or leaving a legacy (writing a Will). All enquiries in this regard must be directed to the Charity's Fundraising Team.
- 5.4.7 Patients, their relatives or legal representatives, may ask for the patient's signature to be witnessed on several different documents, including, for the purposes of this policy, a Last Will and Testament. There is no legal requirement that prevents any healthcare professional from witnessing a patient's signature, but all staff should be aware that they may be drawn into legal proceedings at a later date. Further guidance on this can be found in NHS Lothian's [Witnessing Patient's Signatures on Legal Documents Policy](#).
- 5.4.8 If a patient is interested in leaving a gift to NHS Lothian or its hospitals, wards or services in their Will (known as a legacy), members of staff must direct them to the NHS Lothian Charity, and/or information that can be found on [NHS Lothian Charity's website](#).
- 5.4.9 Procedures and best practice guidance are in place for NHS Lothian staff for the receipt of donations made in person, including to Specific Funds. These procedures are to be found within the Donation Receipt Books available in most wards, site cashier offices or from NHS Lothian Charity's Fundraising Team. Alternatively, instructions for those wishing to donate (one-off or regular) are published on the fundraising section of the [NHS Lothian Charity's website](#).
- 5.4.10 Donations must **never** be made to an individual. With regard to personal gifts, NHS Lothian staff should follow Standing Financial Instructions and [Principles of Good Business Conduct](#) (available on the NHS Lothian intranet) by not accepting gifts which go beyond a modest value, such as flowers and chocolates. Higher value gifts such as expensive bottles of alcohol, event tickets, gifts from contractors, or cash must be politely but firmly declined.
- 5.4.11 Staff must not actively solicit charitable donations unless this is a prescribed or expected part of their duties or is being pursued on behalf and under guidance of the

Charity's Fundraising Team, for example a speaking engagement or cheque collection on behalf of the Charity.

- 5.4.12 All staff should familiarise themselves with the procedures listed above in order to assist patients, families or members of the public who wish to donate to NHS Lothian. Staff should ensure donations are promptly passed to the Charity's Fundraising Team.
- 5.4.13 Fundraising by the Charity's Fundraising Team and Associated Charities may benefit from the involvement of NHS Lothian staff. Staff participation in fundraising activities is voluntary and in general should happen outside of working hours unless the activity is included within a staff member's routine job description.
- 5.4.14 In certain circumstances there may be a good reason why a staff member should be permitted by their line manager to participate in a particular fundraising activity during their working hours, where this is not part of routine work and provided this does not affect patient care or services. For example, making available a member of staff for a photograph, collecting a cheque or giving a talk. Managers should consider the intended benefit of such activity, including the ongoing goodwill that an activity has.
- 5.4.15 NHS Lothian staff may wish to carry out discrete fundraising for charities and/or crowdfunding for causes of importance to them among their colleagues and in their own staff (non-public access) work environments, with the permission of their line manager. This would include activities such as sponsored runs or bake sales. These activities are not permitted in public areas such as wards, outpatient clinics or restaurants.
- 5.4.16 Whilst NHS Lothian is grateful for the financial assistance from our Supporting Charities, staff are not permitted to provide these charities with photographs or quotes for publicity without the agreement of the NHS Lothian Charity's Director and NHS Lothian Corporate Communications Team.
- 5.4.17 Staff wishing to donate to a Specific Fund in lieu of receiving a professional fee may do so, subject to ensuring that they take personal responsibility for ensuring that any tax liabilities related to such donations are properly discharged and accounted for. This is further detailed in the Donation of Fees section of the Charity's ['A Guide to Managing Funds'](#) (previously called Operating Instructions).

5.5 Use of NHS Lothian assets

- 5.5.1 NHS Lothian appreciates that charities conduct vital work for their beneficiaries, and many rely on donations to provide their services. However, to ensure that NHS Lothian can fully support its Official Charity and other Associated Charities operating within NHS Lothian premises, and to manage the number of fundraising activities that take place in our hospitals with our patients, staff and visitors, we are unable to support requests to carry out fundraising activity from external charities, unless included as part of the exceptions list below.

- 5.5.2 The following rules apply regarding the publicity of the different charities within NHS Lothian.
- The Official Charity (NHS Lothian Charity) raises and manages funds for NHS Lothian and its hospitals, wards and services, and can publicise and fundraise throughout NHS Lothian physical premises and digital footprint, including fundraising for its Specific Funds.
 - Associated Charities can publicise and fundraise for the services they provide within certain hospitals and areas of NHS Lothian, with prior agreement from the Charity’s Head of Engagement.
 - Supporting Charities can place information about the services they provide within NHS Lothian premises, but these should not be about fundraising.
 - Other charitable organisations including both registered charities and unregistered voluntary organisations are not permitted to carry out fundraising or promotional activities including media activities or VIP visits across the NHS Lothian estate, and any requests must be politely declined for the reasons set out within this policy.
 - External charities must not reproduce any NHS Lothian or NHS (Scotland) name, logo or assets without permission from NHS Lothian Corporate Communications Team or NHS Scotland Corporate Communications Team respectively.
- 5.5.3 Fundraising materials must not cover up NHS Lothian information and must not confuse or intimidate patients or staff. All fundraising materials must also include a charity number.
- 5.5.4 Associated and Supporting Charities should use their official logo and not develop sub-brands to be used across NHS Lothian.
- 5.5.5 On-site donation collections around NHS Lothian and its premises are only permitted for the Official Charity (NHS Lothian Charity), or an Associated Charity, if agreed with the Charity’s Head of Engagement, and only within certain agreed areas. This applies to physical collection tins, in-person bucket collections, and electronic and digital donation collection methods including QR codes.
- 5.5.6 Subject to approval by NHS Lothian Corporate Communications, space availability and operational requirements, NHS Lothian will permit the Official Charity and Associated Charities to use NHS Lothian premises for fundraising and promotional activities and events.
- 5.5.7 On-site fundraising and promotional activities by Supporting Charities need to be approved by NHS Lothian Corporate Communications and agreed in advance through the Charity’s Senior Management Team, overseen and reported to the Charitable Funds Committee, and should be for a limited time-period. Any funds raised must be restricted to the benefit of the patients, families and carers, visitors and/or staff of NHS Lothian. The request should detail the development or initiative that is to be supported, including the role and level of support provided by the fundraising.

- 5.5.8 All fundraising and promotional activities require prior approval of the Charity's Head of Engagement, Charitable Funds Committee and NHS Lothian Corporate Communications Team as above and the relevant Site Director or Management Team, to ensure any liability or insurance issues are in place. These facilities will normally be provided without charge, unless the event is over an extended period, or where additional services with direct costs, such as catering, are required.
- 5.5.9 A number of major national fundraising events will continue to be supported across NHS Lothian, overseen and regulated through the Charity's Fundraising Team:
- Royal British Legion Poppy Appeal
 - BBC Children in Need
 - Red Nose Day / Comic Relief / Sport Relief
 - Requests to consider other major national fundraising events (including those connected to Supporting Charities) should be directed to the Charity's Head of Engagement, Charitable Funds Committee, and the relevant Service Management Team. Consideration will be given to whether the event could be supported in the context of NHS Lothian's own priorities and charitable partnerships.
- 5.5.10 Permission for any media activity such as filming, photography, and social media activity within NHS Lothian by charities (Official, Associated and Supporting only) must be approved in advance with the NHS Lothian Corporate Communications Team, as outlined in the NHS Lothian Media Policy. The NHS Lothian Communications Team will consult with the Charity's Communications and Marketing Manager on any media activity for Associated and Supporting Charities.
- 5.5.11 VIP visits arranged by the Official, Associated and Supporting charities must follow NHS Lothian's [Procedure for VIP Visits to NHS Lothian Sites](#) (available on NHS Lothian intranet). Other charitable organisations are not permitted to carry out media activity or VIP visits within the NHS Lothian estate.
- 5.5.12 Patient data must not be shared with any charity without that patient's informed 'opt in' consent and the approval of NHS Lothian eHealth. Charities must not obtain data through a method that could be deemed as inappropriate e.g., putting pressure on a patient to complete a form. Charities are required to hold evidence that they have obtained data through an 'opt-in' consent and are required to hold that data through a secure facility, in line with the General Data Protection Regulations.
- 5.5.13 The naming of an area within NHS Lothian, in respect of a charitable gift, is covered in the NHS Lothian Naming and Recognition Policy. The recognition of benefactors through a plaque, or by any other means, should be first agreed with the Chief Officer for Acute Services or HSCP Director, and relevant Service Management Team, and the Charity's Head of Engagement, who will then seek approval through the Corporate Management Team. Benefactors should not be promised any recognition without seeking approval first.

5.6 Patient Group Fundraising

- 5.6.1 Patient groups fundraising for specific wards or departments must have the activities agreed and co-ordinated through the Charity's Fundraising Team or Associated Charity. This is to ensure that donations and fundraising activities are managed in accordance with OSCR's guidelines and [Scottish Fundraising Standards Panel: Code of Fundraising Practice](#), and any other relevant NHS Lothian policies.

6.0 Associated materials

[NHS Lothian Charity Charter](#)

[NHS Lothian Charity – A Guide to Managing Funds](#)

[NHS Lothian Charity - A Gift in your Will](#)

[NHS Lothian Charity - Ways to Give](#)

[Indirect Volunteering in NHS Lothian](#)

NHS Lothian Media Policy (under development)

NHS Lothian Naming and Recognition Policy (under development)

[Procedure for VIP Visits to NHS Lothian Sites](#)

[Witnessing Patient's Signatures on Legal Documents Policy](#)

7.0 Evidence base

[Scottish Charity Regulator \(OSCR\)](#)

[National Health Service \(Scotland\) Act 1978](#)

[Scottish Fundraising Standards Panel: Code of Fundraising Practice](#)

8.0 Stakeholder consultation

This policy has been developed in consultation with internal stakeholders including Site Directors, Service Directors, General Managers, Chief Nurses, Executive Directors, Associate Divisional Medical Directors, Volunteer Services, eHealth and Corporate Communications.

This policy has been drafted with the input of peer organisations including other NHS Charities and bodies.

9.0 Monitoring and review

This policy and the register of Associated and Supporting Charities will be reviewed annually by NHS Lothian Charity's Charitable Funds Committee.

	Method	Lead	Frequency	Reporting to
Associated and Supporting Charities	Register held by Charity Fundraising Team	NHS Lothian Charity's Head of Engagement	6 monthly exception reporting	NHS Lothian Charity Charitable Funds Committee
Fundraising requests and activities across NHS Lothian	On site fundraising or promotion requests	NHS Lothian Charity's Head of Engagement	As required	NHS Lothian Charity Charitable Funds Committee
	Regular site visits by Charity Team. Regular dialogue with Associated and Supporting Charities. Review and audit of activities undertaken. Regular monitoring of NHS Lothian digital footprint.	NHS Lothian Charity's Head of Engagement NHS Lothian Charity's Communications and Marketing Manager	6 monthly exception reporting	NHS Lothian Charity Charitable Funds Committee
NHS Lothian Charities and Fundraising Policy within NHS Lothian and associated NHS Lothian Charity's policies	Biennial review cycle	NHS Lothian Charity's Director	Biennial	Executive Leadership Team NHS Lothian Charity's Trustees (reserved matter)