



Donation Return Policy

In accordance with section L7.0 (Acceptance and Refusal of Donations) of the Institute of Fundraising's Code of Fundraising, Hope for Children commits to using donations for general charitable purposes, even in the event that an appeal fails, in order to protect the best interests of the charity.

Definitions:

- The Donor – the individual who is making the donation, financial or otherwise, to Hope for Children
- The Fundraiser – the individual who is raising funds in aid of Hope for Children and requesting donations, either through events or personal requests, as a form of sponsorship towards a pledged fundraising amount.
- An Appeal – Hope for Children classes the below as an "appeal":
 - Emergency Appeals
 - Sponsored Challenge Events
 - Crowdfunding
 - Any other occurrence where an appeal for a particular purpose fails to raise sufficient funds to meet the stated target income.

1.1 Donations will be used to further Hope for Children's charitable objectives. The Charity's objectives are to promote such charitable purposes as the Executive Committee determines for the benefit of young people and families primarily living in developing countries and in particular, but without limiting the foregoing, to relieve the poverty and sickness, advance the education, and protect the good health of such persons. Hope for Children values every single donation and it is because of this generosity that we are able to continue to help vulnerable children all over the world.

1.2 If a donation is made to support Hope for Children and the donation is not made to an appeal and/or there is no legal obligation for the charity to return a donation, the Trustees must determine whether there is a moral obligation for the charity to return the donation.

1.3 If a donation has been made to an appeal, and the appeal has failed, and the appeal literature makes it clear that in such circumstances funds will be used for the charity's general purposes; the donor will not generally be entitled to a refund.

1.4 If the appeal literature has not specified this, the donor has the right to make a specific written request to reclaim their donation as specified in Section 65 of the Charities Act 2011. In this event, the request will be passed on to the Trustees who must then take certain steps to contact the donors who have made declarations.

1.5 If the appeal relates to a Sponsored Challenge Event and the donor requesting the return is not the fundraiser, Hope for Children is required to inform the fundraiser of the request for return of donations.

1.6 If the donation made by a donor is the result of a fundraising event where multiple individuals have contributed to the total donation (eg. a bake sale), a return of donation cannot be considered unless applications from each individual donor are received.

Because every
child deserves
a childhood

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🌐 www.hope-for-children.org

🏛 Charity Reg. No. 1161729 (previously 1041258)



1.7 If a donor wishes to apply for a donation return, they must write to the Trustees by email or letter outlining:

- Their name and contact details
- The date of donation(s)
- The total donation(s) amount
- Details of the origin of the donation – direct donation/fundraising from a community event
- The reason(s) for requesting a return of donation
- The name of the fundraiser who the donation was made towards (if applicable)
- Acknowledgment that processing fees will be deducted from their donation to avoid financial harm to the charity

1.8 If the Trustees decide that there is a moral case for the charity to return the donation, they must apply to the Charities Commission to make an ex gratia payment. This application will then be submitted to the Charities Commission and they will inform the donor of the decision and take appropriate action.

1.9 If a donation return request is successful, the return can only be made to the individual who made the donation. In the event that a successful request is for a donation outlined in Clause 1.6, a return of the equivalent value to the original donor will only be made to the original donor. The Charity will not return to the donation to any account other than one registered with the donor.

If you have any questions, concerns, requests, or comments about privacy, you can contact us by email, telephone, or mail at: hope@hope4c.org or +44 1442 234561.

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Effective: 15 December, 2017

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APPENDIX

L7.3.2 A legal obligation to return a donation

In certain circumstances there may be a legal obligation for Hope for Children to return a donation. For example, the conditions attached to the gift may require the return of the gift in certain circumstances.

One situation where this might arise is known as a failed appeal. This may occur where an appeal for a particular purpose fails to raise sufficient funds to achieve that purpose: strictly the donors may be entitled to a refund.

This can be pre-empted if the wording of the appeal literature makes it clear that in these circumstances, the funds will be used for the charity's general purposes. The donor will not generally be entitled to a refund in those circumstances.

If the donor is, strictly, entitled to a refund, the provisions of the [Charities Act 2011](#) may help.

[Section 65 Charities Act 2011](#) applies if donors to an appeal are informed that if the appeal fails, donations will be used for general charitable purposes, unless the donor makes a written declaration to the effect that they would like to have the opportunity to reclaim their donation in these circumstances. If the appeal fails, the trustees must then take certain steps to contact the donors who have made declarations: the [Charity Commission](#) can then be asked to make a scheme under [section 63 Charities Act 2011](#) to apply the donated funds for different charitable purposes.

More information is available in [Charity Commission](#) operational guidance [OG53: Charitable Appeals – Avoiding and Dealing with Failure](#). Note that it will often be easier to ensure that appeal literature simply specifies that the funds will be used for the charity's general purposes if the appeal fails, rather than relying on the more complicated section 65 procedure, which requires the Charity Commission's involvement.

If [section 65](#) does not apply, it may still be possible to ask the [Charity Commission](#) to exercise its powers under [section 63](#) to make a scheme to the effect that the property should be used for different charitable purposes. [Section 63](#) allows the Commission to make a scheme in certain circumstances, including where the donor cannot be identified or found after certain advertisements and inquiries have been made. Under [section 64](#) certain donations can be treated as belonging to donors who cannot be identified, including cash in collecting boxes and funds which the [Charity Commission](#) has decided should be treated as belonging to unidentifiable donors, because the costs of trying to trace the donors would be disproportionate or because in the circumstances (for instance a lapse of time) it would be unreasonable for the donors to expect the return of their donations.

There may also be scope to take advantage of the Commission's general scheme making powers in the event of a failed charitable gift.

Another example of where there may be a legal obligation to return a donation is under [Section 61, Charities Act 1992, Part II](#), which applies in England and Wales and provides for the return of donations of more than £100 made by credit/debit card within a seven day 'cooling off' period. The donation must have been made in response to an appeal by a [professional fundraiser](#) or [commercial participator](#) either in the course of a radio or television show or otherwise made orally (other than by speaking directly to, or in the presence of, the individual to whom the appeal is addressed). **NB.** Section 61 of the Charities Act 1992 was [updated in 1999](#) to set the applicable threshold for return of donations to £100 from £50.

L7.3.3 A moral obligation to return a donation – ex gratia payment

There may be situations where a charity has no legal obligation to return a donation which has been made, but the trustees feel that there is a moral obligation to do so.

There is scope for the [Charity Commission](#), using its powers under [section 106 Charities Act 2011](#), to authorise a charity to refund a donation in these circumstances. More information is available in the Charity Commission's guidance [CC7 – Ex Gratia Payments by Charities](#) and in the Charity Commission's operational guidance [OG 11 Ex Gratia Payments by Charities](#).

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