



## Donations Policy

### *Version Control*

<i>Version No.</i>	<i>Date</i>	<i>By (Name, Position)</i>	<i>Details of changes</i>	<i>Reviewed and approved by (Name, Position)</i>
1	24.11.2022	David Dalton, Executive Director	N/A	The Gorta Group Board on 24.11.2022

A handwritten signature in blue ink that reads "David Dalton".

**David Dalton**  
*[Executive Director]*

A handwritten signature in blue ink that reads "Peter McDevitt".

**Peter McDevitt**  
*Chief Finance and Operations Officer*

## 1. PURPOSE

The purpose of this policy is:

- To prevent money laundering, endeavour to ensure the source of funds and donations are not the proceeds of criminal conduct;
- To ensure proper management of The Gorta Group (and all subsidiary companies) priorities and projects, ensuring the appropriate independence from supporters, donors and/or funders (collectively hereafter “Donors”);
- To mitigate reputational risk for The Gorta Group (and all subsidiary companies) or their partners and uphold The Gorta Group values and mission;
- To avoid all conflict of interest;
- To provide all employees with clear guidance on responsibilities and processes for ethical fundraising.

## 2. SCOPE

This policy applies to The Gorta Group Board, United Purpose Board, all Gorta Group (and subsidiary companies) trustees, employees including affiliate organisations and to all paid and unpaid consultants, contractors, interns, secondees, visitors and volunteers that provide supplies, services or support to Gorta or promote its work at any of its locations. All such parties are referred to as ‘employee’ in this document. Hereafter “Board” is employed as a collective term and refers to the GG Board as well as the boards of Self Help Africa UK, Self Help Africa NI, United Purpose, Concern Universal, Partner Africa, TruTrade, Village Aid, UP Trading and the boards of any entities that form part of the group now and in the future. The Gorta Group (GG) is employed as a collective term and refers to Self Help Africa, United Purpose, Concern Universal, Partner Africa, TruTrade or other entities that may form part of the group now and in the future. The policy also applies to Gorta Group partners, suppliers and other third parties where it is included or referenced in a relevant bid or tender documents, agreements, memorandums, purchase orders or contracts.

## 3. OBJECTIVE

The Gorta Group is committed to the highest possible standards of integrity, transparency and accountability in all its affairs. It is therefore important to carefully assess prospective supporters, donor and/or funders to ensure that The Gorta Group only accepts donations which align with its values and do not risk causing damage to The Gorta Group’s financial or reputational position, which could consequently impact The Gorta Group’s global reputation, financial sustainability and operations.

## 4. POLICY

The Gorta Group shall comply with the requirements of the Irish Criminal Justice (Money Laundering and Terrorist Financing) Act 2010-2021. The GG also adheres to the humanitarian principles, the Red Cross Code of Conduct and all donor related terms and conditions, guidelines and/or policies.

There are a number of factors that need to be considered when reviewing offers of funding and/or donations, including offers of donations in-kind. These should not interfere with our mission and vision and align with the humanitarian principles and adhere to the do no harm principles.

Given that The Gorta Group’s key areas of intervention is, among other, climate change, enterprises whose activities are linked to fossil fuel (coal, gas, oil) appear to contradict this mission and could lead to reputational damage and need to be weighed up carefully.

The approach of this policy is an assessment of risk attached to funds/donations rather than exclusion of certain funds/donations, defining the basis on which decisions on the acceptance of funds/donations should be made and the supporting documentation required.

This Policy does not cover:

- The giving or receiving of gifts (other than small promotional items) which is not permitted under any circumstances in accordance with The Gorta Group Anti-Fraud and Anti-Corruption Policy;
- Funding/donation from governments / governmental agencies that do not fall under the category of high risk jurisdictions or jurisdictions under monitoring as set out under Appendix 2;
- Funding/donation from multi-lateral agencies such as the UN;
- Legacies

#### 4.1 Responsibilities

The Gorta Group will manage donations by requiring The Gorta Group Management Team to:

- Perform systematic Risk assessments
- Assess carefully Risks as per Risk factors set out in Appendix 2 of this Policy
- Accept or Reject any Donations

in accordance with 4.4 Donation Acceptance Procedure of this Policy.

The Board is responsible for:

- Ensuring a system is in place to identify, assess and make transparent decisions on all donations;
- Monitor compliance with the policy.
- Review the policy regularly to ensure it is appropriate;
- Understand their legal and regulatory obligations.

#### 4.2 Definitions

For the purposes of this Policy:

- **Donation:** for the purpose of this Policy, a Donation shall include:
  - All types of funding contracts including, but not limited to a commercial/grant contract, an agreement or a memorandum.
  - A financial donation as defined hereunder; and
  - All donations in-kind.
- **Financial Donation:** a Financial Donation is defined as any funds or money donated via cash, cheque or wire bank transfer to The Gorta Group, to a GG subsidiary company and any other entity that may form part of the group now and in the future. It also includes securities or shares and donations such as life insurance, real estate, etc. as set out in Appendix 1; and
- **Supporter:** includes
  - any legal entity, that the Gorta Group intends to receive a Donation from such as
    - Institutions and universities
    - International or National Non-Gouvernemental Organisations (NGOs)

- Trusts and/or foundations
- Corporates;
- any High-net-worth individuals the Gorta Group intends to receive funds of over €10, 000; and
- any individual willing to provide a donation in-kind to the Gorta Group.

### 4.3 Principles

The Gorta Group's decision to accept a Donation should be based on the following criteria:

1. **Purpose and values.** Acceptance of the Donation is in the best interests of The Gorta Group, aligns with its purposes and objectives and is compatible with The GG's values, mission, strategic priorities, and policies.
2. **No harmful or prohibited activities.** The Gorta Group does not accept Donations from Supporters whose professional and personal activities such as the following:
  - the involvement in armaments, pornography and gambling;
  - activities that demonstrate a disregard for human rights; or
  - contraventions of international standards frequently occur.
3. **Lawful.** The Donation will not contravene the applicable Irish and UK legislations, any other legislations applicable to The Gorta Group subsidiary companies (and any other entity that may form part of the group now and in the future), nor any relevant anti-money laundering and anti-terrorism legislation and sanctions administered by the United Nations, the US Office of Foreign Asset Control, the European Union, the UK HM Treasury's Office of Financial Sanctions Implementation, the UK Home Office, or any member state of the European Union or any national economic sanctions authority.
4. **No reputational damage.** Acceptance of the Donation will not damage The Gorta Group's reputation.
5. **No personal benefits or conflicts.** Acceptance of the Donation will not create a personal benefit for the Supporter, or one or more of The Gorta Group (and subsidiary companies) Board members, trustees and/or employees, or persons connected to them, or create any actual or perceived conflicts of interest for the GG Board members, trustees and/or employees.
6. **Reasonable administrative costs.** Accepting the Donation will not trigger administrative costs which are so significant that the value of the Donation is reduced by such an amount which renders it no longer worthwhile.
7. **Transparency.** There is transparency about the Supporter, its activities and the source of funds, and relevant information to make the assessment of whether to accept the Donation is available. The Gorta Group will not accept anonymous Donations, including via an intermediary who is not willing to identify the Supporter. A Supporter's request to remain anonymous publicly will be upheld provided the Supporter's identity is known by The Gorta Group, and the risk assessment was conducted as provided under this Policy.

8. **Independence.** The Donation will not undermine the independence of The Gorta Group by enabling the Supporter to exert undue influence on The Gorta Group or its activities (including, but not limited to, creating lobbying or any politically motivated activities or influence).
9. **Aligned with programme models.** The Gorta Group has a preference for Donations towards existing programme models and reserves the right not to accept Donations restricted to activities not supported by The Gorta Group .
10. **Conditions of acceptance.** The prospective Supporter agrees to be bound to The Gorta Group’s conditions of acceptance which will be communicated to the Supporter as set out in section 4.4 hereof prior accepting any Donation.

#### 4.4 Donation Acceptance Procedure

When considering whether to accept a Donation, The Gorta Group should follow the Principles set out in this Policy. A risk assessment as set out in 4.4.1 will be carried out on each Supporter and potential Donation as set out in 4.2 Definitions section of this Policy, to ensure that accepting such Donation is in line with the Principles.

##### 4.4.1 Risk assessment process

The risk assessment informs the ethical suitability of the prospective Donation and forms the basis for determining whether a Donation can be accepted. Acceptance of a Donation will not be communicated to a Supporter until the risk assessment process is completed.

The risk assessment process is as follows:

- a. *Basic risk assessment:* The nature of and intention for the Donation should be clarified and checked against the Principles set out in section 4.3 above.
- b. *Detailed risk assessment:* further reviews should be carried out on the prospective Supporter and type of Donation as set out in Appendix 1.
- c. *Risk categorisation and recommendations:* Based on the results of the detailed risk assessment, a risk rating should be assigned to the prospective Donation and a recommendation of actions should be made.
- d. *Evaluation and sign-off:* The Gorta Group Management Team (MT), or its relevant delegated persons as set out in section 4.4.3, should evaluate and sign-off on the risk assessment and recommendations, and decide whether to accept the Donation. The Audit, Finance and Risk Committee shall provide its final approval of any High Risk Donations that should be accepted. Excluded Donations will be rejected.

This Risk assessment process is summarised Appendix 1 (Risk Assessment Process) and Appendix 2 (Risk Factors) of this Policy.

##### 4.4.2 Responsibility for conducting risk assessments

The following responsibilities shall apply for performing Supporter and Donation risk assessments:

Donations, including Donations in-kind	Who shall conduct the risk assessments
Funding/Donations contracts acquired by Programme Funding team	Programme Funding team

Funding/Donations acquired by a Country Programme directly	Country Director of the Country programme
Donations acquired by the Fundraising team	Fundraising team

In The Gorta Group subsidiary companies, the CEO of The Gorta Group's subsidiary company will assume responsibility for ensuring Risks assessments of any Donations are conducted in accordance with this Policy.

#### 4.4.3 Risk Assessment Evaluation and Approval process

The Risk Assessment Evaluation shall be conducted in accordance with Appendix 1

Risk Level (as set out in Appendix 1)	Decision	Approval level
<b>Low</b>	Donation can be accepted	<p><b>Funding/Donations acquired by Programme Funding team:</b> Head of Programme Funding Team</p> <p><b>Funding/ Donations acquired by Country Programme:</b> Regional Director</p> <p><b>Donations acquired by Fundraising team:</b> Director of Business Development</p>
<b>Medium</b>	The Gorta Group may or may not accept such Donation	Director of Programmes <b>and</b> Director of Finance
<b>High</b>	<p>The Gorta Group shall not accept such Donation</p> <p>If there is a strong justification for its acceptance, The Gorta Group Management Team (MT) may recommend approval to the Audit, Finance and Risk Committee (AFRC).</p>	<p><b>If Donation shall be rejected:</b> Director of Programmes <b>and</b> Director of Finance</p> <p><b>If Donation should be accepted:</b> The GG Management Team to approve and recommend to AFRC. AFRC must provide its final approval.</p>
<b>Excluded</b>	<p>The Gorta Group shall reject the Donation; and</p> <p>The Director of Programmes and Director</p>	<p><b>Funding/Donations acquired by Programme Funding team:</b> Head of Programme Funding Team</p>

	of Finances must be notified.	<p><b>Funding/ Donations acquired by Country Programme:</b> Regional Director</p> <p><b>Donations acquired by Fundraising team:</b> Director of Business Development</p>
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#### 4.4.4 Record-keeping

The Gorta Group Management Team will ensure that the details and outcome of the risk assessment process are recorded within Salesforce in a timely manner.

#### 4.5 Conditions of Acceptance of a Donation

The following conditions must be communicated to a Supporter after a Basic risk assessment has been completed as set out in section 4.4 above.

Any additional key conditions will be communicated to a Supporter after a Detailed risk assessment is carried out on the Supporter and Donation.

The Supporter must agree to the following conditions of acceptance before a Donation can be accepted by The Gorta Group. The Gorta Group's acceptance of Donations is subject to the following conditions:

- a. the acceptance of a Donation does not constitute an endorsement by The Gorta Group of the Supporter, its affiliates, related products or services;
- b. the acceptance of a Donation does not confer the Supporter or its affiliates any privilege or competitive advantage;
- c. the acceptance of a Donation as such does not offer the Supporter or its affiliates any possibility for advising, influencing, participating in, or being in command of the management or implementation of strategic or operational activities of The Gorta Group; and
- d. it is within the The Gorta Group's discretion to decline a Donation or to endeavour to return any unspent Donation funds without any further explanation to the Supporter.

#### 4.6 Laws, Regulations & Standards

This policy supplements laws that regulate donations and impose fiduciary duties. So, for example, members of the Board of the Gorta Group are also subject to the provisions of the Companies Act 2014 & Charities Act 2009 and in the UK the Companies Act 2006 & Charities Act 2011. Similarly, members of the Board of other Group companies are subject to provisions under relevant legislation in that jurisdiction. Compliance with this policy may not ensure compliance with such legal requirements and directors & Trustees should seek local legal advice. This policy support compliance with the requirements of the Irish Criminal Justice (Money Laundering and Terrorist Financing) Act 2010-2021 and support the Principle 10 - Anti-Corruption, of the United Nations Global Compact.

#### 4.7 Monitoring

The Gorta Group will monitor the implementation of this policy annually. This policy will be reviewed annually and updated as appropriate.

## 5. FURTHER DEFINITIONS

- **Money Laundering:** Money laundering is the processing of criminal proceeds (cash and assets obtained from criminal activities) to disguise their illegal origin<sup>1</sup>. Money laundering involves<sup>2</sup>:
  - an underlying, profit-making crime (e.g. tax evasion, fraud, theft, organised crime, drug trafficking, embezzlement);
  - an act to conceal, transfer or convert the proceeds of crime; and
  - the person involved knows or ought to have known that the property is the proceeds of crime.
- **Trustee** in the case of The Gorta Group, the directors, board and committee members and other officers of the company.
- **Connected person** is a trustee or employee spouse, civil partner, parent, brother, sister, child, child of spouse, civil partner, brother and/or sister; grandparent or grandchild, business partner. Any person the employee or trustee is in a partnership with. Any person the individual is employed by under a service or contract. A body corporate if the individual has control of, or if the individual and any of the above mentioned connected persons together have control over it. (The GG Conflict of Interest Policy)

## 6. RELATED POLICIES AND GUIDES

Code of Conduct, Whistleblowing Policy, Conflict of Interest Policy, Anti-Fraud and Anti-Corruption Policy, Anti-Terrorist and Sanctions Check Policy, Self Help Africa / United Purpose Procurement & Logistics Policy and in particular its Annex 5 – Donations in Kind.

## 7. FURTHER GUIDANCE FOR TRUSTEES

For Ireland:

- [Charity Commission](#) *Guidance on Anti-Money Laundering and Counter Terrorist Financing for Charities*
- [Charity Commission](#) *Internal Financial Control Guidelines for Charities*
- [Charity Commission](#) *Guidance for Charity Trustees 2017*

For the United Kingdom:

- [Charity Commission Guidance](#) *Charity Fundraising: a guide to trustee duties*
- [Charity Commission](#) *Tool 6: Know your Donor: Key questions*
- [Charity Commission](#) *Protecting Charities from Harm - How to safeguard your charity from terrorism, fraud and other abuse*

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<sup>1</sup> [Citizens Information](#), **Money Laundering** Introduction

<sup>2</sup> [Central Bank of Ireland](#), **Money Laundering and Terrorist Financing**, Anti-Money Laundering Explained





## APPENDIX 1 RISK ASSESSMENT PROCESS

### 1. Basic risk assessment

This is an initial check on the risk attached to engaging with a prospective Supporter and/or considering the Donation. This basic risk assessment will consider nature of the Donation and Supporter and in particular:

- a. whether the prospective Donation is aligned with the Principles set out in section 4.3 above;
- b. whether the Supporter is an owner of, majority shareholder in, or has significant decision-making authority in a business which is in an excluded and/or a high-risk industry, or is there an exclusion and/or high-risk factors (as defined in Annex 2 (*Risk Factors*)); and
- c. the risk associated with type of Donation itself.

### 2. Detailed risk assessment

If a prospective Donation passes the Basic risk assessment, then a detailed risk assessment should be carried out to provide information such as:

- (i) *Residency*: Is the Supporter's country of residence and/or jurisdiction of incorporation a high-risk geographical area, in that there are inadequate legal and regulatory safeguards against money laundering or anti-terrorism financing?
- (ii) *Press*: Is there any recent negative press coverage relating to the Supporter?
- (iii) *Political Exposure*: Is the Supporter (or any of its trustees/directors) a Politically Exposed Person (PEP) or affiliated with a PEP<sup>3</sup>?
- (iv) *Terms & Conditions and/or Publicity*: Are there terms and conditions attached to the Donation?
- (v) *Previous Contact*:
  - Was Supporter's past performance and its Donation reliable and timely?
  - Is the prospective Supporter an individual/ entity from which The Gortat Group has, for any reason, previously declined to accept a Donation?
- (vi) *Further Information*: Has any further information been discovered regarding the prospective Supporter/Donation which is a risk factor and should be considered in the decision making?

### 3. Risk categorisation and recommendations

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<sup>3</sup> Check the [Financial Action Task Force \(FATF\) Guidance: Politically Exposed Persons \(Recommendations 12 and 22\), Chapter II DEFINITIONS](https://www.fatf-gafi.org/media/fatf/documents/recommendations/guidance-pep-rec12-22.pdf) that sets out the definitions of *Foreign, Domestic and International Organisation PEPs, their Family members and Close associates* (<https://www.fatf-gafi.org/media/fatf/documents/recommendations/guidance-pep-rec12-22.pdf>)

Based on the information gathered on the Supporter and the Donation through the Basic and Detailed risk assessments, a risk rating will be assigned to the prospective Donation in accordance with the table below.

Risk Level	Supporter	Donations
<b>Low</b>	<p>A prospective Supporter will be considered “low” risk if:</p> <ul style="list-style-type: none"> <li>no issues are raised in the Basic risk assessment; and</li> <li>the answers to all the detailed risk assessment due diligence questions above are “No”.</li> </ul>	<p>Gifts in cash/cheque/bank wire transfer valued at EUR 10 000</p> <p>Funding/Donor contracts</p>
<b>Medium</b>	<p>A prospective Supporter will be considered “medium” risk if:</p> <ul style="list-style-type: none"> <li>no issues are raised in the basic risk assessment;</li> <li>the answers to (i)-(iv) of the detailed risk assessment due diligence questions above are “No”; and</li> <li>the answers to (v) or (vi) is “Yes”.</li> </ul>	<p>Examples include:</p> <ul style="list-style-type: none"> <li>In-kind donations</li> <li>Non-restricted Marketable Securities;</li> <li>Bequests and Beneficiary Designations under Revocable Trusts, Life Insurance Policies, Commercial Annuities and Retirement Plans; and</li> <li>Gifts in cash/cheque/bank wire transfer valued between EUR 10 001 – EUR €1, 000 000</li> </ul>
<b>High</b>	<p>A prospective Supporter will be considered “high” risk if:</p> <ul style="list-style-type: none"> <li>it is linked to a high-risk industry/ factor (as defined in Appendix 2); or</li> <li>any of the answers to section 2. (i)-(iv) of the Detailed risk assessment questions above is a “Yes”.</li> </ul>	<p>Examples include:</p> <ul style="list-style-type: none"> <li>Donations towards programmes which are not existing The Gorta Group programme models.</li> <li>Restricted Marketable Securities. For example, marketable securities which are restricted by applicable securities laws or the terms of the proposed gift;</li> <li>Tangible Personal Property;</li> <li>Life Insurance;</li> <li>Real Estate; and</li> <li>Any otherwise “medium” risk donation valued above EUR 1 million.</li> </ul>
<b>Excluded</b>	<p>A prospective Supporter will be considered “excluded” if it is linked to an excluded industry and/or an exclusion factor (as defined in Appendix 2).</p>	<p>All Donations from excluded Supporters (regardless of type and amount) are excluded.</p>



**APPENDIX 2  
RISK FACTORS**

As part of the basic risk assessment, The Gorta Group shall consider whether the Supporter is an owner of, majority shareholder in or has significant decision-making authority in any of the industries below or whether any of the listed Exclusion Factors apply to the Supporter:

Risk	Details/Examples
<b>Excluded Industries</b>	Armaments – manufacturing, marketing and/or distribution of armaments. Careful judgement will need to be exercised around military supply companies and suppliers of components. It is not intended that this category be unduly restrictive to disqualify gifts-in-kind and support from suppliers in emergencies (such as transport, tents, blankets, IT hardware and software, etc.) or from companies which supply IT component parts to the arms industry
	Pornography – the production, distribution and/or marketing of pornography. It is not intended that this category is unduly restrictive to disqualify working with internet service providers or other companies whose platforms are used to host content as part of a wider portfolio of communications services
	Gambling – provision of gambling platforms/facilities including casinos, sports betting and online gambling sites (not including national or postcode lotteries)
<b>Exclusion Factors and/or Activities</b>	Sanctions – Supporter is a sanctioned individual and/or entity or is controlled by a sanctioned individual and/or entity
	Anti-Money Laundering and Embargos – Supporter has been convicted of violating a relevant Anti-Money Laundering and/or Embargo legislation
	Provision of child labour and/or exploitive labour practices
<b>High Risk Industries</b>	Extractive industries (fossil fuels) – the extraction, production or sales of fossil fuels (oil, gas, coal)
	Tobacco – manufacturing, sales and/or marketing of tobacco and tobacco-related goods (including e-cigarettes)
	Alcohol - manufacturing, sales and/or marketing of alcohol and alcohol-related drinks or goods
	Private security services – providing armed or unarmed security services, including digital, video or any other type of surveillance
	Crypto currency - any form of currency that exists digitally or virtually and/or digital payment system that does not rely on banks to verify transactions and/or don't have a central issuing or regulatory authority

<b>High Risk Factors and/or Activities</b>	Allegations of support to terrorism, money-laundering and/or violation of embargos
	In breach or suspected of to be in breach of any relevant legislation
	Irresponsible and exploitative lending
	Bribery and corruption allegations or practices
	Practices that lead to irresponsible and irreversible environmental degradation
	Practices which lead to land grabs and forced displacement of communities
	Donations which could call into question The Gorta Group neutrality and independence, or create conflicts of interest
	Accusations and / or prosecutions for corporate criminal behaviour
	Politically Exposed Persons (PEP) or affiliates <sup>4</sup>
	Individuals or companies incorporated in high-risk jurisdictions and/or under increased monitoring <sup>5</sup>
<b>Low Risk Factors</b>	All opportunities not classified as high-risk default to low risk.

<sup>4</sup> Check the [Financial Action Task Force \(FATF\) Guidance: Politically Exposed Persons \(Recommendations 12 and 22\), Chapter II DEFINITIONS](https://www.fatf-gafi.org/media/fatf/documents/recommendations/guidance-pep-rec12-22.pdf) that sets out the definitions of *Foreign, Domestic and International Organisation PEPs*, their *Family members* and *Close associates* (<https://www.fatf-gafi.org/media/fatf/documents/recommendations/guidance-pep-rec12-22.pdf>)

<sup>5</sup> Check the countries included in the most recent lists of **High Risk Jurisdictions** and the **Jurisdictions under Increased Monitoring** published by the [Financial Action Task Force \(FATF\)](https://www.fatf-gafi.org/en/countries/black-and-grey-lists.html) on FATF website (<https://www.fatf-gafi.org/en/countries/black-and-grey-lists.html>)