

# THE PHOTOGRAPHERS' GALJERY

## The Photographers' Gallery

### Policy & Practice in Accepting Donations

27 February 2019

#### 1. INTRODUCTION

The Photographers' Gallery (The Gallery) is a charity registered in the UK. It receives core funding from Arts Council England as a National Portfolio Organisation. The remainder of its income – from trusts, corporate donors and individuals (the Donors) – enables the Gallery to fulfil its charitable objectives.

These, described in its Memorandum of Association, are: to advance photography as an art form, promote public knowledge, appreciation and understanding of the medium and organise public exhibitions and projects – including the way in which new media and technology responds to the evolving nature of the photographic and image-based medium.

#### 2. OVER-RIDING CONDITIONS

The Photographers' Gallery actively seeks opportunities to work with Donors who align with and share these objectives. Donors will be accepted – and welcomed – on the basis of the following provisos:

- By working with and receiving funds from the Donor, the Gallery's beneficiaries are likely to benefit.
- The Director and Trustees are satisfied that no adverse publicity will result from accepting such support.
- Acceptance of the donation will not have adverse repercussions with existing or potential Donors.
- There will be no attempt on the part of the Donor to influence the Gallery's policy or actions, either explicitly or implicitly.
- The independent status of the Gallery will not be compromised.
- The Donor will not use its, his or her association with the Gallery to promote or endorse its products or reputation in any way whatsoever.
- The Gallery's association with the Donor is likely to enhance the Gallery's reputation and more particularly will not damage it.
- The donation will not amount to such proportion of the Gallery's annual income that it will or may, in the judgment of the Gallery's Trustees, cause the Gallery to be over-reliant on the Donor.

#### 3. DUE DILIGENCE

Due diligence is the range of practical steps that need to be taken to test the provenance of donations and generate confidence that the Gallery and the Donor will be a good match.

In practice, this means taking prudent steps to ensure the Gallery knows its Donors and vice versa. The relationship may be a long one. Although it will be governed by contract, the reality is that it will work a lot better if it is based on trust. The process of due diligence is – or should be if it is properly done – the foundation on which the relationship is built. It is also the only way in which the Gallery can ensure that a donation does not turn into a liability.

Due diligence will usually involve judging the quality and completeness of initial information obtained and then deciding whether further checks or enquiries are necessary. The bar will be higher for larger donations.

To satisfy the core elements of due diligence, the Gallery must take reasonable steps to ensure it:

- Knows who it is dealing with and those with whom the Donor is associated.
- Can verify information so it can reasonably assess degree of risk, if any.
- Understands the Donor's business and is satisfied it is appropriate for the Gallery to be associated with it.
- Has a clear picture of why the Donor wishes to be associated with the Gallery and understands their motives.
- Has confidence the Donor will deliver what the Gallery wants – particularly if the relationship has the potential to last for many years.
- Knows the source of funds.
- Is confident, in the case of donations pledged to be paid on a future date, that the pledge can be relied on.
- Detects any unusual or suspicious activities, conduct or requests.

This list is not exhaustive; other questions and concerns may arise.

The information obtained during the due diligence process must be accurately and comprehensively recorded and filed safely and confidentially.

#### **4. PROCEDURE**

The Gallery maintains a register of all Donors which records their names, the amount and purpose of their donation(s) and the date(s) on which they were made; such register shall be available for public inspection.

For donations exceeding £ 10,000 but less than £100,000 the Donor must enter into an Agreement with the Gallery signed by the Director.

For donations in excess of £100,000 the Donation must be approved by the Board of Trustees and the Agreement must be signed by the Director and Chairman (or such other Trustee as may be authorised).

If a Donor enters into a contemporary sponsorship agreement with the Gallery, a clear line must be drawn between the donation and the subject-matter of the sponsorship.

The principles set out in this document shall be consistently applied to all prospective Donors.

This document may be amended with the consent of a majority of the Trustees but not otherwise.