

## 1. INTRODUCTION

This policy applies to Pre-primary, Primary and Secondary public schools. The Government of the Virgin Islands is committed to developing and enhancing public education in the Virgin Islands. Through the Ministry of Education, Youth Affairs and Sports, the Government provides guidelines regarding accepting donations for this stated purpose.

This policy sets out the position of the Government of the Virgin Islands on soliciting and accepting donations for the development and enhancement of public education in the Virgin Islands. This policy also provides donors with guidelines on how the Government of the Virgin Islands, acting through the Ministry of Education, Youth Affairs and Sports refuses or returns donations. These guidelines may be of assistance and interest to potential and existing donors.

## 2. POLICY POSITION STATEMENT

- 2.1. The Government of the Virgin Islands, acting through the Ministry of Education, Youth Affairs and Sports, aims to create an attractive and transparent climate for philanthropic donors through comprehensive rules of engagement, which align with developing and enhancing public education in the Virgin Islands.

## 3. CURRENT POLICY MISSION

- 3.1. To support the transformation of education in the Virgin Islands under the theme “Moving Full S.T.E.A.M. (Science, Technology, Engineering, Arts, Mathematics) Ahead” to facilitate teaching and learning efficiently by providing modern resources for all students and educators.

## 4. DEFINITIONS

For the purposes of this section, the following definitions apply:

“*Conditional donation*” is a gift offered to the Ministry on the condition that the Ministry agrees to use the donations in a manner specified by the donor.

“*Donations*” means any gift with an ascertainable market value for which the Government does not pay market value, including donation of cash, loans of goods, services, and property. “*Donor*” means a gift given by an individual, commercial entity or private

business, corporation, or non-profit organisation or association, international or multinational organisation, foreign or regional Government. “goods” means objects of every kind and description including raw materials, products, computer software, software licenses and equipment and objects in solid, liquid or gaseous form, and electricity, as well as services incidental to the supply of the goods if the value of those incidental services does not exceed that of the goods themselves

“Ministry” means Ministry of Education, Youth Affairs and Sports.

“Permanent Secretary” means the Permanent Secretary for the Ministry of Education, Youth Affairs and Sports.

“services” means supply of physical services, or other labour, time or effort which may include a tangible end-product produced or supplied as an incident of that labour, time or effort; it may include “consulting services” where the context permits

“Unconditional donation” is a gift offered to the Ministry and may be used for any lawful purpose within the public education sector.

“works” means all works associated with the construction, reconstruction, demolition, repair, maintenance or renovation of a building or structure, or any construction works such as railways, roads, highways, site preparation, excavation, installation of equipment and materials, decoration, as well as physical services incidental to works, if the value of those services does not exceed that of the works themselves

## 5. POLICY OVERVIEW

- 5.1. The Government of the Virgin Islands welcomes donations for developing and enhancing public education in the Virgin Islands.
- 5.2. Donations can help the Ministry of Education, Youth Affairs and Sports “the Ministry” to give students a rewarding learning experience. Donations can also assist educators in carrying out their responsibilities in preparing our youth for their future;
- 5.3. The Ministry has the authority, on behalf of the Government of the Virgin Islands, to accept donations made specifically to benefit the development and enhancement of public education in the Territory;
- 5.4. To ensure the acceptance and use of gifts to further the Ministry’s interests to preserve the integrity of the Government of the Virgin Islands, Ministry officials may solicit, accept, and use gifts on behalf of the development and enhancement of public education in the Virgin Islands only in accordance with provisions in this policy;
- 5.5. To avoid actual impropriety or the appearance of impropriety, the Ministry may solicit, accept, and use donations on behalf of the development and enhancement of public education in the Virgin Islands only in accordance with provisions outlined in this policy;

- 5.6. No Elected Official or Public Officer may make any commitment to an actual or prospective donor that implies that the donor will receive any advantage or preference from the Government of the Virgin Islands or the Ministry of Education, Youth Affairs and Sports;
- 5.7. Faculty and staff of public education institutions are not authorised to accept donations to benefit the development and enhancement of their respective schools, unless approved by the Ministry to ensure an accountable process is maintained in keeping with the policies of the Ministry, Public Service and the Laws of the Virgin Islands. This should be handled solely by and through the Ministry to ensure an accountable process is maintained in keeping with the policies of the Public Service and the Laws of the Virgin Islands;
- 5.8. The Ministry soliciting, accepting, or using donations must become thoroughly familiar with the contents of this policy to allow for effective execution.

## **6. SCOPE**

- 6.1. Donations, also called ‘gifts’, are used only for “carrying out (of) official functions, obligations or responsibilities.
- 6.2. The provisions of this policy govern the acceptance and use of donations to the Ministry of Education, Youth Affairs and Sports from funding sources or the solicitation of donations for public education institutions when such solicitation assists the Ministry in carrying out its official functions in the Virgin Islands.
- 6.3. Monetary donations offered by individuals, businesses, and non-profit organisations, once accepted, are used to supplement funds appropriated to the Ministry for the authorised development and enhancement of public education in the Virgin Islands.
- 6.4. Monetary donations must be reflected in the annual or revised budget estimates as a grant and shall be allocated to the appropriate project or initiative subhead as envisioned and agreed by the Ministry and the Donor.

## **7. RELEVANT LEGISLATION**

The Ministry shall not engage donors or instruments that have questionable business practices or controversy that present a position of public mistrust. Therefore, this policy must be initiated and executed in line with, but not limited to the following legislation and policies:

1. Anti-Money Laundering And Terrorist Financing Code of Practice
2. Anti-Money Laundering Regulations (Revised Edition 2020)
3. BVI Public Finance Management Regulations, 2005

4. Education Act, 2004. 1. No. 10 of 2004
5. The Virgin Islands Constitution Order, 2007
6. Non Profit Organisations Act, 2012
7. Protocols for Effective Financial Management 2012
8. Public Procurement Act, 2021
9. Public Procurement Regulations, 2022
10. Public Finance Management Act, 2004
11. Public Service Management Code
12. Virgin Islands Education Regulations, 2016
13. Virgin Islands Ministerial Code of Conduct

*The reference to legislation in the policy is not exhaustive, as other pieces of legislation may be considered on a case-by-case basis based on the donor's credentials, business or organisational affiliation.*

## **8. TYPES OF DONATIONS GOVERNMENT ACCEPTS**

The Government acting through the Ministry accepts two types of donations: in-kind, namely physical assets, works, goods or services, and monetary donations.

- i. Cash of any amount payable to the Accountant General; ii. Land and buildings; iii. Property;
- iv. Donations in kind such as - but not limited to - venues, catering and advertising; v. Training (locally, regionally and internationally); vi. Technical assistance to develop and enhance public education in the Virgin Islands; and vii. Donation through funding for:
  - a) Ongoing maintenance of the building infrastructure and improvement school facilities;
  - b) Ongoing training for students and educators to enhance the public education sector (conference, seminar, speaking engagement, symposium, training course); and
  - c) Upgrade and ongoing maintenance of school or education equipment.

## **9. AUTHORITY TO SOLICIT AND ACCEPT DONATIONS**

The Permanent Secretary ensures that the Ministry and its Departments adhere to established policies and procedures in carrying out their functions to ensure compliance with procedural guidelines and consistency with other government bodies and the Laws of the Virgin Islands, and serves as the Accounting Officer for the Ministry.

- 9.1. The Permanent Secretary is responsible for the general direction and overall supervision of the Ministry's solicitation and acceptance of donations to develop and enhance public education in the Virgin Islands.
- 9.2. The Permanent Secretary is the authorised officer or delegated Government official responsible for the solicitation and acceptance of all Ministry donations..

## **10. DUE DILIGENCE AND KNOW YOU CLIENT (KYC)**

In accordance with the Anti-Money Laundering Regulations (Revised 2020), the Ministry will conduct donor due diligence before entering into new or reengaging in existing donor relationships. This requirement to conduct due diligence stands irrespective of the nature or form of donor contribution. The AML framework also mandates that donors shall present documentary proof of identity, address, and professional status.

- 10.1. Prior to accepting a potential donation, the Permanent Secretary will conduct due diligence checks and complete vetting to ensure that there are no breach of the Laws of the Virgin Islands or any conflicts of interest (whether actual or perceived) exist with the donor;
- 10.2. In carrying out due diligence checks, the Permanent Secretary will carefully research and make a determined judgment that soliciting and accepting donations from each entity would not cause embarrassment or harm to the reputation of the Government.
- 10.3. The Permanent Secretary should also make a reasoned judgment that soliciting the donors would not give the appearance of a conflict of interest that would cause a reasonable person to believe that the Ministry or Government official involved lost objectivity in the performance of his or her official duties.
- 10.4. All potential donations will be assessed against the following criteria:
  - a) Did the due diligence checks yield a positive outcome?
  - b) Has the donor been sanctioned by a local or international authority as a result of improprieties?
  - c) Is the donor involved in or is the source of funds a result illegal activities?
  - d) Has the donor filed for bankruptcy or going through an active bankruptcy proceeding?
  - e) Is the donor going through an active court proceeding, or are the courts administering its assets?
  - f) Is there sufficient credible evidence that a proposed donation would originate from an activity that is illegal or unethical?
  - g) Is there sufficient credible evidence that a proposed donation, or any of its terms, would impinge on academic freedom or limit freedom of those in the public education sector?
  - h) Does it create conflicts of interest for the Ministry, Government of the Virgin Islands and/or the individual beneficiaries of the donation?
  - i) Would it seriously harm the Ministry's relationship with other benefactors, partners, staff, students, or other stakeholders?

10.5. Any person who has been delegated authority by the Permanent Secretary to accept donations will also be required to consider and assess potential donations in accordance with Section 11 of this policy.

## **11. REFUSAL OF DONATIONS**

The Ministry can refuse a donation when it would be unlawful to accept it.

11.1 The Ministry can refuse to accept a donation that would be detrimental to the achievement of the purposes of the Ministry as set out in the Budget and Government Legislative Agenda.

11.2. The Permanent Secretary will not approve a donation from an entity where it appears that the donation is given to obtain a competitive advantage in future dealings with the Ministry, School or the Government of the Virgin Islands.

## **12. PREPARATION FOR ACCEPTANCE OF DONATIONS**

A donor who has fully satisfied all the requirements of engagement and is in good standing, is allowed to conduct business corporate/social responsibility/philanthropy-related engagement with the Ministry.

12.1. The Permanent Secretary must prepare an action memorandum for the consideration and clearance of the Cabinet of the Virgin Islands. The memorandum must include:

- i. A detailed description of the proposed donation solicitation and its goals;
- ii. The name of the Ultimate Beneficial Owner and any relevant information regarding any potential conflicts or information that could cause harm or embarrassment to the Ministry or Government;
- iii. An explanation of the funding to be used, including appropriated funds or alternative sources of funding and an explanation of funding or personnel to be provided by the donor;
- iv. The specific use of donor funds (for example, to carry out major rebuilding and refurbishment projects);
- v. The proposed project's importance to the Ministry, including whether the donor's gift enables the Ministry to further achieve goals and objectives in developing and enhancing public education in the Virgin Islands;
- vi. If soliciting donor funds and several responded, background concerning how the entity or entities was/were chosen;
- vii. The amount of money donated and how it will be managed;
- viii. The degree to which the Ministry will be directly involved in the execution of the project being funded;
- ix. Confirmation that employees involved in the solicitation do not have an outside personal or financial interest in the potential donor;
- x. A description of any business the entity has with the Ministry; and xi. Any information necessary to allow the Cabinet to determine its final decisionmaking.

12.2. The Ministry's acceptance of official donations from foreign government or international organisations must be reported to the office of the International Affairs Secretariat, Premier's Office and the Financial Secretary. The Ministry should also consult the Ministry of Finance and the Financial Investigation Agency before agreeing to accept donations from both domestic and international potential donors to allow for preliminary due diligence on the donor in accordance with Section 11 of the Policy.

12.3. The Cabinet of the Virgin Islands must approve acceptance of donations of real property.

### **13. PROJECT APPROVAL AND DONATION SOLICITATION/ACCEPTANCE PROCESS**

The objective is to ensure that the donation process is legal, honest, transparent, and accountable in the best interest of the public.

13.1 The Ministry is responsible for developing the requirements and scope for the proposed project or initiative to be considered for potential donation;

13.2. The Ministry is responsible for deciding to what extent the project proposal is consistent with the long-term plan for the school of particular interest;

13.3. Working in consultation with the donor, the Ministry must determine the appropriate scope of the desired project to be completed in line with the donor funding;

13.4. A memorandum should be written to the Financial Secretary indicating the potential engagement and a description of the project and all project documentation, the estimated cost of the project, and the amount the donor will give and any conditions requested by the donor and to ensure that due diligence is carried out;

13.5. Approval must be obtained:

- a) from the Permanent Secretary for cumulative donations up to \$25,000;
- b) from the Permanent Secretary in consultation with the Financial Secretary for donations between \$25,001 and \$100,000; and
- c) from Cabinet where donations exceed \$100,000

13.6. Premier and Minister of Finance shall sign memorandum of understanding for donations on behalf of the Government of the Virgin Islands. This execution is to be witnessed by the Minister for Education, Youth Affairs and Sports, or the Permanent Secretary in his or her absence.

## **14. ACCOUNTING**

Monetary donations allocated for a specific purpose must be in accordance with the accounting policies and procedures of the Ministry of Finance, Public Finance Management Act, 2004 and any other applicable law of the Virgin Islands.

- 14.1. Donations less than \$100,000 in value may be approved by the Permanent Secretary or designee before acceptance.
- 14.2. Donations of \$100,000 in value or more must be approved by Cabinet before acceptance.
- 14.3. The Ministry in exercising proper internal controls over all transactions for the project will provide a complete audit trail, and, otherwise, follow accounting procedures governing appropriated funds.
- 14.4. If all or any part of a donation is to be returned to the donor, it shall be done in accordance with Section 28 of the Public Finance Management Act, 2004.
- 14.5. Donations of assets (buildings, land, etc.) must be recorded on Government asset register by the Treasury department via the Ministry of Finance.
- 14.6. Reconsidering donations already accepted: where a donation has been accepted, if information becomes known about the donor or the donation, which might have made the donation unacceptable, and the Ministry could not reasonably have known at the time of acceptance, the donation will be reconsidered by the Cabinet.
- 14.7. All cheques from the donor for the project should be payable directly to the Accountant General into the Consolidated Fund or a Special Account as determined by the Cabinet.

## **15. SANCTIONS**

- 15.1. The Foreign, Commonwealth & Development Office (“FCDO”) is responsible for the United Kingdom’s overall sanctions policy, including legislating and making designations under the majority of sanctions regimes. The FCDO publishes the UK sanctions list which provides details of individuals, entities, aircrafts and ships designated under sanctions regimes for the different types of sanctions measures, including financial, immigration, trade, maritime and transport.
- 15.2. As an Overseas Territory of the United Kingdom, sanctions imposed by the United Kingdom on any person or entity automatically apply in the Virgin Islands. Accordingly, all individuals and entities in or undertaking activities within the Virgin Islands (including the Government of the Virgin Islands) must comply with the UK sanctions obligations.
- 15.3. In the UK, the HM Treasury’s Office of Financial Sanctions Implementation (“OFSI”) publishes a consolidated list of all individuals and entities subject to financial sanctions. In the Virgin Islands, this list is reproduced and published on the Financial Investigation Agency (“FIA”) and the Financial Services Commission (“FSC”) websites. The list is typically updated daily.

15.4. The Ministry should establish reasonable and proportionate due diligence and have adequate mechanisms, systems and controls to ensure effective screening of donor and potential donors against the UK consolidated sanctions list published on the FIA and FSC websites.

## **16. PROJECT COMMITMENT**

The Ministry appreciates the commitment of donors to the development and enhancement of public education in the Virgin Islands. The Ministry therefore commits to ensuring that the sector remains viable and sustainable for future users of educational facilities throughout the Territory. Once the donor funding and or services are approved and properly accepted, the Ministry commits to ensuring the following if:

### **16.1. Donor Funding given to Government**

Appropriate donor recognition through Government communications and affiliated events if desired;

- i. Maintain clear and readily accessible records of all transactions relative to the donation, including, but not limited to:
  - a) Receipt of monetary donations into Government account;
  - b) Disbursement of the funds from the Treasury pursuant to the purpose of the donation;
- ii. Assign an officer with the relevant qualifications and experience to oversee the donated project to ensure the project is completed to the required standards,
- iii. Project reports on the progress of project or initiative at regular intervals to be agreed with the donor, inclusive of financial reports on the use of funds;
- iv. Access to view the onsite project status and works on the public educational facility it is funding;
- v. Unconditional donations will be used to facilitate training of teachers and students (locally, regionally and internationally), or to upgrade, replace or purchase new equipment to enhance the public education experience in the Virgin Islands; and
- vi. Following completion of the donor project the Ministry will ensure:
  - a) Ongoing maintenance of the building infrastructure and improvement school facilities;
  - b) Ongoing training for students and educators to enhance the public education sector (conferences, seminars, speaking engagements, symposium, training courses);
  - c) Necessary upgrade and ongoing maintenance of equipment; and

- d) Any other areas agreed upon by both parties.

## **16.2. Donor implements project on behalf of Government**

Appropriate donor recognition through Government communications and affiliated events if desired;

- i. Assign an officer with the relevant qualifications and experience to oversee the donated project to ensure the project is completed to the required standards, and is in compliance with local development requirements including the Physical Planning Act, 2004, Building Regulations, and all inspections necessary to obtain planning approval;
- ii. Give donor access to land or premises where a project is being developed for the agreed duration of the project or when the project is completed, whichever comes first;
- iii. Authenticate Customs T-12 documents to enable donated goods and or equipment receive import duty exemption once it is for the donation to the Ministry of Education, Youth Affairs and Sports;
- iv. Liaise with Immigration Department to provide courtesies to persons entering the territory to provide services to the Ministry of Education, Youth Affairs and Sports and its departments;
- v. Access to view the onsite project status and works on the public educational facility it is funding;
- vi. Unconditional donations will be used to facilitate training of teachers and students (locally, regionally and internationally), or to upgrade, replace or purchase new equipment to enhance the public education experience in the Virgin Islands;
- vii. Following completion of the donor project the Ministry will ensure:
  - a) Ongoing maintenance of the building infrastructure and improvement school facilities;
  - b) Ongoing training for students and educators to enhance the public education sector (conferences, seminars, speaking engagements, symposium, training courses);
  - c) Necessary upgrade and ongoing maintenance of equipment;
  - d) Any other areas agreed upon by both parties.

The Ministry of Education, Youth Affairs and Sports is committed to executing this policy in a transparent and accountable manner that leads to successful outcomes for all parties, including the public we serve. This policy is fluid and will be updated periodically to ensure it is in keeping with current standards. Once again, its overall objective is to support the development and advancement of education in the Virgin Islands.