

Protecting vulnerable people while fundraising policy

This policy sets out the guiding principles when dealing with vulnerable donors to ensure they are treated fairly throughout the donation process and that the needs of the individual are put first.

1. Introduction and context

Fundraising should be a positive experience for all, whether an individual is an existing donor or potential new supporter. Through engaging the public in the work of charities, fundraising gives people the opportunity to support the issues they care about, connecting them with the cause. It is inevitable that fundraisers will come into contact with people who may be in a vulnerable circumstance, or need additional support to make an informed decision. There will also be times when fundraisers inadvertently approach people who may not have the mental capacity to make a decision to donate.

Every donor is an individual with a unique background, experience, and circumstance and every interaction between a fundraiser and donor is different. We do not believe that it would be right to have an approach which advocates treating some groups of individuals differently based on a personal characteristic (such as disability or age) as this could lead to discriminatory practice; everyone should have the opportunity to donate if they want to do so. However, there are times when donations should not be taken or where a donor needs additional care and support to make an informed decision. This policy provides guidance to enable fundraisers to respond appropriately to people in vulnerable circumstances, putting the needs of the individual first, above and beyond securing a donation.

2. Sector guidance

The Chartered Institute of Fundraising Code of Practice sets out four key principles:

Respect

Always be respectful. This means being mindful of and sensitive to any particular need that a donor may have. It also means striving to respect the wishes and preferences of the donor.

Fairness

Treat your donors fairly. This includes not discriminating against any group or individual based on their appearance or health conditions.

Responsive

Respond appropriately to the individual needs of your donors. The responsibility lies with fundraisers to adapt their approach (tone, language, communication technique) to suit the needs and requirements of the donor.

Accountable

Take responsibility for your actions, ensuring that your fundraising is carried out in line with the Code of Fundraising Practice. Consider what processes and procedures your charity

may need in place to ensure this happens and that the needs of people in vulnerable circumstances are met.

We recognise that it may be difficult in some situations for fundraisers to make a clear cut decision as to whether or not someone is in a vulnerable circumstance or lacks capacity. The person is likely to be stranger to the fundraiser, interaction can be short-lived and may not be in person. Our approach is always to err on the side of caution.

Our approach has been informed by the Chartered Institute of Fundraising document: Treating Donors Fairly: Fundraising with donors in vulnerable circumstances
<https://ciof.org.uk/events-and-training/resources/treating-donors-fairly>

In particular the guidelines state that

1.3.9. You must not take a donation if you know, or have good reason to believe, that a person lacks capacity to make a decision to donate, or is in vulnerable circumstances which mean they may not be able to make an informed decision.

Among other things, you should consider:

- any physical or mental-health condition the person may have;
- any disability the person may have;
- any learning difficulties the person may have;
- whether the person is facing times of stress or anxiety (for example, following the death of a loved one or redundancy);
- whether a donation is likely to affect the person's ability to sufficiently care for themselves or leave them in financial hardship;
- how well the person can communicate and understand what they are being told; • whether the person is under the influence of alcohol or drugs; and
- the person's age.

1.3.10. If a donor makes a donation while they do not have the capacity to make an informed decision, you must return the money to them.

3. Refusal of donations

Whenever the Charity suspects someone we engage with is lacking capacity or is vulnerable circumstances, we will take steps to terminate the contact in a way which seeks to protect that person, while protecting their dignity and any desire they have expressed to support the Charity.

The following are examples of indicators which could mean that an individual is in a vulnerable circumstance or needs additional support:

- Physical and mental medical conditions
- Disability

- Times of stress/anxiety (e.g. bereavement, redundancy)
- Financial vulnerability (where a gift from a donor may impact on their ability to sufficiently care for themselves or leave them in financial hardship)
- Limited ability to communicate effectively
- Influence of alcohol or drugs

In addition some people may be having difficulty processing information, asking irrelevant and unrelated questions or responding in an irrational way to questions. They may be repeating simple questions such as 'who are you' or 'what do you want'. They may give a statement such as: 'I don't usually do things like this, or my husband/wife/daughter/son etc takes care if it.

We recognise that everyone has the right to support their favourite causes and charities, but we also recognise that Newlife has an obligation to protect those in vulnerable circumstances.

In particular, the Charity recognises that some fundraising activity (such as telephone fundraising) can create higher risks in balancing the right to give and the need to protect. There may be some situations where the fundraiser can respond to provide extra support to an individual including:

- Talk clearly, avoiding words and phrases that may be hard to understand
- Repeat information
- Try to reflect on the terminology used which may help to improve understanding.
- Be patient and do not rush the individual
- Provide alternative forms of materials (more accessible)
- Consider alternative ways of communicating with supporters if they have accessibility requirements e.g. using video calls instead of the telephone.
- Be upfront and tell the person why you are communicating with them. Ask if they would like/prefer to be contacted in a different way or at a different time
- Always check their understanding.
- Allow them to defer a decision to a later date by offering to send information in the post

However there may well be times where it is clear that the person is vulnerable and the above support would not work in these circumstances, whenever a fundraiser suspects a person may be vulnerable, our approach is to immediately end the engagement. It may be deemed appropriate that the organisations safeguarding lead is informed. This should be done politely and without making a request for a donation or any direct enquiries about the individual's capacity to make a decision or the existence of vulnerable circumstances. This approach applies in all fundraising areas whether in house or through a third party. Any such actions are recorded on the donors record and contact preferences updated.

4. Returning donations made by vulnerable people

Despite our efforts to protect those in vulnerable circumstances, the Charity may receive a donation where there may be a question over the donor's mental capacity to make that

donation. In this circumstance, the Charity may return the donation to the donor or under certain circumstances. The Charity will need to be satisfied that at the time the donation was made, the donor was unable to understand the consequences or financial impact of making the donation.

The Charity will not return a donation where the donor simply made a bad decision and was not in a vulnerable circumstance. Where it is felt a case for an exceptional "ex-gratia" payment might exist, such payments required consent of the Charity Commission before they can be made.

Refer to F1 Gift and Acceptance Refusal Policy for guidance on assessing/managing risk and the refund process.