

## Fundraising and Vulnerable People Policy

<b>Owner:</b>	Director of Fundraising and Communications
<b>Lead Authors:</b>	Fundraising Compliance Officer; Supporter Care and Compliance Manager; Deputy Director: Fundraising
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	For level 2, please state which directorates this will apply to:  Fundraising and Communications
<b>Who is leading on the implementation?</b>	Supporter Care and Compliance Manager

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# POLICY

## 1. Policy Statement

- 1.1.1 The National Deaf Children's Society relies on the generosity of our supporters to fund our services for deaf children and their families. It is vital that our fundraising is managed in a manner which is fair, open and sensitive to the individual needs of any existing or potential supporter, as well as anyone else who receives a fundraising approach.
- 1.1.2 We recognise that some individuals we come into contact with will be in a vulnerable situation. We will endeavour to tailor our interactions and put into place appropriate mechanisms to cater for their needs. We have developed this policy as part of our commitment to responsible fundraising.
- 1.1.3 We will never knowingly target people in vulnerable circumstances for a donation or any other form of support, either directly or through any third parties.

## 2. Definitions

- 2.1.1 **Individual:** any person who interacts with or has a relationship with the National Deaf Children's Society. Examples include being a supporter, donor, complainant, member of the public or any combination of these.
- 2.1.2 **Mental capacity:** the ability to make one's own decisions. An individual can lack mental capacity for a number of reasons including an illness or disability such as a mental health condition, dementia or a learning disability. The Mental Capacity Act 2005 lays out the key principles to determine mental capacity. Any donation made by someone lacking mental capacity must be returned by law.
- 2.1.3 **Representative:** anyone acting on behalf of the National Deaf Children's Society, including permanent and temporary employees, casual workers, agency staff, volunteers, consultants, contractors, partners and Trustees.
- 2.1.4 **Vulnerable:** at increased risk of harm. This harm could be physical, psychological, emotional or financial. An individual is vulnerable for the duration of time they are unable to manage this risk. As such, vulnerability may be permanent or temporary, and short-or long-term. Within the context of this policy, the primary example of vulnerability is an individual's inability to make an informed decision on whether and how to respond to our fundraising requests, and the associated risks of financial or emotional harm.
- 2.1.5 **Vulnerable circumstances:** factors which may increase the likelihood of an individual being vulnerable. Circumstances such as these do not confirm vulnerability, but if they lead to an individual being unable to manage their risks, then this individual would be considered vulnerable.

### **3. Scope and purpose**

- 3.1.1 This policy applies to all National Deaf Children's Society representatives.
- 3.1.2 The purpose of this policy is to:
- a. Protect people in vulnerable circumstances from being harmed as a result of our fundraising activity
  - b. Set out the key principles which representatives must follow when interacting with a vulnerable or potentially vulnerable person
  - c. Provide guidance on how vulnerability might be demonstrated in the behaviour or actions of individuals during interactions
  - d. Ensure the National Deaf Children's Society complies with all legal duties and sector guidance and regulations concerning fundraising to people in potentially vulnerable circumstances
  - e. Provide guidance to fundraising agencies and service providers to enable them to comply with this policy when working with us.

### **4. Responsibilities**

- 4.1.1 The Board of Trustees has overall responsibility for ensuring this policy complies with our legal responsibilities, and that it is implemented effectively.
- 4.1.2 The Executive Director: Fundraising and Communications is responsible for overseeing the policy's implementation and ensuring it is followed.
- 4.1.3 The Supporter Care and Compliance Manager has day-to-day responsibility for implementing this policy, monitoring its use and effectiveness, dealing with any queries about its interpretation and overseeing the delivery of training to staff.
- 4.1.4 Fundraising managers at all levels are responsible for ensuring that:
- a. internal staff reporting to them are made aware of and understand this policy and are given adequate and regular training to enable them to act in accordance with it (comprising initial training for new starters as part of their induction, and annual refresher training sessions).
  - b. all agencies, consultants, partners or other external parties they employ for the purposes of fundraising activity or related services are made aware of this policy and their responsibilities, and that systems are in place to monitor compliance. See also 10.1.1.
- 4.1.5 Fundraising staff and representatives at all levels are responsible for complying with this policy.

## **5. Principles**

- 5.1.1 The welfare of any vulnerable person is paramount. Our fundraising must take account of the particular risks of harm faced by people in vulnerable circumstances.
- 5.1.2 We are committed to providing the highest level of safeguards to protect people in vulnerable circumstances who may come into contact with our fundraising activity, regardless of the nature of the approach or the setting in which it takes place.
- 5.1.3 We recognise that circumstances affect people differently. Some individuals will become vulnerable in circumstances where others may not, and the length of time and degree to which they are vulnerable will vary. We will endeavour to treat individuals in a way that is appropriate to their needs, tailoring our approach to make this possible.
- 5.1.4 We take any complaint about the treatment of vulnerable people seriously and will investigate fully. If appropriate, we will liaise with relevant legal or regulatory bodies.
- 5.1.5 Our representatives are not health and social care professionals and are therefore not qualified to identify or diagnose lack of mental capacity. If we receive information which leads us to reasonably believe that an individual lacked mental capacity when they made a financial contribution, then this contribution will be returned. Any situations where we believe this may have occurred will be treated on a case by case basis, with the contribution returned in line with our Discretionary Payments Policy.
- 5.1.6 We do not exclude people in vulnerable situations from being given the opportunity to start or continue supporting us financially provided they are able to make an informed decision about their support. This policy and its related procedures provide our representatives with guidance on how to help individuals make informed decisions about their support. Any additional measures that we take to help an individual to make or continue to make informed decisions does not imply us having made a judgement about their mental capacity.
- 5.1.7 If there is a safeguarding risk or element to an individual's circumstances, the Safeguarding Assurance Manager should be informed and the Safeguarding Policy followed. See also 6.1.6.

## **6. Identifying signs of vulnerability**

- 6.1.1 Vulnerability may not be immediately obvious, but certain behaviours or stated circumstances can act as useful indicators to aid identification of likely vulnerability.
- 6.1.2 There are a number of indicators that may suggest vulnerability. A non-exhaustive list of indicators are:
- a. Asking others to speak up, speak more slowly or to repeat themselves. (NB the National Deaf Children's Society does not consider being deaf to be an indicator of vulnerability in itself)
  - b. Taking a long time to answer (eg a doorbell or telephone) and sounding out of breath

- c. Not understanding what is being said, or missing important information
- d. Appearing confused, asking unrelated questions, or wandering away from the point in conversation
- e. Repeating themselves with questions such as 'who are you' and 'what charity is this'
- f. Saying 'Yes' when it is clear they haven't listened or understood
- g. Becoming upset or distressed
- h. Stating they are very old (although being old in itself does not equate to vulnerability), or that they are or have been ill
- i. Talking about personal issues and asking for advice
- j. Mentioning that someone else (for example a relative, a friend or their spouse) usually deals with matters such as this (finances, money, 'these things' etc)
- k. Indicating that they do not fully understand what is being said
- l. Forgetting previous correspondence or gifts that they've made
- m. Having no knowledge of the charity when they are an existing supporter.

NB: In isolation, these indicators may not necessarily demonstrate vulnerability, but should be taken into account when assessing the overall interaction.

6.1.3 An individual may inform us of a circumstance they are in. On these occasions, the interaction as a whole should still be considered. Circumstances that potentially lead to vulnerability may include (but are not limited to) the following:

- a. A diagnosed condition such as dementia
- b. A learning disability
- c. An undiagnosed or temporary mental health condition such as depression or severe anxiety
- d. Times of stress or anxiety, such as a recent bereavement or family illness
- e. Learning difficulties
- f. An impairment in the ability to communicate with others or difficulty in understanding the language used
- g. A circumstance that has resulted in financial hardship, such as redundancy
- h. Being under the influence of alcohol or other drugs
- i. An addiction to alcohol, other drugs or, in the case of prize-led fundraising such as raffles, being addicted to gambling.

6.1.4 Our representatives should respond sensitively to any such indicators as referred to in 6.1.2 or information as referred to in 6.1.3, and where necessary seek to clarify how this affects the individual's ability to make informed decisions about their support. It may not always be possible or appropriate to ask for extra information, and in these situations our representatives should use their judgement to decide how to modify the interaction. If in any doubt whether an individual is in a position to make an informed decision, representatives should politely end the interaction without making further requests for financial support.

6.1.5 Vulnerability may not always be clearly evidenced, and an individual may behave during a fundraising interaction in a way which, although not demonstrating clear vulnerability, warrants additional checks to be carried out to enable a more considered judgement to be made. In these cases, our representatives are briefed to flag their concerns and seek

advice from their line manager. Where the activity is carried out by an external fundraising agency, they should notify their respective contact at National Deaf Children's Society, who will review details of the interaction and agree the most appropriate action to take, referring to the Supporter Care and Compliance Manager for advice as needed.

- 6.1.6 If we come into contact with individuals who are at risk of harm, either from themselves or others, we should ensure timely action is taken to mitigate the risk of harm. Staff must immediately flag any concerns with their manager and agree how best to ensure emergency services are notified. Further information can be found in our Vulnerability - Emergency Procedure document. See also 5.1.6.

## **7. Information about potential vulnerability received via third parties**

- 7.1.1 We sometimes receive information relating to a supporter's vulnerability from third parties who have a relationship with the supporter, for instance family members, friends, neighbours, their local council, billing companies or hospital/care staff.
- 7.1.2 If the third party has legal power of attorney over the supporter's affairs, or if the National Deaf Children's Society is able to gain written or verbal confirmation from the supporter that the third party has authority to speak on their behalf, we will treat such information as if it had come from the supporter themselves.
- 7.1.3 In situations where we are approached by a third party without legal power of attorney who wishes to inform us about an individual's vulnerability, where appropriate we will seek to gain confirmation from the individual themselves that they are comfortable with the third party representing them (for example, by arranging a phone call with both the third party and the individual in attendance, or by getting an email of permission from the individual). Where this is not possible we will take into account the source of the information, assessing requests made by third parties on a case by case basis. When doing so we will consider the needs of the individual first, alongside any legal responsibilities and reputational risks, and keep a record of the decision we make. Any decision we make to override concerns reported to us by a third party must be approved by the Deputy Director: Fundraising and reported in writing to the Executive Director: Fundraising and Communications and to Trustees via the Finance, Audit and Risk Committee. In these cases, and where it is appropriate and legal to do so, the third party will be notified of our decision. Should the third party wish to challenge this, their concerns will be treated as a formal complaint and handled in line with our Complaints policy.

## **8. Working with external fundraising agencies**

- 8.1.1 When using external agencies to carry out fundraising activity on our behalf (such as telemarketing and face-to-face supporter recruitment), we will formally agree in advance, through our contracts and agreed procedure documents, that systems are in

place to ensure:

- a. they will follow all relevant legal and regulatory codes and guidance
- b. their Vulnerability (or similarly titled) policy is consistent with our policy
- c. they will operate within the principles set out in the Direct Marketing Association's *Guidelines for call centres dealing with vulnerable consumers* (see section 11 below) if carrying out telephone fundraising on our behalf
- d. any concerns identified in the course of a fundraising interaction will be passed on to us, to enable us to take appropriate action.

8.1.2 In many cases an agency will simply agree to follow our policy. Where this is not possible, we will undertake a review of their policies and operations to ensure that we are confident that they meet the standards laid out in this policy. We will not work with any external supplier who is unable to meet this requirement.

## **9. Acting on information and record keeping**

9.1.1 The National Deaf Children's Society uses an organisational database to help manage our communications with individuals. When vulnerability is identified it is beneficial to record certain details, especially if the circumstances are ongoing. The details recorded will depend on what the circumstances are, as well as the individual's relationship with the National Deaf Children's Society. Any record keeping will be done with the best interest of the individual at heart and follow data protection laws. Some of the benefits of recording information could include:

- a. Reducing an individual's level of distress by avoiding them having to repeatedly inform us of their circumstances, especially if they are of an upsetting nature
- b. Allowing ongoing communications to be managed sensitively by having the context of the individual's circumstances known
- c. Allowing an increased level of support to be provided, thereby allowing a greater level of inclusion for those wishing to be involved with the National Deaf Children's Society
- d. Having decisions regarding what actions have been taken documented to allow individuals or regulatory bodies to hold the National Deaf Children's Society to account.

9.1.2 In doing so, we will aim to only store the minimum information necessary on an individual's record. This information could vary from a general quality assessment of the interaction to specific circumstances that are shared by the individual. Where these circumstances include additional personal or special category data, we will check with the individual that they are happy for us to store this information, and note details of when and how this permission was given.

9.1.3 Where we believe that sending further requests for support would not be appropriate due to ongoing vulnerability, we will make effective use of the functionality of our organisational database to tailor the communications an individual receives.

9.1.4 In situations where an individual has made a donation or payment while lacking the ability to make an informed decision, we will return the donation. Where we believe that an individual may have been in vulnerable circumstances when they took the decision to give, we will adopt a case by case approach, taking into consideration the

needs and rights of the individual, our legal responsibilities and any reputational risks inherent in either taking or refusing the support.

- 9.1.5 Any request for a refund to a donation or payment potentially taken from a vulnerable individual will be assessed and processed in line with the Discretionary Payments Policy.

## **10. Monitoring**

- 10.1.1 We actively monitor the quality and compliance of our fundraising using a range of techniques, such as mystery shopping, call listening, fundraiser shadowing and training observations. This monitoring is used help ensure interactions with individuals, including those in vulnerable circumstances, are appropriate. If any issues are detected, feedback is provided to help further drive improvement. If there are consistent poor trends detected, consideration is given to what wider processes could be improved to tackle the issues. Results of our monitoring activity are regularly circulated to Senior Management, and a summary of this activity is reported to trustees periodically.

## **11. Related Policies and Standards**

- 11.1.1 National Deaf Children's Society related policies:

Safeguarding Policy

Discretionary Payments Policy

Ethical Fundraising Policy

- 11.1.2 Other relevant documents:

The National Deaf Children's Society follows the Fundraising Regulator's Code of Fundraising Practice, as well as the Chartered Institute of Fundraising's guidance *Treating Donors Fairly*: <http://www.institute-of-fundraising.org.uk/treatingdonorsfairly>

Data and Marketing Association guidance: [Guidelines for call centres dealing with vulnerable people 2015](#)

Mental Capacity Act 2005: [Summary guidance](#)