

## **St Andrew's Hospice Vulnerable Person Procedure**

**The Fundraising Regulator Code of Practice states in the General Principles that:**

“Fundraisers **MUST** take all reasonable steps to treat a donor fairly, enabling them to make an informed decision about any donation. This **MUST** include taking into account the needs of any potential donor who may be in a vulnerable circumstance or require additional care and support to make an informed decision. Fundraisers **MUST NOT** exploit the credulity, lack of knowledge, apparent need for care and support or vulnerable circumstance of any donor at any point in time.”

**An individual who may need additional care and support, or may be in a vulnerable circumstance:**

An individual who may need additional care and support, or may be in a vulnerable circumstance, can still have capacity to choose to donate to a charity. All people may, at some stage in their life, be in a vulnerable circumstance or require additional care and support. The reason for using the wording ‘an individual who may be in a vulnerable circumstance or require additional care and support’ rather than ‘a vulnerable person’ is to avoid labelling and defining people as being ‘vulnerable’, and to recognise the broad range of issues which may impact upon someone’s ability to make a decision to donate.

It is the context and circumstance they may be in at the time of making a decision about donating that is relevant. For example, a recently bereaved person may be in a vulnerable circumstance following the death of a family member, but this may change as time progresses. At the time of bereavement, they could still have the capacity to make a donation, but may need additional support to help them make their decision.

Additional support may include delaying acceptance of the gift to give the donor further time to consider their donation; including a ‘cooling off’ period if the donor changes their mind; or suggesting the donor gets advice from family/friends.

### **How will we respond?**

St Andrew's Hospice are committed to supporting people who may be in vulnerable circumstances as appropriate and in a manner appropriate to their needs, including: delaying acceptance of the gift to give the donor further time to consider their donation; including a 14 day ‘cooling off’ period if the donor changes his or her mind; or suggesting the donor gets advice from family/friends. If we delayed the acceptance of the gift we would record this as an action on their RE record and allocate a follow up date on this action.

If based on our interaction with a donor we have reason to assume that additional support may be required or that they are in a vulnerable circumstance, we will adapt the manner of our communication in response to the individual's needs.

This may include:

- Being patient and not rushing the conversation – it is better to have a longer conversation to not leave the person agitated or confused.
- Offering to contact the individual in a different way so that they have additional time to make a decision, if indeed they have the capacity to do so.
- Checking the person understands, for example by asking them to repeat back information to us.
- Asking the person if they need to speak with anyone else before making a decision.

All of the above ensure that the person's needs come first and that he or she has the time to make a decision if they have the capacity to do so

### **Capacity to make a decision**

A person's capacity to make a decision could be affected by personal circumstances and the context of the situation. Unless we have reason to believe otherwise, we will communicate with each of our supporters based on the assumption that they possess full capacity to make decisions around their own finances. However, we will look for indicators that could show an individual needs additional care and support or may be in a vulnerable situation.

We will identify people in vulnerable circumstances through conversations and written communication.

Some examples of key indicators are;

- Asking irrelevant and unrelated questions, or displaying signs of forgetfulness
- Unable to read and understand the information they are provided with, and asking for it to be continually repeated - Responding in an irrational way to simple questions
- Saying 'yes' or 'no' at times that it is clear they haven't understood
- Taking a long time or displaying difficulty in responding to simple questions or requests for information
- Repeating simple questions such as 'who are you', 'what charity is it' and 'what do you want'
- Wandering off the subject at hand and making incongruous statements
- Saying that they are not well or not in the mood to continue
- Displaying signs of ill-health like breathlessness or making signs of exasperation or discontent

- Giving a statement such as 'I don't usually do things like this, my husband/wife/son/ daughter takes care of it for me'
- Indicating in any way that they are feeling rushed, flustered, or experiencing a stressful situation
- Having trouble remembering relevant information, for example that they are already a regular donor to that charity or have recently donated

Where we have reason to believe an individual is in a vulnerable situation and lacks capacity to make decisions around their financial giving, we will immediately ensure this individual no longer receives fundraising communications from St Andrew's Hospice, including appeal letters and emails. If it is believed that an individual lacks the capacity to make a decision about the donation, then a donation should not be taken.

If after the donation is taken, the charity receives evidence that a person was in a vulnerable situation and lacked capacity to make the decision to donate, then the charity will return the donation, because it will be deemed that the original donation was invalid. The supporter database will be updated with the information that the donation has been refunded, and a note made that the supporter should not receive communications for the foreseeable future.

**How we will respond to an individual who needs additional care and support or who is in a vulnerable situation:**

- Be patient and do not rush the conversation – it is better to have a longer conversation than cut this short and leave the person confused or agitated in any way.
- Ask if the person would prefer another method of communication e.g. offer to send information in the post or via email, so they have time to take in the information.
- Ask the person if they need to speak with anyone else before making a decision.
- Check their understanding of what they have agreed to – for example; ask them to repeat this information back to us.

All of the above will help to make sure that the person comes first and we give them time to make an informed decision, if they are capable of doing

**Acting on behalf of an individual who needs additional care and support who is in a vulnerable situation (or family members / carers / Attorney)**

If a family member, carer or Attorney regarding an individual who they believe or know to be in a vulnerable circumstance contacts us, we will assume that they are able to make decisions on that individual's behalf.

If, for example, they are concerned about a person who is receiving requests for financial support, we will act upon this, asking what kind of communication, if any, is acceptable. Our database will then be updated to reflect their wishes.

### **Age as an indicator of vulnerability**

Age does not indicate whether a person is vulnerable or not. When communicating and fundraising with older people we will be mindful of the above indicators that may raise concerns that an individual could need additional support or be in a vulnerable circumstance.

However, if a supporter is identified as being under the age of 16, then we will immediately stop them from receiving fundraising appeals and calls.

### **Staff Responsibilities**

All Staff and Volunteers across all departments who are engaged in fundraising of any variety have a responsibility to be familiar with both the vulnerable people's policy and procedure and to conduct fundraising in line with the highlighted standards.