



| Policy Document - Summary Information             |  |
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| <b>Title</b>                                      | <b>King's College Hospital Charity (KCHC)<br/>Fundraising with People in Vulnerable Circumstances Policy</b>   |
| <b>Purpose:</b>                                   | <b>To outline the required respectful, appropriate approach to fundraising with people in vulnerable circumstances for all KCHC fundraising staff and those from third party agencies fundraising on our behalf</b>  |
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| <b>Individuals consulted in developing policy</b> |  |
| <b>Responsible Director:</b>                      | <b>Director of Fundraising &amp; Communications – Claire Wood Hill</b>   |
| <b>Approved by:</b>                               |  |
| <b>Date approved:</b>                             |  |
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| <b>Target Audience:</b>                           | <b>Fundraising Team and external fundraising agencies</b>  |
| <b>Location of document:</b>                      | <b>S:/policies</b>   |
| <b>Related internal policies</b>                  | <b>Safeguarding policy</b>   |
| <b>Relevant external regulations or guidance</b>  | <ul style="list-style-type: none"> <li>• The Charities (Protection and Social Investment) Act 2016</li> <li>• The Data Protection Act 1998</li> <li>• The Fundraising Regulator Code of Fundraising Practice</li> <li>• The Fundraising Regulator Rulebooks for Street Fundraising and Door Fundraising</li> <li>• The Institute of Fundraising Treating People Fairly Guidance</li> <li>• The Direct Marketing Association Code and related guidance and white papers (e.g. Guidelines for call centres dealing with vulnerable consumers)</li> <li>• The Gambling Act 2005</li> <li>• The Gambling Commission Licence Conditions and Codes of Practice (LCCP)</li> <li>• The Mental Capacity Act 2005</li> <li>• Charities Commission Guidance CC20</li> </ul> |

#### VERSION CONTROL

|                | <b>Date</b>               | <b>Author</b>    | <b>High level description of major changes</b> |
|----------------|---------------------------|------------------|--|
| First Version  | 3 July 2018               | Claire Wood Hill |  |
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## SECTION HEADINGS

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### **1. Background**

KCHC is reliant upon the trust and generosity of our supporters in order to raise funds to enable us to fulfill our mission. As such it is vital that treat all supporters, existing and new, fairly and ensure our fundraising is legal, open, honest and respectful.

We understand that some of the people with whom we will come into contact through fundraising activities may not always be in a position to understand the nature of the donation we ask them to give and the purpose for which it is being asked. This policy outlines our commitment to ensuring that our fundraising staff and the third party agencies that raise funds on our behalf to recognise signs of vulnerability and respond to the supporter appropriately and respectfully.

We will take care and make reasonable effort in our interactions with supporters to determine whether they are able to make decisions about their giving. We will not deny anyone's wish to donate to the cause of their choice based solely on age, appearance or condition. Our intention is to inform, support and protect our donors so that they are able to make informed decisions about donating to KCHC.

### **2. Scope**

This policy covers KCHC and all its staff, volunteers and Trustees. The principles of this policy apply primarily to KCHC's relationships with individuals, either supporters, members of the public or patients and family members and community group members. This policy applies to all staff who fundraise for KCHC, and the professional fundraisers and commercial participators, and their representatives, who are contracted to raise funds on KCHC's behalf.

KCHC will communicate its commitment to this policy to its staff and to supporters and members of the public by publishing on our website.

Complaints or breaches of this policy should be reported to the Director of Fundraising and Communications who will in turn report it the Chief Executive. It will be investigated under the Charity Complaints Policy.

### **2.1 KCHC fundraising staff**

KCHC staff raise funds for KCHC are responsible for implementing this policy and adhering to the related procedures. They should make themselves familiar with this policy as well as the Code of Fundraising Practice and the Institute of Fundraisings (IoF) Treating Donors Fairly guidance. When responding to a supporter or member of the public in vulnerable circumstances, staff must take all necessary steps to understand if the supporter is able to make an informed decision about donating to KCHC and respond appropriately. If a supporter is deemed unable to make an informed decision the fundraiser must not accept the donation.

### **2.2 Professional Fundraisers / third party agencies contracted by KCHC.**

KCHC adheres to the legislation and regulation set out in 'Relevant external regulations or guidance section' and expects all agencies working on our behalf to do the same to do the same which will be reflected in all our contracts.

Agencies must comply with the relevant sections of the Charities (Protection and Social Investment) Act 2016 and must have their own, voluntary standards and policies of protecting the public and vulnerable people from unreasonable intrusion on privacy, unreasonably persistent fundraising and undue pressure to donate, which must be shared with KCHC. Agencies will also be required to share with KCHC the methods they use to monitor compliance to such scheme and standards and report the outcomes to KCHC.

Professional fundraisers raising funds on KCHC's behalf are expected to demonstrate the principles outlined in this policy when they represent KCHC and follow the guidance and procedures outlined in this policy.

If a third party agency acting on KCHC's behalf has not acted in accordance with this policy, KCHC may stop working with the agency or ask that individual fundraisers responsible for non-compliance with this policy be removed from the campaigns.

## **3. Accountability**

Under Charity Commission regulation, Trustees take overall responsibility for ensuring that all fundraising is undertaken legally and responsibly.

<https://www.gov.uk/guidance/fundraising-legally-and-responsibly>

However, all staff have a role to play in protecting KCHC from reputational risk, and must consider this when carrying out their work and instructing third party agencies to undertake work on behalf of the Charity. All decisions must be taken in the best interests of KCHC.

## **4. Key principles**

At KCHC we undertake to ensure that our fundraising to the general public and our existing and potential supporters is in founded on the following principles to ensure that we will be:

- Compliant with the law and sector fundraising code of practice and other relevant standards
- Open about the methods we use to raise funds and who we work with

- Honest about how donations are used to fulfill our mission
- Respectful to the wishes, preferences, personal information and circumstances of the people we communicate with. This means being mindful of and sensitive to any particular need that a donor may have. It also means respecting the wishes and preferences of the donor.

If our fundraisers, those employed by KCHC or through agencies contracted to fundraise on our behalf, identify signs of vulnerability, they must respond appropriately:

- We will treat donors fairly. We will not discriminate against any group or individual based on their appearance or health conditions.
- We will respond appropriately to the individual needs of our donors. We will adapt our approach (tone, language, communication technique) to suit the needs and requirements of the donor.
- We will take responsibility for our actions, ensuring that our fundraising is carried out in line with the Fundraising Regulator Code of Fundraising Practice.

## 5. Definition

In this procedure, the word ‘vulnerable’ refers to adults who are lacking the ability, either temporarily or permanently, to make an informed decision about donating money to KCHC. There are a number of factors that can contribute to vulnerability. According to the Institute of Fundraising’s ‘**Treating Donors Fairly: Fundraising with People in Vulnerable Circumstances**’, examples of indicators which could mean that an individual is in a vulnerable circumstance or needs additional support could include:

- Physical and mental medical conditions
- Disability
- Learning difficulties
- Times of stress or 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)
- English not being the donor’s first language
- Influence of alcohol or drugs.

## 6. Guidance on indicators of vulnerability

It is not feasible to provide a comprehensive set of factors or characteristics which would enable fundraisers to always identify an individual who is in vulnerable circumstances. The Charity therefore follows the guidance on indicators of vulnerability as laid down by the Institute of Fundraising. This guidance includes considering if the individual is:

- 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
- Donating an unexpectedly large gift with no prior relationship. (There being no prior relationship before a gift is made does not on its own constitute 'vulnerability': many legacy and major donor gifts to charities are given without the existence of a relationship between the donor or charity).

#### **7. Responding to and dealing with the needs of vulnerable people**

If a fundraiser suspects that a donor lacks the capacity to make a decision about a donation, the guidance given in the Fundraising Regulator's **Code of Fundraising Practice** will be followed. This states that:

"If a fundraiser knows or has reasonable grounds for believing that an individual lacks capacity to make a decision to donate, a donation **MUST NOT** be taken."

#### **8. Refunding a donation made in vulnerable circumstances**

The Fundraising Regulator's **Code of Fundraising Practice** states that "a donation given by someone who lacked capacity at the time of donating **MUST\*** be returned."

In accordance with the above, if KCHC receives a donation from an individual in vulnerable circumstances, despite having followed best practice as outlined in this procedure, the donation will be returned to the donor (or in some circumstances) to a designated person or family member.