

FUNDRAISING WITH VULNERABLE PERSONS POLICY

	Directorate Responsibility	Finance Directorate
	Summary of this policy	This policy identifies Autism Together's fundraising approach to people in vulnerable circumstances
	Other policies which should be read in conjunction with this policy	Fundraising Strategic Guidance Policy Acceptance and Refusal of Donations Policy Mental Capacity Act Policy
	Date of last review of Policy	March 2020
	Were changes made to the policy? Briefly describe.	N/A
	Relevant legislation	Fundraising Regulator Institute of Fundraising GDPR 2018 Charities Act 2016 Safeguarding Vulnerable Groups Act 2006 Equality Act 2010 Mental Capacity Act 2005

Links to Key Lines of Enquiry (KLOE)

Key Question	Key Lines of Enquiry (KLOE)
Safe	<ul style="list-style-type: none"> S1 How do systems, processes and practices safeguard people from abuse? S2 How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom is respected?
Effective	<ul style="list-style-type: none"> E4 How well do staff, teams and services within and across organisations work together to deliver effective care, support and treatment? E7 Is consent to care and treatment always sought in line with legislation and guidance?

Caring	<ul style="list-style-type: none"> • C1 How does the service ensure that people are treated with kindness, respect and compassion, and that they are given emotional support when needed? • C2 How does the service support people to express their views and be actively involved in making decisions about their care, support and treatment as far as possible?
Responsive	<ul style="list-style-type: none"> • R2 How are people’s concerns and complaints listened and responded to and used to improve the quality of care?
Well Led	<ul style="list-style-type: none"> • W1 Is there a clear vision and credible strategy to deliver high-quality care and support, and promote a positive culture that is open, inclusive and empowering, which achieves good outcomes for people? • W2 Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed? • W3 How well are people who use the service, the public and staff engaged and involved? • W4 How does the service continually learn, improve, innovate and ensure sustainability? • W5 How does the service work in partnership with other agencies?

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1. Purpose

This policy outlines how Autism Together will protect supporters who may be in vulnerable circumstances, identifies how we can identify such potential vulnerability and what action we will take.

2. Scope

The policy applies primarily to anyone who is fundraising for, or in aid of, Autism Together.

3. The Policy

Autism Together is a member of the Institute of Fundraising (IoF), is registered with the Fundraising Regulator and is committed to following the Fundraising Regulator Code of Practice. The standards set within this code outline the behavior that is expected of fundraisers.

4. Implementation and Procedure

The Fundraising Regulator states the following:

Fundraising **must** meet equality law as it applies in England, Wales, Scotland and Northern Ireland. You **must not** discriminate against people with characteristics protected under the law of these countries.

Fundraisers must take all reasonable steps to treat a donor fairly, so that they can make an informed decision about any donation.

Fundraisers must take into account the needs of any possible donor who may be in vulnerable circumstances or need extra care and support to make an informed decision.

Fundraisers must not exploit the trust, lack of knowledge, apparent need for care and support or vulnerable circumstance of any donor at any time.

Fundraisers must not take a donation if they 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, fundraisers 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 speak and understand English;
- whether the person is under the influence of alcohol or drugs; and
- the person's age.

If a donor makes a donation while they do not have the capacity to make an informed decision, Autism Together must return the money to them. To establish capacity please refer to the Mental Capacity Act Policy.

Fundraisers must take all reasonable steps to avoid asking for regular donations (for example, by direct debit) from anyone aged under 18. Young people aged between 16 and 18 can take part in charity lotteries, but if Autism Together receives money for a lottery from a child or young person aged under 16 they **must** return the money.

For more information on accepting or declining donations, please see the Acceptance and Refusal of Donations Policy

5. Responsibilities

It is the individual fundraiser's responsibility to raise concerns regarding any donor to the Fundraising Team.

5.1 Reporting

All correspondence and contact with the donor must be recorded on the fundraising database.

Staff need to be aware of their responsibilities under GDPR, particularly where the information they are recording is "sensitive personal data" – including any details of views

or opinions about a person's physical or mental health conditions. Staff should avoid recording information about an individual's physical or mental health or any other sensitive personal data without the awareness and permission of that person. All concerns must be reported to the Fundraising Manager.

6. Definitions

GDPR- General Data Protection Regulation

The term "vulnerable circumstances" refers to a state in which a person is especially susceptible to harm due to their personal circumstances. It is a state, which can vary from day-to-day, which may affect the person's behavior or decisions and needs a flexible response.

The term "mental capacity" is the ability to make a decision. There is a presumption that a person has capacity unless it is established that he/she lacks capacity, and it is important to note that what some people may regard as an unwise decision is different from that person not having capacity to make a decision.