



# RCN Foundation Fundraising Communications with Vulnerable Supporters

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## **1. Policy Statement**

- 1.1. We are committed to ensuring that supporting and contributing towards the success of the RCN Foundation is a positive experience for both existing and new supporters. We also believe that any decision to support the Foundation should be made willingly with the full and informed consent of the supporter.

## **2. Guidance documents**

- 2.1. n/a

## **3. Introduction**

- 3.1 To ensure that we take all reasonable care to protect vulnerable adults, the RCN Foundation complies with the Chartered Institute of Fundraising guidance set out in the document called Treating Donors Fairly: Responding to the Needs of People in Vulnerable Circumstances and Helping Donors Make Informed Decisions. The RCN Foundation requires its staff and any agencies contacting members of the public on our behalf to comply with guidelines provided by the Fundraising Regulator. These guidelines do not cover children and young people under the age of 18, and we do not actively seek donations from them.
- 3.2 The RCN Foundation receives donations from individuals towards our work. This generous support is central to us achieving our mission and makes it possible for us to carry out our vital work supporting the nursing and midwifery communities and improving patient care. We aim to communicate with supporters in the ways in which they are most comfortable, and this includes mail, email, SMS, phone and in person.
- 3.3 Every donor is an individual with a unique background, experiences and circumstances – and every interaction between a fundraiser and donor is different. The RCN Foundation does not identify vulnerable adults based on broad personal characteristics such as disability or age. We believe that everyone should have the opportunity to donate if they are willing and able to do so.
- 3.4 It is the RCN Foundation's obligation and responsibility as a charity to safeguard its vulnerable supporters. It is inevitable that we will come into contact with people who are vulnerable and not able to make informed decisions about their giving. This can happen either through our own communications or through communications from the agencies who we might take on from time to time to work on our behalf. This document outlines how we take all reasonable care to identify supporters who may be vulnerable, and what action we take if we suspect a person is vulnerable.

3.5 This policy relates to all relationships between RCN Foundation and our supporters and extends to include any third parties we may work with who interact with supporters.

#### **4. Complying with regulation and best practice**

4.1 The Institute of Fundraising General Principles clause 1.2 e) states 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. ii) 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.”*

4.2 The RCN Foundation’s fundraising abides by the four key principles of the Institute of Fundraising’s *Treating Donors Fairly* guidance, which are:

- Respect – treating all members of the public respectfully. 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, whatever they may be.
- Fairness – all donors should be treated fairly. This includes not making decisions about any group or individual based on their appearance or any personal characteristic.
- Responsive – this means responding appropriately to the different needs that a donor may have. The onus should be on the fundraiser to adapt his or her approach (tone, language, communication technique) to suit the needs and requirements of the donor. It also means being prepared to ask questions or take additional steps when necessary.
- Accountable – it is up to fundraisers and charities to take responsibility and care to ensure that their fundraising is happening to a high standard and in line with the Code of Fundraising Practice, produced by the Fundraising Regulator. When thinking about ways of communicating with different people and fundraising appropriately, different charities should consider what processes and procedures they may need in place. Charities may want to develop their own internal guidance on this area and consider how to ensure that their fundraisers are appropriately trained and supported.

4.3 The RCN Foundation’s fundraising abides by the rules for fundraising, which are set out in the Code of Fundraising Practice. This sets the standards for fundraising across the UK and includes relevant legal requirements as well as the standards set by the Fundraising Regulator. There are specific rules on fundraising and vulnerability within section 1.3 of the Code:

- Charity fundraising must meet equality law as it applies in England, Wales, Scotland and Northern Ireland and charities must not discriminate against people with characteristics protected under the law of these countries.
- Charities must take all reasonable steps to treat a donor fairly, so that they can make an informed decision about any donation
- Charities 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.
- Charities must not exploit the trust, lack of knowledge, apparent need for care and support or vulnerable circumstance of any donor at any time.
- Charities must not take a donation if it knows, or has 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.
- If a donor makes a donation while they do not have the capacity to make an informed decision, a charity must return the money to them.

4.4 In line with the Charities Act 2016, the RCN Foundation will ensure that written agreements with professional fundraisers and other commercial third parties must include information on:

- Any fundraising standards that the commercial organisation has committed to be bound by.
- How the commercial organisation will protect people in vulnerable circumstances and others from unreasonable intrusion into their privacy, unreasonably persistent approaches or undue pressure to donate to the charity.
- The arrangements in place that will enable the charity to monitor compliance with the requirements in the agreement

4.5 From 2023, the RCN Foundation will ensure that a statement is included in its annual report, in line with the Charities Act 2016, to confirm what the charity has done to protect vulnerable people as part of its fundraising activities.

## **5. What we won't do/unauthorised activities**

The RCN Foundation will not engage in aggressive marketing tactics and will adhere to best practice guidance when carrying out its fundraising activities.

## **6. Identifying vulnerable people**

6.1 By 'a vulnerable adult', we mean those people who are lacking the ability, either temporarily or permanently, to make an informed decision about donating money to the RCN Foundation. The Chartered Institute of Fundraising's guidance supports the presumption that a person has capacity unless it is established that he or she lacks capacity. There are a number of factors which can contribute to

vulnerability. Examples of indicators which could mean that an individual is in a vulnerable circumstance or needs additional support could include:

- Mental illness and mental capacity concerns (both permanent and temporary conditions), including dementia and personality disorders
- Significant physical illness
- Physical and sensory 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)
- Language barriers
- Influence of alcohol or drugs
- Where people live (for example, in supported housing)
- Age
- Caring responsibilities

6.2 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. We will therefore follow the guidance on indicators of vulnerability, laid down by the Institute of Fundraising. This guidance includes:

- Indicators that an individual appears confused, such as:
  - Asking irrelevant and unrelated questions
  - Responding in an irrational way to questions
  - Saying 'yes' or 'no' at times when it is clear they haven't understood the meaning of what is being discussed
- Indicators that the individual may have physical difficulties, such as:
  - Unable to hear and understand what is being said
  - Unable to read and understand the information they are provided with
  - Displaying signs of ill-health like breathlessness or signs of exasperation or discontent
- Indicative statements that suggest a lack of mental capacity, such as:
  - Saying 'I don't usually do things like this, my husband/wife son/daughter takes care of it for me'
  - Having trouble remembering relevant information, for example forgetting that they are already a regular donor to that charity (e.g. have an existing Direct Debit), or have recently donated.

## **7. Written Communications**

We can at times identify vulnerable adults through written communications. This includes:

- A supporter who has emailed or written to us to tell us they are permanently vulnerable (see earlier definitions)
- Letters we receive from people where their thoughts and wishes are not clear or consistent.
- When a supporter's family member, carer or close friend has indicated that they are vulnerable
- Through incomprehensible handwriting or text which indicates that a supporter does not have full capacity

## **8. Family Members / Carers**

We may also be alerted to a supporter being vulnerable by a family member or carer. Where we have been given this information we act upon this, by asking the supporter what kind of communication, if any, is acceptable.

## **9 What we do if we suspect a supporter is vulnerable**

We follow the Institute of Fundraising guidance if we suspect that a donor lacks the capacity to make a decision about the donation which states that "a donation should not be taken. If after the donation is taken the charity receives evidence that the person lacked capacity to make the decision to donate, then the charity can and should return the donation because the original donation was invalid. ... If a donor is found to lack capacity, the organisation should put in place measures to ensure that donations are not solicited from them in the future."

Therefore, if a donation has been made and it is found that at the time of donating the supporter lacked the capacity to make an informed decision about their giving, the donation is deemed invalid and should be returned.

We will also make a note of the conversation with a supporter and, where appropriate, follow up in writing confirming the actions taken and the steps that have been gone through, explaining any reasons for decisions taken.

## **10. Monitoring**

The RCN Foundation will measure/monitor this policy by recording:

- the number of complaints we receive (including a nil response) and what action was taken;
- any donations that have been investigated even if the donation was eventually accepted;

- the number of people we choose not to accept donations from due to vulnerability, though this will need to comply with Charity Commission guidance on acceptance of donations; and

**the number of donors we choose to stop receiving funds from who were found to lack capacity to do so.**