

## VULNERABLE ADULT SUPPORTER POLICY

### Introduction

Freedom from Torture cares for vulnerable people every day. As a human rights charity we have the welfare, dignity and protection of those who are vulnerable at our heart. And as an organisation that works with vulnerable people every day we therefore have a separate policy titled “Safeguarding Vulnerable Adults” created with Protection of Vulnerable Adults (POVA) guidance to ensure the safety of the survivors we work with, for example via our services and survivor activism.

The following vulnerable adult supporter policy relates to vulnerable adults who are our supporters. It outlines how we protect them, how we identify people as vulnerable and what actions we take if we suspect someone is vulnerable. Through this policy, we want our supporters to know and have confidence in how we, as a charity, respond to the needs of vulnerable people who support us. This policy is applicable to all staff, volunteers, trustees and anyone acting on behalf of Freedom from Torture.

### Purpose of this policy

We rely entirely on donations from individuals and grants from organisations to support our work and without our donors we would not be able to do the work we do. We aim to provide people with the best experience when they donate to Freedom from Torture so they always feel valued, respected and in control of their giving and how we communicate with them.

As fundraisers we connect with individual supporters through a variety of communication channels including mail, email, SMS, phone and from time to time in person, so it is inevitable that we may contact someone vulnerable or in a vulnerable circumstance at that time. The purpose of this vulnerable adult supporter policy is to ensure all Freedom from Torture’s fundraising is conducted in a fair and ethically responsible way.

### Complying with regulation

Freedom from Torture works in compliance with the Fundraising Regulator Code and the Charities (Protection and Social Investment) Act 2016, the DMA’s guidelines for call centres, as well as the document by the Institute of Fundraising (IoF): Treating Donors Fairly: Fundraising with People in Vulnerable Circumstances. All our fundraising staff receive training on regulatory fundraising compliance and how to deliver against that in practice.

The four key principles of which are;

- **Respect. Always be respectful.** 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.

- **Fairness. Treat your donors fairly.** This includes not discriminating against any group or individual based on their appearance or health conditions.
- **Responsive. Respond appropriately to the individual needs of your donors.** The responsibility lies with fundraisers to adapt their approach (tone, language, communication technique) to suit the needs and requirements of the donor.
- **Accountable. Take responsibility for your actions, ensuring that your fundraising is carried out in line with the Code of Fundraising Practice.** We have considered and put in place processes and procedures at Freedom from Torture to ensure this happens and that the needs of supporters in vulnerable circumstances are met.

### Responsibilities

This policy aims to give Freedom from Torture staff, volunteers and others acting on behalf of Freedom from Torture, the tools they need to:

- Assess a vulnerable circumstance
- Record a vulnerable or potentially vulnerable circumstance in accordance with the Data Protection Act, and GDPR from 25 May 2018
- Be able to react in a fair and respectful manner
- Do all they can to assist supporters to make an informed decision about the support they choose to give to Freedom from Torture.

Freedom from Torture recognises that it may be difficult for the fundraiser to assess the vulnerability of the supporter. Where a fundraiser is unsure, they must ask their manager for a second opinion and approval to accept the donation.

Note that Freedom from Torture only works with telephone fundraising agencies that agree to follow our policy of dealing with vulnerable adults. We will share this policy with them as part of their training, and monitor its application through regular call listening, as well as be on hand to provide clarity and guidance as and when queries come up. If Freedom from Torture becomes aware of a situation where a third party agency acting on its behalf has not acted in accordance with this policy, it may stop working with the agency, or ask that individual fundraisers responsible for non-compliance with this policy be removed from Freedom from Torture campaigns.

### Procedure

#### Types of vulnerability: What does “vulnerable” mean to Freedom from Torture?

Freedom from Torture has developed this policy in order to be fair, respectful, responsive and accountable. We understand that there are many factors that could be regarded as classifying a supporter as vulnerable, and people can be vulnerable at certain times and not vulnerable at others. In all cases it will be up to the

fundraiser involved to make a decision based on recommendations and guidance from the IoF.

**The main two factors Freedom from Torture will consider when making a decision about vulnerability.**

### **1) Mental capacity to make a decision**

If a fundraiser reasonably believes that an individual lacks mental capacity to make a decision then they should not accept a donation from that person. If after the donation, we receive evidence that the person lacked capacity to make the decision to donate, then we will return the donation because the original donation was invalid. If the donation was made when the person was in a vulnerable circumstance at the time (and we receive evidence of this within six months of the donation) then we will return it.

If Freedom from Torture receives information regarding a supporter's vulnerability from a third party, we will make appropriate enquiries to check this data is correct before holding it or acting on it and we will not act on any request to alter the supporter's preferences unless the third party can provide evidence that he or she has the authority to act on behalf of the supporter.

### **2) Vulnerable circumstances**

All people may, at some stage in their life, be considered vulnerable or require additional care and support, depending on their own personal circumstances, health, bereavements, life events and more.

An individual who may need additional care and support, or may be considered to be in a vulnerable circumstance, can still have capacity to choose to donate to a charity. Instead, it is the context and circumstance that they may be in at the time of making a decision about whether to donate that is relevant.

The important distinction is whether the individual lacks capacity to make a decision, or needs more information and support to be able to make a decision to donate. Fundraisers need to be aware of this difference so that they can make a reasoned judgment and act appropriately when dealing with existing or potential donors.

### **Identifying vulnerable people and people who lack capacity to make a decision.**

The Institute of Fundraising explains that *“It is not possible to provide a comprehensive set of factors or characteristics which would enable fundraisers to be able to always identify an individual who may be vulnerable, require additional support or lack capacity.”*

Freedom from Torture will refer to the **IoF checklist** which gives some examples of indicators or triggers which could signal that someone may be in a vulnerable circumstance or lack capacity. We have also added our own points to the checklist, which we have come across in our work as a charity since 1985.

Examples of indicators which could mean that an individual is in a vulnerable circumstance or needs additional support (so that they are equipped with the appropriate information in order to make an informed decision about it) could include (but is by no means exhaustive):

- Physical and mental health 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

Is the individual:

- Asking irrelevant and unrelated questions, or displaying signs of forgetfulness?
- Restarting a regular gift they have cancelled and restarted many times previously? (and they don't necessarily remember)
- 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? (The 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)
- Becoming upset

- Explaining there is a language barrier and they don't understand
- Explicitly stating that they feel vulnerable
- Impulsive behaviour
- Mania

### **Age**

Freedom from Torture will not use age as an indication of vulnerability. There are many older people who have full capacity to consent and do not regard themselves as vulnerable so we do not assess on age alone. However, we do recognise that there are some age-related conditions and illnesses whereby older people are more likely to fit into the criteria on the IoF vulnerable checklist and so we would assess this on a case by case basis. Equally there may be young adults who may also be particularly vulnerable for developmental or some mental health reasons.

### **How Freedom from Torture will respond to the needs of individuals**

Freedom from Torture understands that each person is different, and there is no one size fits all policy. But by following the four main principles of being responsible, respectful, fair and accountable, fundraisers can adapt their approach to each situation.

If a supporter exhibits any of the behaviour listed above, Freedom from Torture expects fundraisers to follow the communication guidance below, and ask the supporter to repeat the details of their agreed gift (how much for and how it will be collected) so that the fundraiser can assess whether the supporter has understood clearly the gift that they will be agreeing to.

### **How Freedom from Torture will communicate with individuals who are potentially vulnerable**

We have identified some key guidance on how to communicate with someone who may be regarded as vulnerable:

- Be patient and do not rush the conversation - it's better to listen to the supporter to gain a better understanding.
- Ask if the individual would prefer another method of communication, e.g. offer to have some information sent in the post, so they have time to sit down and read it or discuss the decision with someone they trust.
- Ask if they need to speak with anyone else before making a decision.
- Offer to call back if they need to or would like to have a think about the donation, or give the supporter care line number so they can call back another day.
- Check their understanding of what they have agreed to - e.g. ask them to repeat back what they have agreed to.

### **What actions will Freedom from Torture take?**

### **Consider whether a donation should be collected**

Fundraisers must seriously consider the following:

- Whether the supporter is able to understand the discussion that has been had
- Whether they are able to make a decision based on the conversation
- Whether they know all the facts necessary in order to make a decision
- Whether they are able to communicate their decision regarding a donation

### **Monitoring and record keeping**

#### **Data protection: What information Freedom from Torture will record**

In accordance with the Data Protection Act, Freedom from Torture will not record information about an individual's physical or mental health conditions or any other sensitive personal data without the awareness and permission of that person.

As per the IoF guidelines on treating donors fairly, fundraisers can record their own "quality assessment" of an interaction with a donor or member of the public, but this should not be any assessment of the individual's condition or circumstance, but a review of the quality of the interaction from the fundraiser's point of view. The quality assessment could be noted and recorded within Freedom from Torture's database so that it can help guide us with future fundraising activity, such as whether to contact the supporter again, and if so via what channels.

Freedom from Torture allows supporters or those acting on behalf of the supporter to declare vulnerability through the use of a statement providing details of the vulnerability. If the supporter, or someone acting on behalf of the supporter, has provided such a statement and given us permission to hold that statement we will attach it to their record.

Freedom from Torture will treat data relating to living individuals fairly and lawfully. This includes telling people that we are holding their personal data and an explanation of the purpose(s) for which we are holding that data.

Freedom from Torture fundraisers will, in conjunction with the donor or their representative, make an assessment as to whether it is appropriate to ever contact that donor again, and if so by what channel and after what period of time.