

Treating Donors Fairly – Policy on Fundraising and Vulnerable Persons

1. Introduction

‘the difference’ is the known-as name for Borders Health Board Endowment Funds and is a registered charity (SC008225). The charity relies on donations from individuals and grants from organisations to fulfil our charitable purpose.

This policy outlines our principles and approach for NHS Borders staff, Trustees and representatives (including volunteers) to follow when engaging with donors who may be experiencing vulnerable circumstances. We refer to this group as ‘charity representatives’ in this document.

The aim of this policy is to provide information and awareness which enables charity representatives to respond appropriately to people in vulnerable circumstances, putting the needs of the individual first, above and beyond securing a donation.

2. What are Vulnerable Circumstances?

The Fundraising Regulator defines ‘vulnerable circumstances’ as:

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 behaviour or decisions and needs a flexible response.

3. Overview

Every donor has a unique background, experiences and circumstances, and every interaction between our charity representatives and a donor is different. We believe that everyone should have the opportunity to support our work by making a donation if they are willing and able to do so, and that denying people the chance to give based on appearance, age or behaviour may be considered discriminatory.

‘the difference’ does not identify vulnerable adults based on broad personal characteristics (i.e. disability or age).

Treating our donors fairly means that they are responded to on the basis of their needs and preferences as an individual so they can make an informed decision.

4. Guidelines and Regulations

To make sure we take all reasonable care to protect vulnerable adults, charity representatives comply with the Code of Fundraising Practice issued by the Fundraising Regulator and Institute of Fundraising guidance “Treating Donors Fairly” (2021).

We require that charity representatives and any agencies contacting members of the public on our behalf comply with the guidelines provided by the Direct Marketing Association and the Fundraising Regulator. These guidelines do not cover children and young people under the age of 18; we do not actively solicit donations from them.

5. Our Principles

Four key principles underpin how we engage with donors who may be experiencing vulnerable circumstances:

We will be RESPECTFUL.

This means we are 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.

We will be RESPONSIVE.

We are ready to adapt our approach and be flexible to meet the needs of individuals. It also means we are prepared to ask questions or take additional steps when necessary.

We will be FAIR.

We do not make decisions based solely on a particular characteristic such as a person’s appearance, the way they talk, any medical condition or disability. Fairness means responding to people as individuals.

We will be ACCOUNTABLE.

We take responsibility for our actions, ensuring our work is carried out in line with the Code of Fundraising Practice. We consider what processes and procedures are needed and are prepared to explain our decisions and approach.

6. Communications

Through our work it is inevitable that we will come into contact with people who are vulnerable and not able to make informed decisions about their giving. Because of this we

take all reasonable care to identify supporters who may be vulnerable and to decide what action we take if we suspect a person is vulnerable.

We aim to communicate with donors in the ways in which they are most comfortable; this includes by direct mail, email, phone and in person.

We must not knowingly contact people with fundraising and marketing communications who have asked not to be contacted through any channel or if we are made aware that they are experiencing vulnerable circumstances.

7. Accepting, Refusing or Returning Donations

The charity's policy on accepting or refusing donations is set out in the Borders Health Board Endowment Funds Charter: Policy on Acceptance of Donations.

If the charity, after accepting a donation, receives evidence that the donor lacked the capacity to make the decision to donate, then the donation must be returned as it is invalid. The evidence could be identified by a charity representative, when a donor declares themselves to be vulnerable, or if we are approached by their power of attorney or financial guardian.

If the donor requests to cancel a donation due to experiencing vulnerable circumstances and lacking capacity, we must ensure that any direct debit or regular gift is cancelled. Any amendments to or cancellations of donations must be confirmed in writing and the donor's preferences on future communications checked, if possible.

On occasion, a third party (e.g. a family member) may contact the charity on behalf of the donor to communicate a request. For any financial matters, we must be satisfied that the third party making the request is authorised to act on behalf of the individual so that we abide by data protection laws. This must be demonstrated in writing, through a written authority on behalf of the donor or by the power of attorney for the third party to administer the donor's affairs. It is the third party's responsibility to provide evidence of entitlement. In the case of a contested gift in a donor's will by a third party due to vulnerable circumstances, due process will be followed to examine the case to determine the next steps.

8. Sensitive Personal Data

The charity's policy on collecting personal data is set out in the Privacy Policy.

As an NHS charity, many of our donors' reasons for giving are related to their own experience, or the experience of someone they love, in our hospitals. Under data protection

law, any personal information relating to health is defined as 'Special Category Data.' The charity will only record this, or any other sensitive personal data, if the donor shares that information and only for the purpose of fully understanding the context of the donor's relationship to the charity.

No charity representative must record any judgement or assessment about what they perceive an individual's physical or mental condition to be. It is expected that a record of interactions is kept on the donor database, but care should be taken to ensure only the facts about the quality of the interaction are recorded on the database which has controlled access and is password protected.