



## **Fundraising and Vulnerable Persons Policy & Practice**

### **1 Who is this policy for and what it covers**

- 1.1 This policy is for trustees, supporters and other parties interested in the approach taken by the Family Holiday Charity in working with vulnerable people

### **2 What this policy covers**

- 2.1 The policy forms a part of the charity's overall approach to Safeguarding and can be read in conjunction with the Safeguarding Policy, and Safeguarding and Content for Family Holiday Charity.
- 2.2 The policy specifically relates to fundraising and identifies fundraising examples and regulatory frameworks.
- 2.3 Family Holiday Charity is regulated by Fundraising Regulator. As such, the charity follows the Fundraising Code.
- 2.4 The Code covers day-to-day fundraising activities and the considerations required in planning fundraising activities.
- 2.5 The Code identifies general behaviour and standards of behaviour in fundraising, and specific compliance requirements for different types of fundraising.
- 2.6 The full code can be found here: <https://www.fundraisingregulator.org.uk/code/using-code>
- 2.7 Additional responsibilities are outlined by the Charity Commission and enshrined in the Charities Act 2016.
- 2.8 The charity policy on fundraising from, to and with vulnerable persons is based on these professional standards. Where the Charity can exceed the approach advised by the Code, it will seek to do so.
- 2.9 The Code periodically updates. When this happens, this policy must also update to reflect these changes.
- 2.10 The Income & Engagement Director receives alerts from the Fundraising Regulator if there are any changes or updates and has responsibility for ensuring this policy is up to date.

## **Responsibilities for the Charity identified in the Code**

### **3 General Behaviour**

- 3.1 Section 1 of the Code identifies general behaviour expectations under the four key headings:

- General behaviour
- Asking for support

Version: 1

Originator: Income & Engagement (Director)

Last updated: January 2022

## Fundraising & Vulnerable Persons Policy & Practice



- Informing donors
- Treating people fairly

3.3 Family Holiday Charity summarises its approach to fundraising behaviour in a Fundraising Promise to supporters, available via the website.  
<https://familyholidaycharity.org.uk/fundraising-promise>

3.3.1 Additional information on behaviour is included in the Safe and Legal Fundraising page on the charity website <https://familyholidaycharity.org.uk/do-something/fundraise-us/safe-and-legal-fundraising>.

3.3.2 This information is for supporters who are fundraising *in aid of* and *on behalf of* Family Holiday Charity and states the expectations of behaviour and standards. Again, this is linked to the Code but presented in a way which is clearer for supporters to navigate and offered as practical assistance.

3.4 The heading treating people fairly presents critical approaches to protect vulnerable people and so is dealt with in more detail below.

## 4 Treating People Fairly

4.1 Within this section of the Code, key areas of activity for safeguarding are covered which are already a part of the Charity's operational practice and covered within existing policy framework. For example:

4.1.2 Code section 1.3.1/1.3.2 – these code requirements cover misleading materials and ensuring we provide evidence for any claims we make (eg data). Within operational frameworks, controls are in place to peer review and seek final approval from a director before publication to ensure aspects such as this are considered.

4.1.3 Code section 1.3.3 – this section covers not taking advantage of a donor's mistake. The charity's Acceptance of Donations Policy (Part 1) clearly identifies the required steps and protocols to take in the event a donation is made erroneously. This includes explicitly taking active steps to return donations if they are not freely given, are made by someone vulnerable or who may not have full capacity, and other circumstances which may occur with vulnerable persons.

4.2 The charity benefits from a supporter base which is broad. Within this base we are aware that a number of donors have supported the charity for a long time, and that there is a cadre of donors who personally knew the charity founders. In short, we have an aging supporter base.

4.3 The charity also supports families facing tough times, and in difficult circumstances. Some of these families may therefore also be classed as vulnerable in terms of fundraising activity. The charity does not directly target its beneficiary supporter base for fundraising at this time, in part to avoid conflicts such as vulnerability.

4.4 The charity's responsibilities to audience like this, under the Treating People Fairly section of the code are to ensure that we are looking out for their best interests, and aware where there may be conflicts of interest.



4.5 Within the charity there are already examples of good practice around being alter to this responsibility and in assisting those who may be more vulnerable to ensure they are treated fairly and looked after in a way that is supportive of their needs. have been excellent examples of good practice in 2021 in ensuring supporters are looked after appropriately and processes are properly followed. For example:

4.5.1 A carer enquiring how an elderly female could stop receiving information through the post – the team established she was acting correctly for the female and the supporters record was closed down, with an appropriate thank you for years of support.

4.5.2 A family member with power of attorney letting us know that a regular gift was being stopped due to a change in an older supporter’s financial circumstances.

4.5.3 A neighbour checking in that we were a legitimate charity as she had been helping her neighbour sort out some paperwork, and she was concerned to make sure that the lady was not being taken advantage of. The team provided relevant evidence and support.

4.5.4 Adding supporting advice to those who enquire about gifts in wills to ensure they are taking account of their loved ones needs first, that they are clear that they are not being asked for a gift under duress and advice about being specific in leaving gifts to ensure that families are clear about their intentions and do not have an additional admin burden.

## **5 Other areas of the Code and vulnerable persons**

5.1 The Fundraising Code also identifies several areas in which working with more vulnerable people may present issues. Our operational position on these areas is shown below:

<b>Code Ref</b>	<b>Code requirement</b>	<b>FHC Action</b>
1.3.6	You must take all reasonable steps to treat a donor fairly, so that they can make an informed decision about any donation.	<ul style="list-style-type: none"> <li>• The team treat all enquiries with the same respect and consideration, taking care to answer as many questions as are required once we have established the individual is an adult.</li> <li>• We don’t make assumptions about the individual based on age or other characteristics.</li> <li>• Where the team have questions about a donor or feel they may need more help or support, the team refer to the Director for follow up.</li> </ul>
1.3.7	You 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.	<ul style="list-style-type: none"> <li>• Potential donor flags around this may be for example, families who have received a holiday and who feel they may need to donate, older supporters who may feel pressured by direct mail, individuals who may live alone or those who may be feeling particularly lonely or isolated than others (as a result of the pandemic as well as in more general terms)</li> <li>• Mitigations include asking questions (in a polite and friendly way) to ensure donors are not under duress and have income to be able to donate.</li> </ul>



		<ul style="list-style-type: none"> <li>Ensuring information about how to opt out or stop receiving mail/email is clearly presented in every communication.</li> </ul>
<b>1.3.8</b>	You must not exploit the trust, lack of knowledge, apparent need for care and support or vulnerable circumstance of any donor at any time.	<ul style="list-style-type: none"> <li>The team do not use fundraising tactics which could be considered to be high pressure, for example face to face/street fundraising, or door to door fundraising, or placing pressure to make a donation “today “.</li> <li>An opt out is included in every type of fundraising activity and information is provided via the Privacy policy and website terms and conditions about how to raise questions or concerns.</li> </ul>
<b>1.3.9</b>	<p>You must not take a donation if you 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 things, you should consider:</p> <ul style="list-style-type: none"> <li>any physical or mental-health condition the person may have;</li> <li>any disability the person may have, including a degenerative brain condition;</li> <li>any learning difficulties the person may have;</li> <li>whether the person is facing times of stress or anxiety (for example, following the death of a loved one or redundancy);</li> <li>whether a donation is likely to affect the person’s ability to sufficiently care for themselves or leave them in financial hardship;</li> <li>how well the person can communicate and understand what they are being told;</li> </ul>	<ul style="list-style-type: none"> <li>Where there is any doubt in the circumstance of a donor for any reason, the Director is approached for advice. This could be something that someone has heard in a phone conversation, or even something that’s not written in quite the way you might expect from normal emails or communications around the subject.</li> <li>The approach depends on the team being tuned into safeguarding and welfare checks being highlighted to act on.</li> </ul>



	<ul style="list-style-type: none"> <li>• whether the person is under the influence of alcohol or drugs; and</li> <li>• the person's age.</li> </ul>	
1.3.10	If a donor makes a donation while they do not have the capacity to make an informed decision, you must return the money to them.	<ul style="list-style-type: none"> <li>• The Family Holiday Charity <b>acceptance and refunding of donations framework</b>, part of our ethical fundraising approach covers the circumstances in which the team should return money, including where we believe a donation should not be being made.</li> <li>• The framework covers where the staff team are able to authorise the refund, and where this should be notified to the Board.</li> </ul>
1.3.11	You 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 you receive money for a lottery from a child or young person aged under 16 you must return the money	<ul style="list-style-type: none"> <li>• Activity targeted towards regular donations – for example via social media advertising – excludes under 18's from the target audience.</li> <li>• Our charity lottery promotion strategy accounts for the legal requirements about soliciting participants for lottery programmes – for example, Facebook ads for gambling must be cleared before publication.</li> <li>• Part of the purpose in working with a third party to deliver the operational aspects of the lottery also encompasses the ongoing requirement for age verification as part of signing players up.</li> </ul>

## **6 Fundraising with Children**

- 6.1 Section 6 of the Fundraising Code covers responsibilities and legal requirements around fundraising with children. Remember that a child is anyone under the age of 18.
- 6.2 At the moment, the Charity has no direct fundraising activity involving children, organised by the Charity.
- 6.3.1 Any fundraising activities being planned or considered that MAY involve children should adhere to the following process:
- 6.3.2 Discussed in the first instance with the Income & Engagement Director, who is also the Deputy Safeguarding Lead for the charity.
- 6.3.3 If we wish to progress the idea, discussed further with Designated Safeguarding lead and Senior Leadership Team to consider benefits and risks.
- 6.3.4 The activity should be risk assessed for safeguarding and other risks as part of the decision-making process.
- 6.3.5 Any fundraising events involving children will require a parent or guardian to be present.
- 6.3.6 Staff should be sure to not put themselves in a position of being left alone with a child.



- 6.4 On occasion, the charity is made aware of donations that have come through schools fundraising or fundraising with families. If we are made aware of fundraising involving children before the fundraising takes place, the team will:
  - 6.4.1 Ensure the supporter is aware of the fundraising code and responsibilities towards children – by directing them towards the web page Safe & Legal Fundraising page on the charity website.
  - 6.4.2 Ask them to confirm that they understand the requirements and regulations and that they will not be involving children in events where alcohol is present, street fundraising collections and raffle or lottery ticket sales.
  - 6.4.3 Take steps to protect children, adults at risk, volunteers and event organisers
  
- 6.5 Where we are not notified in advance that the activity has involved children, but we later find out that children may have been involved, or where we have reason to believe children may have been involved:
  - 6.5.1 Check in with the event organisers and ask them to confirm or clarify whether children were present
  - 6.5.2 Establish what their role or purpose was and the activities they may have been involved with
  - 6.5.3 Understand who may have been involved with the children and their role and activities

### **Document Review:**

This document is reviewed annually, unless otherwise required by a change in the Fundraising Code. Date for next revision: February 2023.