

Vulnerable Person Policy

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Policy

HOPE UK has an obligation to protect vulnerable people, including people without legal capacity to make decisions and people in vulnerable circumstances. We believe that giving to HOPE UK should be a positive experience for all.

We recognise that some of the people we engage with through our fundraising activities will not always have the capacity to fully understand the nature of the donation they are being asked to make or the consequences of making that donation, and there will be times when we won't be able to accept donations from these individuals.

This policy is designed to ensure compliance with the Fundraising Regulator requirements and the Code of Fundraising Practice, and to promote the fair and respectful treatment of all supporters.

What is a vulnerable person?

According to the Chartered Institute of Fundraising's 'Treating Donors Fairly' guide, the term 'vulnerable person' includes two groups: (i) people without capacity and (ii) people in vulnerable circumstances.

A person without capacity is someone who does not fully understand the nature of the donation they are being asked to make, or the consequences of making that donation. They are legally unable to make a donation on their own. According to the Mental Capacity Act 2005, a person might not have capacity if they have conditions including but not limited to:

- dementia
- a severe learning disability
- a brain injury
- symptoms of alcohol or drug use

A person in vulnerable circumstances is someone who does understand the nature and consequences of donating, but they find it difficult to immediately make an informed decision about the choices offered to them. They are legally able to make a donation on their own, but they might not be in the best state of mind to do so. Although there's no precise way of telling if a person is in vulnerable circumstances, some examples might include someone who:

- has had a recent bereavement
- is unable to understand the language spoken to them
- has an undiagnosed or temporary mental health condition, such as anxiety
- has certain conditions or limitations such as severe sight or hearing difficulties

Identifying vulnerable people

We know that it may be difficult in some situations, for fundraisers to decide whether or not someone is in a vulnerable circumstance or that they lack capacity. The approach of our fundraisers is always to treat everyone fairly and to err on the side of caution. This applies to all of our fundraising by our direct employees and by HOPE UK volunteers or through a third-party associate.

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HOPE UK staff, volunteers, and third-party associates will follow recognised guidance, and take into account factors such as:

- indicators that the individual appears confused or unable to understand what is being said (e.g. asking irrelevant questions, responding to questions irrationally, responding in broken English or another language)
- indicators that suggest a lack of mental capacity (e.g. saying things like 'my carer usually does things like this for me', or having trouble remembering simple relevant information, or not sure what they're donating to)
- written or recorded communications indicating vulnerability (e.g. the supporter has indicated that they are vulnerable, or if it appears that someone's wishes are not clear or consistent)

Where there is any doubt, fundraisers must seek guidance from a line manager before accepting a donation.

Fundraising and people without capacity

Whenever we suspect that someone we engage with is lacking capacity, we will take steps to respectfully cease the contact in a way which seeks to:

- protect that person
- protect their dignity
- note any desire they have expressed to support HOPE UK

In the context of fundraising, this can be done by concluding the conversation immediately and respectfully. Fundraisers should do so politely, without:

- making a request for a donation
- asking about the individual's capacity

Fundraising and people in vulnerable circumstances

Whenever we suspect that someone we engage with is in vulnerable circumstances, we will not accept their donation until we know that they're no longer at risk of making an ill-informed decision due to their vulnerability. Again, we will do this in a way which seeks to:

- protect that person
- protect their dignity
- note any desire that they have expressed to support HOPE UK

We will take steps to provide additional support to make sure that they're happy with their decision to donate. This is because we believe that everyone has the right to donate if they wish to and are able to do so. This support can include, for example:

- delaying acceptance of a donation to give the donor time to consider their decision
- suggesting that the donor gets advice from family or friends
- asking the donor to get in contact with HOPE UK again in the future

Again, our fundraisers should do this politely, without:

- making a request for a donation
- asking about the individual's capacity to make a decision, or the existence of vulnerable circumstances

Compliance with the Code of Fundraising Practice

HOPE UK is committed to full compliance with the Code of Fundraising Practice. To support this:

- All staff, volunteers, and third-party fundraisers receive training to recognise and respond to vulnerability
- Training is refreshed regularly and forms part of onboarding for all fundraising roles
- We monitor fundraising activity to ensure this policy is followed and take appropriate action where it is not
- We maintain clear procedures for escalating concerns about vulnerable individuals
- We regularly review our fundraising practices to reflect updates to the Code and sector best practice

Recording and Data Protection

Where a supporter discloses vulnerability, or where we reasonably believe vulnerability exists, we will:

- record this information appropriately and sensitively
- only use this information to protect the individual and guide our communications
- restrict access to this information to authorised personnel only
- handle all data in accordance with the General Data Protection Regulation and relevant UK data protection legislation

Complaints and Support

HOPE UK is committed to handling complaints fairly and transparently.

- Supporters, or those acting on their behalf, can raise concerns about fundraising activity at any time
- Complaints involving vulnerable individuals will be handled with additional care and sensitivity
- We will take appropriate action where any failure to follow this policy is identified
- We will cooperate fully with any investigation by the Fundraising Regulator where required

Four key principles underpin our approach

- **We will 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.
- **We will treat our donors fairly.** This includes not discriminating against any group or individual based on their appearance or health conditions.
- **We will respond appropriately to the individual needs of our donors.** The responsibility lies with our fundraisers to adapt their approach (tone, language, communication technique) to suit the needs and requirement of the donor.
- **We take responsibility for our actions, ensuring our fundraising is carried out in line with the Code of Fundraising Practice.** Our processes and procedures ensure this happens and that the needs of people in vulnerable circumstances are met.

Our policy in detail

Our policy is informed by the Institute of Fundraising's (IoF) Code of Fundraising Practice Guide to 'Treating Donors Fairly' guide. <https://ciof.org.uk/media/15obuvi1/treating-donors-fairly-2021.pdf>

- HOPE UK is compassionate and considerate towards its supporters and will never exploit anyone's vulnerability.
- We will always do everything we can to assist supporters to make informed decisions about the support they choose to give to HOPE UK.
- We fully comply with the Fundraising Regulator's Code of Fundraising Practice and the Fundraising Guarantee. www.goodfundraising.scot/fundraising-guarantee/
- HOPE UK encourages supporters, or those acting on their behalf to declare vulnerability.
- HOPE UK will not contact supporters with the aim of asking for an increase in their giving where the supporters' records indicate a declaration of vulnerability.
- Regardless of whether a declaration has been made or not, HOPE UK does not accept donations where it has reason to believe that a supporter may not have capacity or may be experiencing vulnerable circumstances and that accepting the donation would be ethically wrong and/or harmful to the donor.
- Should a situation arise where HOPE UK becomes aware that it has unknowingly accepted donations from an individual during a time that he or she did not have capacity or was experiencing vulnerable circumstances, we will endeavour to return all donations accepted during this period.
- Should we receive information regarding a supporter's vulnerability from a third party, we will not act on any request to alter the supporter's preferences unless the third party can provide evidence that they have authority to act on behalf of the supporter.
- If HOPE UK becomes aware of a situation where a third party or individual acting on its behalf has not acted in accordance with this policy, we may stop working with the third party or ask the individual who is non-compliant with the policy be removed from HOPE UK's campaigns.
- We recognise that it may sometimes be difficult for fundraisers to assess the vulnerability of a supporter; in cases where a fundraiser is unsure, they will ask their line manager for a second opinion and approval to accept any donation.
- If a fundraiser believes they have interacted with a vulnerable supporter and are concerned about their welfare, they will follow the HOPE UK safeguarding statement.

Legislation and regulation

- Mental Capacity Act 2005: www.legislation.gov.uk/ukpga/2005/9/contents/ and Adults with Incapacity (Scotland) Act 2000: www.legislation.gov.uk/asp/2000/4/contents/
- Charities (Protection and Social Investments) Act 2016: www.legislation.gov.uk/ukpga/2016/4/contents/enacted/
- Equality Act 2010: www.legislation.gov.uk/ukpga/2010/15/contents/
- Data Protection Act 1998: www.legislation.gov.uk/ukpga/1998/29/contents/ and General Data Protection Regulation (GDPR): www.gdpr-info.eu/
- Mental Health Act 1983: www.legislation.gov.uk/ukpga/1983/20/contents/

Related policy:

- HOPE UK's Safeguarding Policy and Procedures
<https://www.thehopefoundation.org.uk/governance/>

Policy review

This policy will be reviewed every three years, or sooner if required by changes to legislation or the Code of Fundraising Practice requires otherwise, to ensure it continues to meet our objectives and any good practice developments. We will also review this policy following any significant incidents, complaints, or updates issued by the Fundraising Regulator.