



**THE DONKEY
SANCTUARY**

FUNDRAISING AND RESPONDING TO VULNERABLE PEOPLE AND THOSE LACKING MENTAL CAPACITY - POLICY AND PROCEDURES

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DEFINITIONS

The terms '**Vulnerable Persons**' and '**Vulnerable People**' are defined as:

- All children and young people under the age of 18 years
- Adults with care and support needs who may be unable to protect themselves from harm or exploitation due to many reasons, including their mental or physical incapacity, sensory loss or physical or learning disabilities. For the purposes of this policy and procedures this includes those who are lacking the capacity, either temporarily or permanently, to make an informed decision about giving money to The Donkey Sanctuary.

Indicators a person is Vulnerable and/or in Vulnerable Circumstances, and might need additional support, may 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

SCOPE

This policy and procedures applies to all staff, volunteers and contractors providing fundraising services to The Donkey Sanctuary and those of its implementing partner organisations which it funds, and who we expect to work under these as a condition of their involvement with The

Donkey Sanctuary. This policy should be read in conjunction with The Donkey Sanctuary's Safeguarding Vulnerable Persons Policy and Procedures.

BACKGROUND

The Donkey Sanctuary relies entirely on donations from individuals and grants from organisations to fund our work – without our donors we could not carry out our vital work caring for and supporting donkeys and the people who they come into contact with, and funding research. 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.

Every donor is an individual with a unique background, experiences and circumstances – and every interaction between a fundraiser and donor is different. We believe that everyone should have the opportunity to donate if they are willing and able to do so, and that denying people the chance to give based on appearance, age or behaviour alone may be considered discriminatory.

It is inevitable that we will come into contact with people who are vulnerable and do not have the mental capacity to make informed decisions about their giving. This can happen either through our own communications or through communications from the agencies who work on our behalf. This document outlines how we take all reasonable care to identify supporters who may be vulnerable; what action we take if we suspect a person is vulnerable; and what action we take if we suspect they lack the mental capacity to make informed decisions about their giving.

POLICY STATEMENT

To ensure that we take all reasonable care to protect vulnerable persons, The Donkey Sanctuary complies with the 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 Donkey Sanctuary requires its staff and any agencies contacting members of the public on our behalf to comply with guidelines provided by the Direct Marketing Association and the Public Fundraising Regulatory Association. These guidelines do not cover children and young people under the age of 18, and we do not actively seek donations from them. Children and

young people under the age of 18 can, however, donate to The Donkey Sanctuary but we will only respond to contact initiated by them.

Giving to your favourite causes should be a positive experience for all, whether an existing donor or potential new supporter. The Donkey Sanctuary recognises that some of the many people that we engage with through our fundraising activity will not always have the capacity, at the point of the interaction, to fully understand the nature of the donation they are being asked to give, or wish to give to The Donkey Sanctuary, or the consequences of making that donation. The Donkey Sanctuary also understands that vulnerable people may need further support before making a decision about whether to make a donation. The flowchart at appendix 1 of this policy and procedures details the process we use to make decisions about accepting donations from vulnerable people.

For vulnerable people who may lack mental capacity to make an informed decision about a donation, support can be provided by a person with power of attorney, or a court appointed 'Deputy' (England & Wales), 'Guardian' (Scotland), or 'Controller' (Northern Ireland). For children this can be provided by a parent or guardian.

Whenever we suspect that someone we engage with is a vulnerable person and/or is lacking capacity, we will take steps to safeguard that person while protecting their dignity and any desire they have expressed to support The Donkey Sanctuary. Where a person is vulnerable and/ or lacking capacity and they disclose abuse or neglect during our contact with them we will follow The Donkey Sanctuary Safeguarding Vulnerable Persons Policy and Procedures and contact the Designated Safeguarding Officer (the Global Safeguarding Manager), or a Deputy as soon as possible, but at least within 24 hours.

SECTOR GUIDANCE

The Institute of Fundraising's Code of Fundraising practice 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.
- 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.

We recognise that it may be difficult in some situations for fundraisers to make a clear cut decision as to whether or not someone is vulnerable or lacks capacity. The person is likely to be a stranger to the fundraiser; the interaction can be short-lived and may not be in person. The Donkey Sanctuary will provide guidelines for fundraisers but our approach is always to err on the side of caution.

Our approach has been informed by the Institute of Fundraising document: Treating Donors Fairly - Guidance for fundraisers responding to the needs of people in vulnerable circumstances and helping donors make informed decisions

<http://www.institute-of-fundraising.org.uk/library/treatingdonorsfairly/>

In addition, the Direct Marketing Association has produced a white paper - Guidelines for call centres dealing with vulnerable consumers.

<http://dma.org.uk/article/white-paper-guidelines-for-call-centres-dealing-with-vulnerable-consumers>

SAFEGUARDING VULNERABLE DONORS PROCEDURES

The Donkey Sanctuary recognises that some fundraising activity (such as telephone fundraising) can create higher risks in balancing the right to give and the need to protect vulnerable people. We recognise that everyone has the right to support their favourite causes and charities, but we also recognise that The Donkey Sanctuary has an obligation to protect vulnerable people.

Identifying People who are Vulnerable or in Vulnerable Circumstances

It is not feasible to provide a comprehensive set of factors or characteristics which would enable fundraisers to always identify a person who may be vulnerable. We 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 parent/carer 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.
- Written communications, such as:
 - 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.
- Family members / carers

We may also be alerted to a donor being vulnerable by a family member or carer. Where we have been given this information we act upon this, by asking the donor what kind of communication, if any, is acceptable. If the donor does not have the mental capacity to make decisions about their finances a family member or other person with power of attorney, or a court appointed 'Deputy' (England & Wales), 'Guardian' (Scotland), or 'Controller' (Northern Ireland) can make the decision on their behalf regarding what kind of communication, if any, is acceptable.

Where a donor appears to be vulnerable, but appears to have capacity to make informed decisions about their giving, we provide them with support to ensure they are able to make an informed decision regarding their donation. We will also ask whether we can record information about their vulnerable circumstances on our fundraising information system in order to provide the correct support to them in any future communications (e.g. hearing/sight loss).

Whenever a fundraiser suspects that a person may be vulnerable and that they lack the capacity to make an informed decision on their giving, our approach is to end the engagement as soon as possible. This should be done politely and without making a request for a donation or any direct enquiries about the individual's capacity to make a decision or the existence of vulnerable circumstances. This approach applies in all fundraising areas whether in-house or through a third party.

The fundraiser should contact the Global Safeguarding Manager when a donor is believed to lack capacity to make informed decisions about their giving, who will ask them to complete a Safeguarding Incident Form. The Global Safeguarding Manager, based on the information available, will make an assessment regarding whether the donor should be identified on The Donkey Sanctuary's fundraising information system as permanently lacking capacity to make decisions about their giving, and stopping any further fundraising contact initiated by The Donkey Sanctuary.

If the donor is assessed as being temporarily lacking capacity (e.g. because of alcohol use, bereavement, transitory illness) The Donkey Sanctuary will provide alternative options for the individual to engage with us when they have capacity, thereby upholding the right that everybody has to donate if they are able to do so.

Returning Donations

Despite our efforts to protect vulnerable people, The Donkey Sanctuary may receive a donation where there may be a question over the donor's mental capacity or understanding to make that donation. In this circumstance, The Donkey Sanctuary may return the donation to the donor or, under certain circumstances, to a family member or designated person with power of attorney. The Donkey Sanctuary will need to be satisfied that, at the time the donation was made, the donor was unable to understand the consequences of making the donation. An example would be where a donor is suffering from Alzheimer's, or is a child, and makes a donation to The Donkey Sanctuary without understanding the financial impact of their decision.

If you would like more information about this policy, or to request the return of a donation, please contact The Donkey Sanctuary via email:

DonorResponseOffice@thedonkeysanctuary.org.uk

The Donkey Sanctuary will not return a donation where the donor simply made a bad decision and was not vulnerable and/or in a vulnerable circumstance. Where it is felt a case for an exceptional “ex-gratia” payment might exist, again please contact The Donkey Sanctuary using the details above. Such payments may require the consent of the Charity Commission before they can be made.

CONTACT DETAILS

Global Safeguarding Manager & Designated Safeguarding Officer

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The Donkey Sanctuary was founded by Dr Elisabeth Svendsen MBE in 1969.

The Donkey Sanctuary (registered charity number 264818) and its sole corporate trustee, The Donkey Sanctuary Trustee Limited (Company number 07328588), both have their registered office at Slade House Farm, Sidmouth, EX10 0NU.

Linked charities: The Elisabeth Svendsen Trust for Children and Donkeys (EST); The International Donkey Protection Trust (IDPT).

WORKING WORLDWIDE