



Policy for Treating Supporters in Vulnerable Circumstances Fairly

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Policy Reference Information

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Related Policies

Policy Title
NHS Lothian Charity Data Protection Policy
NHS Lothian Charity Ethical Fundraising Policy
NHS Lothian Confidentiality Policy
NHS Lothian Data Protection Policy
NHS Lothian Patient Engagement Policy
NHS Lothian Public Protection Policy

1. Background

- 1.1 NHS Lothian Charity is a registered charity with OSCR. We invest in the promotion of better health and wellbeing across Edinburgh and the Lothians. We are committed to our charitable aims and purposes; we fundraise and receive donations to fulfil these charitable aims.
- 1.2 This policy outlines our principles and approach for NHS Lothian Charity staff, Trustees, and representatives to follow when engaging with supporters who may be experiencing vulnerable circumstances. The policy refers to this group as NHS Lothian Charity representatives.

2. Guidance and Regulation

- 1.1 This policy is based on the current legislation, regulation, and guidance available and will be updated as and when there are any changes:
 - The [Fundraising Regulator Code](#) sets out the responsibilities of fundraising organisations
 - The [Chartered Institute of Fundraising](#) (fundraising professional body) – [Chartered Institute of Fundraising - Treating donors fairly](#) (ciof.org.uk)
 - [Data protection regulations](#)
 - [Equalities Act](#)
 - [Direct Debit Guarantee](#)

3. What is a Vulnerable Circumstance?

- 3.1 A vulnerable circumstance is defined by the Fundraising Regulator as:

'A state in which a person is especially susceptible to harm due to their personal circumstances. It is a state that can vary from day-to-day which may affect the person's behaviour or decisions and needs a flexible response.'

4. The Principles

- 4.1 Four key principles underpin NHS Lothian Charity's policy to engaging with supporters who may be experiencing vulnerable circumstances:
- 4.1.1 **We will treat all supporters with respect.** We will be mindful of and sensitive to any need that a supporter may have. We will strive to respect the wishes and preferences of our supporters.
 - 4.1.2 **We will treat all supporters fairly.** We will not make decisions based solely on any characteristics such as a person's appearance, the way they talk, any medical condition, or disability.
 - 4.1.3 **We will adapt our approach and be flexible to meet the needs of our supporters, treating them as individuals.** We will ask questions and take additional steps when necessary.
 - 4.1.4 **We will be accountable and take responsibility for our actions.** We will ensure that our work is carried out in line with the [Code of Fundraising Practice](#).

5. Approach to Engaging with all Supporters

- 5.1 There are certain indicators to be aware of that could mean that a supporter is in a vulnerable circumstance. These are set out in the Treating Supporters in Vulnerable Circumstances Fairly Guidance and Procedure (the guidance and procedure).
- 5.2 Everyone we engage with through the work of NHS Lothian Charity must be treated fairly, with respect, and as an individual. This means that people, even if they are in a vulnerable circumstance, can choose to support the charity and donate if they wish to. We must however only accept donations from people who are making an informed decision to give.
- 5.3 We must not take a donation of time or money if we know, or have good reason to believe, that the supporter is in vulnerable circumstances which means they may not be able to make an informed decision. The guidance and procedure provide guidance on how to assess if the supporter is making an informed decision.
- 5.4 If at any point an individual gives a clear indication that they wish to end an interaction or not to be contacted again by specific or all forms of communication, we must comply and action that request.

6. Responding to the Needs of Supporters who may be in Vulnerable Circumstances

- 6.1 Some supporters we engage with may be in vulnerable circumstances or require additional care and support to make an informed decision to donate to NHS Lothian Charity.
- 6.2 We recognise that there may be a wide range of issues that may impact a supporter's ability to decide to donate and that circumstances may change over time.
- 6.3 We must be responsive to the needs of individuals and adapt our approach to suit a supporter's context. Guidance on how this can be approached are set out in the guidance and procedure.

7. Respectful Communications

- 7.1 All NHS Lothian Charity representatives and external agencies acting on our behalf must communicate and act in a respectful way to all supporters and members of the public.
- 7.2 We must always check that the supporter is comfortable in engaging in conversation, either face to face, on the telephone, or by email. Indicators to be aware of that could mean that a supporter is not comfortable engaging in conversation are set out in the guidance and procedure.
- 7.3 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.

8. Accepting or Declining Donations

- 8.1 NHS Lothian Charity policy on accepting or declining donations is set out in the Ethical Fundraising Policy.
- 8.2 If NHS Lothian Charity, after accepting a donation receives evidence that the supporter lacked the capacity to make the decision to donate, then the donation must be returned as it is invalid. This evidence could be identified by a representative of NHS Lothian Charity when following the guidance set out in the guidance and procedure,

or when the supporter declares themselves to be vulnerable, or if we are approached by their power of attorney or financial guardian.

- 8.3 If the supporter 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 supporter's preferences on future communications checked if possible.
- 8.4 On occasion, a third party e.g. a family member may contact NHS Lothian Charity on behalf of the supporter to communicate a request. For any financial matters (e.g. cancelling a direct debit), 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 supporter, or by the power of attorney for the third party to administer the supporter's affairs. It is the third party's responsibility to provide evidence of this entitlement. In the case of a contested gift in a supporter's will by a third party due to vulnerable circumstances, due process will be followed to examine the case to determine the next steps.

9. Sensitive Personal Data

- 9.1 NHS Lothian Charity must not record any information about a supporter's physical or mental health conditions, or any other sensitive personal data, without the awareness and permission of that person.
- 9.2 Sensitive personal data can only be collected with the explicit consent of the individual and this must be fully informed. In the limited circumstances where we do collect this kind of information from children, explicit parental consent must be sought.
- 9.3 No representative of NHS Lothian Charity must ever record any judgment 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 supporter database, but care should be taken to ensure that only facts about the quality of the interaction are recorded on the CRM which has controlled access and is password protected.