

Fundraising Consent Policy And Fundraising With People In Vulnerable Circumstances Procedure

Key Points

1. **Fundraising must be legal, open, honest, respectful and safe.** Encephalitis International is committed to the Fundraising Regulator's Code of Fundraising Practice and expects staff, volunteers, fundraisers and third-party partners to understand and follow their responsibilities.
2. **Fundraisers should provide informed consent and understand their responsibilities.** Where possible, fundraisers should complete the Fundraising Consent Form, agree to the Fundraising Agreement, and understand that they are responsible for planning activities safely, managing risks, securing permissions, and complying with local rules.
3. **People in vulnerable circumstances must be supported without assumptions or pressure.** Staff and volunteers should not diagnose vulnerability or capacity but should recognise indicators that someone may need additional support, slow down interactions, check understanding, adapt communication and escalate concerns where needed.
4. **Children's fundraising requires additional safeguards.** Anyone under 18 must have parent or guardian permission, fundraising activities must be age-appropriate and properly supervised, and regulated or age-restricted activities such as collections, raffles, lotteries or alcohol-related events must be checked before support is accepted.
5. **Data protection, safeguarding, complaints and review procedures must be followed.** Personal data, especially information about vulnerability, health, disability, safeguarding or children, must be recorded only when necessary and kept secure. Concerns, complaints, donation-return decisions and policy updates should be escalated and reviewed in line with the relevant internal procedures.

Introduction

Encephalitis International welcomes fundraisers from across the globe undertaking a range of fundraising activities to raise funds to support our work. These fundraising activities range from physical challenge events, through to Charity of the Year partnerships and digital fundraisers. Many of our fundraisers will have been personally impacted by the condition directly, be a care-giver or have lost someone to the condition.

This policy recognises that fundraisers should understand and accept the risks associated with their chosen activity, and that some fundraisers, donors or supporters may be in vulnerable circumstances or may need additional care and support to make an informed decision. It sets out our consent procedure, how we identify and respond to indicators of vulnerability, and the steps we take to ensure fundraising is legal, open, honest, respectful and safe. This policy supplements our wider policies and procedures, including our Ethical Fundraising Policy, Privacy Policy, Safeguarding Policy, Complaints Procedure, and procedures for accepting, refusing and returning donations.

Overview

We are committed to the Fundraising Regulator's Code of Fundraising Practice and to conducting fundraising in a way that is legal, open, honest and respectful. The current Code applies to fundraising by charitable institutions and third-party fundraisers across the UK, and our procedures should be reviewed whenever the Code or its supporting guidance is updated.

This policy outlines our commitment to ensuring that trustees, staff, volunteers, fundraisers and any third-party agencies or partners who raise funds on our behalf understand their responsibilities, can recognise indicators that someone may need additional support, and know how to respond appropriately, respectfully and without applying undue pressure.

We will make reasonable efforts in our interactions with fundraisers, donors and supporters to support informed decision-making. We will not deny anyone's wish to fundraise for Encephalitis International based solely on age, appearance, disability, health condition or any other protected characteristic.

Where we have reason to believe that a person cannot make an informed decision, or is being placed under pressure, we will pause the interaction, provide appropriate support and consider whether it is lawful, ethical and appropriate to accept the fundraising support or donation.

Establishing Consent

Fundraisers support Encephalitis International in various ways, often through online fundraising platforms such as JustGiving, GoFundMe, Enthuse, MuchLoved and others. Fundraisers may also organise offline activities such as bake sales, golf days, music events, collections or community events. Where possible, Encephalitis International will establish who our fundraisers are, provide relevant support, and ensure they understand their responsibilities. We collect and process fundraiser and supporter information only where we have a lawful basis to do so and in accordance with our Privacy Policy, UK GDPR and Privacy and Electronic Communications Regulations (PECR) where applicable.

Where possible, Encephalitis International aims to establish:

- who each of our fundraisers are
- whether fundraisers are under 18 (please refer to section below 'Fundraising involving children')
- best practice fundraising by asking fundraisers to be aware of and agree to our [Fundraising Agreement](#) (Appendix One)
- how we can offer support before, during and after fundraising, including challenge-based resources, safeguarding signposting and wider encephalitis information where relevant;
- what personal data we may need to collect, our lawful basis for using it, how long it will be retained, and any consent required for specific uses such as marketing, photography or publicity.

To do this, we ask all fundraisers known to us to complete our [Fundraising Consent Form](#).

If a fundraiser does not respond or does not complete the consent form, we will only process the personal data that is necessary and lawful for the relevant purpose, such as processing donations, fulfilling legal or accounting obligations, responding to enquiries, or using information already provided through a third-party platform in line with that platform's terms and our Privacy Policy.

Our [Fundraising Agreement](#) is outlined on a webpage for ease of access, transparency and updating when necessary, but can be printed for fundraisers without online capabilities (see Appendix One). The page also offers links to resources from the Fundraising Regulator and other relevant bodies on how fundraisers can operate their activities in an open, honest, respectful, safe and legal manner.

However, we recognise occasionally it is not always possible to make contact with our fundraisers. At times fundraising donations are received with no prior knowledge of the fundraising activity. In this instance it is the responsibility of the fundraiser to have followed best practice in their fundraising efforts.

Fundraising with people in vulnerable circumstances procedure

In this policy, the phrase "people in vulnerable circumstances" means people who may be especially susceptible to harm or may need additional care and support to make an informed decision. This may include children, adults who lack mental capacity in relation to a particular decision, or people whose circumstances temporarily or permanently affect their ability to understand, weigh up or communicate a fundraising decision. The presence of a health condition, disability, age or life event does not automatically mean a person cannot make their own decision. The Fundraising Regulator's guidance gives examples of indicators which could mean that an individual is in a vulnerable circumstance or needs additional support, including:

- Any physical and mental-health condition the person may have.
- Any disability the person may have.
- Any learning difficulties the person may have.
- Whether the person is facing times of stress or anxiety (e.g., bereavement, redundancy).
- Financial vulnerability.
- How well the person can communicate and understand what they are being told.
- Whether the person is under the influence of alcohol or drugs.

The Chartered Institute of Fundraising also provides signs that an individual may be in a vulnerable circumstance. Is the individual:

- Asking irrelevant and unrelated questions, or wandering off the subject and making incongruous statements
- Unable to read and understand the information they are provided with, and asking for it to be continually repeated?
- Responding in an irrational way to questions or saying 'yes' or 'no' when they clearly haven't understood
- Taking a long time or displaying difficulty in responding to simple questions or requests for information?
- Repeating simple questions such as 'who are you', 'what charity is it' and 'what do you want'?
- Displaying signs of forgetfulness or difficulty remembering relevant information, e.g. that they are already a regular donor to that charity or have recently donated? Showing signs of distress or discomfort:
- Saying that they are not well or not in the mood to continue or displaying signs of ill-health like breathlessness or making signs of exasperation or discontent? Indicating they are overwhelmed or not capable:
- Giving a statement such as 'I don't usually do things like this, my husband/wife/son/daughter takes care of it.'
- Having a third party such as a family member, contact the charity on behalf of the donor to communicate a request e.g. cancelling a direct debit?
- Indicating in any way that they are feeling rushed, flustered, or experiencing a stressful situation?
- Donating an unexpectedly large gift in combination with any of the above indicators and/or with no prior relationship with the organisation?

It is important to note that our approach is not for the Fundraising Team to diagnose, assess capacity or make assumptions about who is vulnerable. Instead, staff and volunteers should be alert to indicators that someone may need additional support, should adapt communications where appropriate, and should escalate concerns in line with this policy, our safeguarding procedures and relevant data protection requirements.

A person who needs additional care and support, or who is in vulnerable circumstances, may still have capacity to choose to fundraise for or donate to Encephalitis International. Where concerns arise, the Fundraising Team will slow down the interaction, check understanding, provide information in a clear and accessible way, offer time to consider the decision, involve a parent, guardian, carer or trusted person where appropriate and consented to, and avoid any pressure to continue. If we have reason to believe that a person cannot make an informed decision, we will not accept the donation or fundraising commitment and will consider returning any donation already received.

Any notes about vulnerability, health, disability, mental capacity, safeguarding concerns or family circumstances may include special category personal data. Staff should record only what is necessary, factual, proportionate and relevant, keep records secure, and follow Encephalitis International's Privacy Policy and data protection procedures.

Our Fundraising Team is committed to following the Chartered Institute of Fundraising's key principles when working with people **all** of our community:

- **Being Respectful:** This means being mindful of any particular need a fundraiser may have and supporting them to fundraise in a way that works best for them.
- **Being Responsive:** This means adapting to the needs of the fundraiser and being prepared to ask questions or take additional steps if necessary to support them.
- **Being Fair:** We recognise that being in vulnerable circumstances does not automatically mean that a person cannot choose to fundraise for Encephalitis International; we strive to support people as individuals.
- **Being Accountable:** We adhere to the Code of Fundraising Practice issued by the Fundraising Regulator and will ensure decisions on fundraiser capacity and consent are communicated effectively.

Fundraising involving children

The Fundraising Regulator's Code of Fundraising Practice sets out specific responsibilities for fundraising involving children, including age-appropriate activities, safeguarding, consent, supervision, personal data and activity-specific legal restrictions. For the purposes of this policy, a child is anyone under 18.

For anyone under 18 wishing to undertake fundraising for Encephalitis International, the Fundraising Team will advise that a parent or guardian must provide permission for the fundraising to take place. We will take reasonable steps to ensure the activity is suitable for the child's age, that appropriate adult supervision is in place, and that the child is not given overall responsibility for handling or counting money where this would be inappropriate or contrary to the Code.

There are some activities which children and young people cannot carry out, or can only carry out subject to age limits, licences, permissions or local rules. The restrictions depend on the activity and where it is carried out. These include:

- Street and house-to-house collections.
- Lotteries or raffles.
- Events involving alcohol.

Where we are notified of a child or young person undertaking, or proposing to undertake, any age-restricted or regulated activity, the Fundraising Team will check the relevant Fundraising Regulator guidance and applicable local legal requirements before accepting support. If an activity is not legally permitted or cannot be made safe and appropriate, we will advise the parent or guardian that we cannot endorse or receive support from that activity and will consider returning any donations already received where appropriate.

Encephalitis International will also provide the children or young people taking part in fundraising and their parents and guardians guidance on how to carry out their fundraising safely and legally.

Where fundraising takes place in a school environment, Encephalitis International will work closely with the Head Teacher or a staff member nominated by the Head Teacher and will follow the school's safeguarding and consent procedures. For photographs or videos from fundraising events involving children that may be shared publicly by Encephalitis International, appropriate permission must be obtained before publication from the parent or guardian and, where appropriate, from the child. Personal data relating to children will be handled with particular care and in line with our Privacy Policy and data protection procedures.

Escalation, complaints and review

Any concerns about a fundraiser or donor in vulnerable circumstances, a child involved in fundraising, safeguarding, undue pressure, capacity, a complaint, or whether a donation should be accepted, refused or returned must be escalated to the Director of Partnerships and Fundraising and, where relevant, to the safeguarding or data protection

lead. Fundraising complaints will be handled in line with Encephalitis International's Complaints Procedure and lessons learned will be used to improve practice, training and guidance.

This policy should be reviewed at least every three years, or sooner if there are changes to the Fundraising Regulator's Code of Fundraising Practice, relevant legislation, regulatory guidance, Encephalitis International's fundraising activities, or learning from complaints, incidents or near misses.

Related Policies

Ethical Fundraising Policy

Fundraising Complaints Policy

Privacy Policy

Safeguarding Policy

Complaints Policy

Data Protection Policy

Equality, Diversity and Inclusion Policy

Stories Policy

Social Media Policy

Approval

This document was approved by the Chief Executive on 28th July 2026.

Before approving ensure version number is V1 or above.

Document Change Control

Version	Date	Review Date	Changes by	Summary of changes
V1	July 2026	July 2029	C Goodwin	New Document

Appendix One – Fundraising Agreement

By filling in the consent form, we ensure all fundraisers known to us consent to our fundraising agreement principles outlined below:

You understand that you are responsible for organising and carrying out your fundraising activity safely and legally. Encephalitis International is not responsible for activities organised independently by fundraisers, except where liability cannot legally be excluded.

Each participant's decision to take part should be their own. Participants should consider whether the activity is suitable for their health, fitness, circumstances and abilities, and should seek advice from a qualified professional if they are in any doubt.

1. To fundraise openly, honestly, respectfully, safely and legally. Useful links and guidance for fundraising in the UK can be found below. If you are fundraising outside of the UK please ensure you follow your country's/region's regulations and restrictions relevant to fundraising for a non-profit organisation.
2. Make clear to donors and participants that funds donated will support Encephalitis International. Letters of authority are available for approaching local authorities or businesses for support with your fundraising activities – please contact the Fundraising Team.
3. To protect donors', other fundraisers' and any third parties' personal details in line with data protection regulations – keeping any details you need to collect safe and destroying securely when no longer required. Please respect the privacy and confidentiality of other fundraisers you may meet or correspond with.
4. To get permission from anyone that is featured in any photos or videos that are taken at your event.
5. To be considerate of the environment – reduce, reuse and recycle wherever possible. Please note we ask that you do not organise a balloon or sky/water lantern release as part of your event.
6. To pay in all money raised offline (e.g. via sponsorship forms or collection boxes) as soon as possible, but certainly within 30 days.

To be responsible for planning the activity safely, managing risks, obtaining any licences, permissions or consents required, arranging appropriate insurance where needed, and complying with any local rules that apply to collections, raffles, lotteries, alcohol, food safety, venues, photography and public events.

If you are under 18, you must have your parent or guardian's permission to fundraise. In some circumstances we may request written confirmation and may need to check that the planned activity is age-appropriate and legally permitted in the relevant location.