

## **6.6 The Care Trust Policy on Safeguarding Vulnerable Persons**

### **Policy Statement**

The Care Trust DAC ('TCT' or 'the Company') has a commitment to high legal, ethical and moral standards. All TCT staff members, Representatives are expected to act honestly and with integrity when dealing with each other and with the general public.

The purpose of this policy is to set out TCT's responsibilities with regard to the treatment of potential Contributors who may be vulnerable people, thus underpinning a culture of honesty and integrity within TCT, with the ultimate aim of maximizing the value of TCT's fundraising outcomes for its beneficiaries (Rehab Group, the Central Remedial Clinic and various special projects) and safeguarding vulnerable persons our Representatives come into contact with.

### **Definition**

A vulnerable person is defined by TCT as a person who:

- Has the capacity to make decisions but who, because of individual circumstances, may require assistance to do so (e.g., a person with impaired hearing); and/or
- Has limited capacity to make decisions and requires assistance to do so, (e.g., a person with an intellectual disability); and/or
- Is capable of making decisions but their particular life stage or circumstances should be taken into account (e.g., person recently bereaved); and/or
- An older person—defined by TCT as aged over 75—may be vulnerable. If the person has not reached their 76<sup>th</sup> Birthday, then they are 75 years or under.

### **Engaging with potential Contributors who may be vulnerable persons**

TCT is committed to effectively identifying vulnerable potential Contributors. Some vulnerable persons, due to personal circumstances, are especially susceptible to detriment, particularly when TCT fails to act with an appropriate level of care. During direct engagement, TCT Fundraising Representatives ('FRs') must consider if potential Contributors are vulnerable and, in such cases, make a judgement in the best interests of the individual and TCT.

In the field, FRs may become aware of vulnerability through:

<b>Interaction:</b>	During the course of general interactions with the person
<b>Fact-finding:</b>	During the course of gathering detailed information on the person
<b>Advised:</b>	Person puts the FR on notice of their vulnerability

When a member of the public is identified as vulnerable during the enrolment process, the FR **must not enrol** the individual.

### **Signs of a person in vulnerable circumstances**

Individual capacity to make a decision depends on a range of factors and some are more obvious than others. However, common signs that a person may be vulnerable include:

- continually asking for statements or questions to be repeated
- making statements that indicate others look after their affairs (e.g., “my son/daughter normally looks after these matters for me”)
- responses that indicate the person does not fully understand what they are being told
- any expressions of being uncomfortable, stressed or anxious
- irrational, confusing or erratic responses to simple statements or questions
- excuses to not talk or interact
- a clear reliance on the immediate care or support of a care provider
- eagerness to donate (perhaps large sums) without sufficient knowledge of the charity or without asking the types of questions others would in the same situation.

TCT FRs should take the following steps to fairly identify vulnerable persons:

- Speak clearly, slowly and use terms that the person can understand;
- Repeat important information, such as consequences of a decision to sign a mandate;
- As the interaction progresses, check the person understands and is happy to continue;
- Do not assert pressure on to sign a mandate and accept refusals without reservation;
- Ask the person if they need to consult someone else about the decision;
- Provide the person with relevant information and options for signing up later so they can consider their decision in their own time.

If an FR thinks a potential Contributor may be vulnerable and unable to make an informed decision during the interaction, **they must not accept the enrolment**.

If it transpires that Vulnerable Persons are enrolled, TCT will take steps to immediately cancel the mandate. TCT may refund any / all contributions paid and incentive payments made to FRs will be recouped.

The maximum monthly contribution that TCT will accept from any individual for entry into The Care Trust (car) prize draws is €50. If a Contributor or potential Contributor wishes to contribute more than €50 per month, we will advise them to make a non-prize fund contribution in respect of the amount in excess of €50 per month. This does not in itself limit the amount of a non-recurring prize fund or of a non-prize fund contribution / donation.

### **Date of Birth**

Any adult who is not vulnerable may be enrolled by an FR. In enrolling a Contributor, FRs complete a Mandate with personal details including date of birth (DOB).

**If the person provides a DOB and is over the age of 75 years**, i.e., has reached their 76<sup>th</sup> birthday, and if there is no apparent reason other than age to believe the potential Contributor may be vulnerable, the FR may complete the Mandate as normal. The FR will clearly mark the mandate form as 'Over 75 years' and forward the signed form to Head Office.

**If the person is unable or unwilling to provide a date of birth**, the FR may complete the Mandate as normal but endorse it with the reason for not including a DOB. The FR may provide an observation on the likely age category and record any information given in respect of age, e.g., 'I am under 75'; 'I do not want to give that information because...'. The FR will clearly mark the Mandate as 'No DOB provided' and forward the signed form to Head Office.

### **Review and Screening for Vulnerability**

On receipt of a Mandate marked as 'Over 75' or 'No DOB provided', Head Office will call the potential Contributor, within a reasonable time period, to ensure the s/he understands the consequences of signing a Mandate and is aware of TCT's cancellation options.

In the event that Admin are satisfied the Contributor is not vulnerable and fully understands the commitment, the Mandate is activated through the standard process. If Admin are not satisfied

in this regard, or if s/he believes that this Contributor may be vulnerable, the Mandate will not be processed, and an appropriate letter issued.

Head Office will update the Director of Lottery Operations and Marketing and/or the relevant Manager as to the outcome of the review. The FR will, under no circumstances, make further contact with the potential Contributor.

## Appendix 1: Operating Procedure for Screening for Vulnerability

On receipt of a Mandate marked as 'Over 75' or 'No DOB provided', Admin in Head Office will call the potential Contributor, **within 5 working days**, to ensure that s/he understands the consequences of signing a Mandate and is aware of TCT's cancellation options.

Admin may make up to **3 attempts** to contact the potential Contributor by telephone within a two-week period but will not make any further attempts unless explicitly invited to do so by the potential Contributor.

During the conversation with the potential Contributor, Admin confirm that the person:

- remembers meeting TCT's Representative
- remembers signing a Mandate
- understands the financial implications of signing a recurring mandate

Is aware of TCT's cancellation options, i.e. that they can cancel the Mandate at any time by contacting TCT or giving an instruction to their bank

In the event Admin is satisfied the Contributor is not vulnerable and fully understands the commitment, the Mandate is activated through the standard process.

If Admin believe that this Contributor may be vulnerable, the Mandate will not be processed, and an appropriate letter will be issued. (See example below) Letters will be auto-generated, in line with the process for Incomplete Mandates.

In the event that an issue arises, including where there is insufficient information, making it difficult for Admin to determine whether the potential Contributor is vulnerable, he/she may refer the decision to a member of the Senior Management Team.

In all cases, details of the attempts to contact, questions asked etc., along with confirmation of the decision reached, will be noted in writing and stored on the Contributor Profile.

Admin will update the DLOM and/or the relevant Manager by e-mail as to the outcome of the review. The DLOM and/or the relevant Manager will inform the Rep.

The FR will not, under any circumstances, make further contact with the Vulnerable Person.

**Incentive Payments**

Incentive payments will be applied as per the normal process, except in the instance where a repeated pattern of Reps signing up vulnerable people arises. Such instances will be managed by the DLOM and relevant Manager.

**Systemised Check**

A monthly communicate will be issued to Contributors, ensuring that all Contributors are contacted over a 36-month rolling period, to be reminded of TCT's standard cancellation options. Any responses from these communicates indicating that Contributors are vulnerable will result in the Mandates being deactivated promptly.

**Draft Letter to be issued in the case of a Rejected Mandate**

Dear [Contributor],

I refer to your recent generous offer to make regular monthly contributions of € X to the good causes represented by The Care Trust and to our recent phone call relating to this.

We will not be implementing the instructions to your bank. Accordingly, the Mandate that you signed has been securely destroyed. The Care Trust has not retained any record of your bank details and we will not request any payment from your bank.

Many thanks for your kind offer.