Safeguarding: a summary for trustees

Safeguarding should be a key governance priority for **all** charities, not just those working with children or groups traditionally considered "at risk", regardless of size or resources[1].

❖ What is "safeguarding" and what are your safeguarding duties?

Conventionally, "safeguarding" has related to children (defined as individuals under 18) and adults at risk (also known as vulnerable adults), for which specific legislation and regulatory requirements apply.

The Charity Commission and Department for International Development have, however, adopted a broader definition of safeguarding. In its guidance, the Charity Commission has described safeguarding as meaning *"the range of measures in place to protect people in a charity, or those it comes into contact with, from abuse and maltreatment of any kind."* Therefore, trustees must:

- Take reasonable steps to **safeguard and protect all beneficiaries from abuse**, even when these are not children and vulnerable adults. Charity Commission guidance defines a beneficiary as "*a person or group of people eligible to benefit from a charity. A charity's beneficiary group is usually defined in its governing document. Some charities call their beneficiaries clients or service users.*"

- Take **reasonable steps to protect beneficiaries, staff, volunteers, those connected with the activities of the charity and who come into contact with the charity**, from harm.

In short: the Charity Commission considers that safeguarding comprises safeguarding **by** staff/partners, safeguarding **of** staff/partner staff and safeguarding **from** staff/partner's staff.

❖ Can you delegate this responsibility?

Actions may be delegated, but responsibility remains with the trustees. If matters are not managed adequately, in the opinion of the Charity Commission/DfID, it may be deemed to be misconduct/mismanagement and/or a breach of trustee duties and/or a breach of funding requirements. Considerations will likely include whether the organisation followed suitable policies and procedures; adequate due diligence was carried out; trustees had adequate oversight; appropriate remedial action was taken; incidents were reported to authorities, where appropriate; the Commission/DfID were informed through Serious Incident Reporting.

❖ What to do

1. **Identify areas of potential risk:** Who are the charity's beneficiaries? Does the charity work with children or vulnerable adults, or does it fund or partner with organisations that do so? What risks may arise in relation to particular activities, how can they be mitigated and what are the contingencies?

2. **Have appropriate policies and procedures in place:** These include (but are not limited to) **having a safeguarding children and vulnerable adults' policy, safety and security policy and procedures, a whistleblowing and/or complaints policy and disciplinary procedures** and making sure they are fit for purpose, having regard to the potential risk areas identified. They should be: agreed by trustees, regularly updated in line with statutory guidance and best practice, accessible and understood by all staff, and available to the public. Due diligence should ensure partners have such policies too. The policies should:

   - Always require that trustees, staff and volunteers are adequately inducted and trained in respect of responsible and appropriate conduct;

   - Make clear how to report any incidents internally and how this will be escalated appropriately to trustees and how they will have oversight;

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[1] https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees

- Make clear the procedures to follow to deal with incidents, including any confidentiality considerations, sharing of information on a need-to-know basis and protection of evidence;

- Set out how to manage incidents, allegations and concerns.

Remember: these policies should be living documents that are updated in connection with any lessons learned from incidents and be easy to use and follow!

3. **Have a suitable code of conduct in place** that is adhered to by all staff, volunteers, contractors, and partners, with adequate whistleblowing/complaints policies so that misconduct can be escalated and dealt with appropriately. People should be suitably accountable for breaches, including in connection with later reference requests. Funding to partner organisations should be conditional on enforcement of this code.

4. **Put in place 'safeguarding prompts'** to ensure safeguarding stays on the radar. This can be done by adding safeguarding as a standing item on trustee meeting agendas and including it as a specific component on risk registers and/or section in annual reviews carried out by the charity.

5. **Carry out appropriate due diligence** on partners and when recruiting staff/volunteers/trustees. This may include carrying out DBS and equivalent international criminal records/good standing checks to the greatest extent permitted by law and logistically feasible; checking qualifications and experience (including any unexplained gaps); and taking up written references which confirm suitability. When carrying out due diligence on partners, charities should verify that they have the appropriate controls and procedures in place, including adequate safeguarding measures.

6. **Cultivate an open culture** within the organisation that promotes holding each other to account for the protection of beneficiaries, staff, volunteers and the local community, with appropriate information flows.

7. **Integrate behavioural standards into the charity's operations:** The charity's mission and values should reference important principles such as treating others with respect, and the application of these principles should be both outward and inward looking. Trustees, along with senior management, should play a key role in setting these standards and be held to account for acting in accordance with them.

8. **Prioritise, recognise, and explain the cost of effective governance and safeguarding** when seeking funds from donors and in providing them to recipient projects.

9. **Ensure safeguarding incidents are reported adequately and appropriately to authorities, police and regulators as well as to the Charity Commission via a serious incident report ("SIR")**: Decisions regarding reports to external authorities should be fully risk assessed, and not made if they may cause further harm to the victim/survivors or due process and operation of the rule of law is not reasonably assured. A SIR should be made in any event (suitably anonymised/pseudonomised) and include an explanation of the charity's decisions on other external reporting. **Reporting should not be avoided on the basis that this may harm the charity's reputation or expose it to either a potential claim from a victim or to an investigation and/or proceedings by a regulator and/or relevant state body.** If historic safeguarding incidents have not previously been reported to the Charity Commission, it is advisable to do so retrospectively and going forward. Annual reports should include an appropriate summary of incidents in the charity and among recipients of grants and their management.

10. **Concerns about compliance with data protection or information laws should not act as a barrier to sharing information as appropriate to secure the safety and well-being:** Guidance has been published by the Department for Education on this issue in the domestic context[2].

11. **If an incident arises, consider which changes should be made to the way the charity operates** in order to reduce the risk of any further incidents.

12. **Ensure the board has a "safeguarding/whistleblowing/concerns" trustee with responsibility and oversight for the above**: This trustee should be responsible for dealing with concerns relating to whistleblowing, safeguarding, complaints etc. and be tasked with reporting safeguarding issues to the remaining trustees through a governance structure that will adequately support it.

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[2] https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice