

# Practice guide



Safeguarding for  
charity trustees

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## Safeguarding for charity trustees

Charity trustees have ultimate oversight of, and responsibility for, all aspects of the charity's operation. They are the governing body of the charity and, as such, are accountable legally to the Charity Commission and other regulatory bodies. One of the most important and comprehensive responsibilities of charity trustees is their duty of care both to their charity and towards their beneficiaries. Where a charity is working with vulnerable beneficiaries such as children and young people (those under 18 years of age), or with adults who may be at risk of harm, then they need to have safeguards in place to protect everyone from abuse. In the Charity Commission publication 'Strategy for dealing with safeguarding vulnerable groups including children issues in charities', they make it clear that trustees have primary responsibility for safeguarding in their charity.

In order to fulfil their duty of care to their charity, trustees should ensure that they have a suitable safeguarding policy in place. The charity needs to promote itself as a safe place in order to give beneficiaries and the public confidence in the charity. This demonstrates that the trustees are acting in the best interests of vulnerable beneficiaries, that they have taken reasonable steps to prevent harm, and that they have

assessed and managed risk. These aims can be achieved by:

- making trustees, staff and volunteers aware of what abuse is and how to spot it
- having a clear system of reporting concerns as soon as abuse is identified or suspected
- having a child protection policy statement explaining how the charity protects children from harm

- have an adults safeguarding policy statement outlining how adults are protected from harm and abuse
- putting in place child protection processes which give clear, guidance on how to respond appropriately should abuse be identified and responding to abuse rapidly and dealing with any concerns confidentially
- preventing harm and abuse by adopting a safer recruitment process which is rigorous and includes interview process, and obtaining the appropriate level of DBS criminal record checks on staff, volunteers and trustees (depending on their contact and access to children, and adults at risk of harm)
- providing clear practice guidelines for workers in how to engage in their work safely including their behavior and conduct with vulnerable beneficiaries.

## Safeguarding considerations for Charity Trustees

Trustees have to meet the expectations of a number of different bodies:

- Both local and national government have policies and expectations for charities, spelt out in bodies such as Local Safeguarding Children Boards and Safeguarding Adults Boards.
- Insurance companies will want to ensure that a charity has appropriate cover for the work they are engaged in.
- Trustees need to be aware of the Disclosure and Barring Service (DBS), not only in terms of undertaking criminal records checks at an appropriate level for all those who require one, but also the requirement to refer someone to the DBS where they have been removed from regulated activity because they are deemed to present a risk of harm.
- Where someone working with children is suspected of causing harm to a child then as well as reporting to the Police or Children's Social Care a report should also be made to the Designated Officer, often referred to as the Local Authority Designated Officer (LADO).
- Funders expect charities to provide them with a safeguarding policy as part of any funding application.

- Regulators such as Ofsted have safeguarding expectations, a charity can fail its inspection if safeguarding is deemed insufficient
- The Independent Inquiry into Child Sexual Abuse (IICSA) examines the role of institutions, including charities, in terms of the role they have played in protecting children from sexual abuse.
- The Charity Commission expects charities to report all serious incidents to them, this includes any safeguarding matter.
- Charities risk reputational damage, in the view of the general public, if they haven't adequately taken measures to protect children and adults.
- Charities owe it to their beneficiaries to provide and promote a safe environment.
- At trustee board level there should be one trustee who takes on the safeguarding lead. They should ensure that there is a designated safeguarding officer within that charity.

## The Independent Inquiry into Child Sexual Abuse (IICSA)

The statutory Inquiry was established in March 2015 and is looking at institutional bodies, both state and

non-state, i.e. schools, hospitals, churches, local authorities, police, media, and armed forces. The inquiry will consider the extent to which institutions have failed in their duty of care to protect children from sexual abuse and exploitation. Charities will fall within the scope of the inquiry, and both the Church of England and the Catholic Church are part of the initial 13 investigations. Letters have been sent out to religious organisations reminding them to retain and not destroy any safeguarding records which could be called for as evidence for the inquiry. Charity trustees should therefore adhere to this advice.

## Having a safeguarding policy

The Charity Commission expect all charities working with vulnerable beneficiaries to have a safeguarding policy. They ask newly formed charities to declare that they have one, at registration, and that they comply with best safeguarding practice by having a policy in the annual returns. They also expect that charities safely recruit trustees and staff including obtaining appropriate Disclosure and Barring Service (DBS) criminal record checks as one part of a safer recruitment process.

## Reporting serious incidents to the Charity Commission

A 'Serious Incident' involves any incident that the trustees consider presents a significant risk to the charity, its beneficiaries, its reputation or its assets. The Charity Commission requires all registered charities to report any such incident. This can include where there is significant financial loss to the charity, or where there may be criminal or illegal activity. Or where there is risk to the reputation of the charity. In 2012/13 safeguarding issues accounted for 49% of serious incidents.

In safeguarding terms a serious incident would include where there is serious harm to beneficiaries, particularly where there are vulnerable beneficiaries. Charities should report a serious incident as soon as possible after it has occurred. In all likelihood this will be after consulting with the police or local authority.

Reports should be made by email to [RSI@charitycommission.gsi.gov.uk](mailto:RSI@charitycommission.gsi.gov.uk), in writing to Charity Commission Direct at PO Box 1227, Liverpool, L69 3UG or by telephone on 0845 300 0218.

Serious Incidents should also be included in the annual returns to the Charity Commission.

Once reported the Charity Commission will then determine if the charity has acted appropriately in relation to the risks to the charity. They may determine that the charity has taken suitable action and take no further action. Should they feel, using a risk-based and proportionate approach, that the charity hasn't responded appropriately, then they will take action, which could ultimately result in a statutory inquiry being undertaken.

When a criminal investigation is conducted into a safeguarding incident close liaison is expected between the charity, the police and the local authority. Should a Local Authority Designated Officer (LADO) call a statutory meeting to discuss safeguarding conduct of a worker from the charity, they may invite the Charity Commission to attend, as an interested party.

The Charity Commission would be concerned where a charity has no vetting procedures to ensure that a trustee or member of staff is eligible to at in any position they have been recruited to. This would include ensuring those who are eligible for a DBS criminal record disclosure has

undertaken one, at an appropriate level for working with either children, adults at risk or both.

It is an offence to act as a trustee while disqualified (as described in Section 178 of the Charities Act 2011), and some individuals are barred from working with vulnerable beneficiaries (children or adults) in 'regulated activity' under the Safeguarding Vulnerable Groups Act 2006 and Protection of Freedoms Act 2012. Charities therefore need to have appropriate vetting mechanisms in place to rule out unsuitable people.

Another criteria used by the Charity Commission in assessing if a charity has acted reasonably would be that they have a safeguarding policy and procedures and have adhered to it.

The type of incident that the Charity Commission would expect to be reported to them, is when there is a suspicion, allegation or incident of abuse or mistreatment of vulnerable beneficiaries. This could include where any beneficiaries had been abused or mistreated while under the care of the charity or by people connected with the charity.

There may be occasions where the police or other agencies do not pursue the matter, but, where there are serious concerns, these

need to be reported to the Charity Commission in any event.

## Reporting an individual to the Disclosure and Barring Service for consideration for barring

Charities employing anyone in regulated activity (in paid employment or as a volunteer) act as 'regulatory activity providers'. Should the charity have cause for concern about the conduct of anyone employed in regulated activity, and having reasonable belief that they have caused or pose a future risk of harm to a child or an adult at risk and so have removed them from this role (or where a person resigns or retires but would otherwise have been removed from regulated activity), then under these circumstances the person removed should legally be referred to the DBS for barring consideration. Trustees have the responsibility to ensure that the designated safeguarding officer for the charity makes a report to the DBS. In such circumstances, the designated officer in the local authority (LADO) should be involved and there should be close liaison with them about such a referral.

## UK charities working with children abroad or recruiting from abroad

A number of charities based in the UK work directly with children abroad, these may be through missions, schools work or in supporting children's homes. Where individuals are being sent from the UK then it is possible to undertake criminal record checks using the DBS / Disclosure Scotland or Access NI, along with interviews, and taking up references. Where recruiting staff outside of the UK, for UK nationals who live abroad and apply, or non UK Nationals who have previously lived in the UK, they can apply for an International Child Protection Certificate (ICPC) from ACRO's Criminal Records Office

The ICPC is a criminal records check against police and intelligence databases in the UK that reveals any convictions or reasons as to why someone should not work with children. CEOP will make checks on police intelligence, assess that intelligence and will make a decision on whether or not to issue an ICPC on the basis of that intelligence.

Where recruiting someone from abroad to work in the UK, it is important to obtain a 'Certificate of Good Conduct' from the relevant Embassy.

# A 10-point 'people and risk' checklist

1. Are you satisfied that your recruitment processes are robust and have inbuilt safeguards?

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2. Have those on the staff team and trustee board who lead on recruitment undergone safer recruitment training?

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3. Have you read and understood the system for obtaining DBS checks, including the use of the update service?

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4. Do your new recruits have a mandatory induction and trial working period?

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5. Do you know what safeguarding training is available to staff, volunteers and board members?

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6. Do your staff members and volunteers receive regular supervision and annual appraisals?

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7. Do you know that your staff and volunteers are competent?

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8. Do you have a whistleblowing policy and procedure?

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9. Are you clear about your responsibilities to report allegations made against staff and volunteers to the LADO?

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10. Are you clear about your legal duty to refer to the DBS?

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## Useful contacts

### **Strategy for dealing with safeguarding issues in charities**

[www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities](http://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities)

### **How to report a serious incident in your charity**

[www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity](http://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity)

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/375979/Reporting\\_Serious\\_Incidents\\_LowInk.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375979/Reporting_Serious_Incidents_LowInk.pdf)

### **CC3 The Essential Trustee: What you need to know**

[www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do](http://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do)

### **CC10 Hallmarks of an Effective Charity**

[www.gov.uk/government/publications/the-hallmarks-of-an-effective-charity-cc10](http://www.gov.uk/government/publications/the-hallmarks-of-an-effective-charity-cc10)

### **DBS Barring Referral Form and Guidance**

[www.gov.uk/government/publications/dbs-referrals-form-and-guidance](http://www.gov.uk/government/publications/dbs-referrals-form-and-guidance)

### **Certificate of Good Conduct Embassy List**

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565746/London\\_Diplomatic\\_List\\_-\\_November\\_2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565746/London_Diplomatic_List_-_November_2016.pdf)

### **International Child Protection Certificate**

ACRO's Criminal Records Office  
[www.acro.police.uk/icpc](http://www.acro.police.uk/icpc)

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