



SAFEGUARDING: CHARITY COMMISSION EXPECTATIONS

A webinar for Buddhist Charities

CHARITY COMMISSION AND NETWORK OF BUDDHIST ORGANISATIONS

SATURDAY 29TH JANUARY 2022



CHARITY COMMISSION
FOR ENGLAND AND WALES

STRATEGIC OBJECTIVES

1. Holding charities to account
2. Dealing with wrongdoing and harm
3. Informing public choice
4. Giving charities the understanding and tools they need to succeed
5. Keeping charity relevant for today's world



Charities with an income of over £5,000 a year and CIOs regardless of income must register with the Charity Commission.

**Registering a
Charity**

Register online here

CHARITIES ENGAGEMENT TEAM

COLETTE BENNETT
Charities Engagement
Manager



ROSALIND HUNTER
Charities Engagement
Officer



KELLY MURPHY
Charities Engagement
Assistant



ELEANOR MORGAN
Head of Charities
Engagement



SARAH LOCKETT
Charities Engagement
Officer



WHAT WE'LL COVER

- ✓ Trustee duties
- ✓ Managing risks
- ✓ Commission Inquiry
- ✓ Policies and procedures (basic overview)
- ✓ Vetting potential
Trustees, staff and volunteers
- ✓ Reporting incidents of harm



TRUSTEE DUTIES

What are your responsibilities?



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***As part of fulfilling your trustee duties,
you must take reasonable steps to protect
from harm people (all adults and children)
who come into contact with your charity***



[The essential trustee: what you need to know, what you need to do](#)

THIS INCLUDES:



People who benefit from your charity's work



Staff



Volunteers

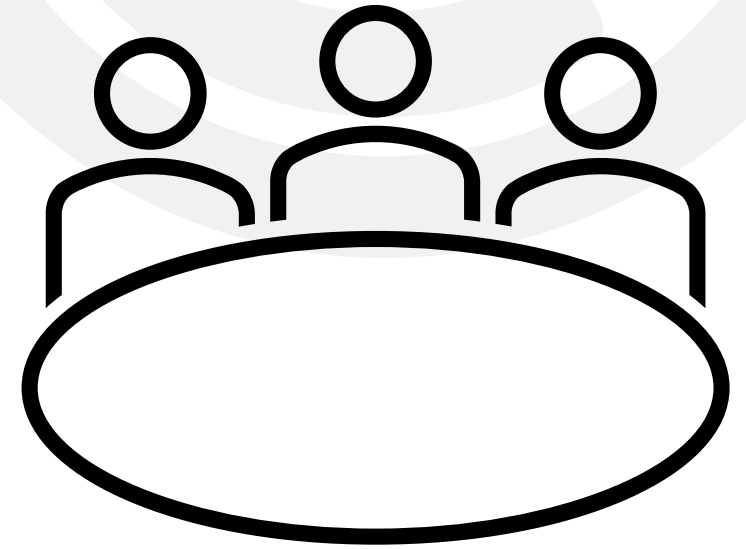


Other people who come into contact with your charity through its work



TRUSTEES ARE ULTIMATELY RESPONSIBLE

- The trustees are responsible for governing the charity and making decisions about how it should be run
- Trustees must make decisions solely in the charity's interests, so they shouldn't allow their judgement to be swayed by personal prejudices, dominant personalities or Buddhist spiritual leaders
- The Charity Commission will hold trustees to account if things go wrong and will check that trustees followed Charity Commission safeguarding guidance and the law



MANAGING RISKS





Often run by volunteers

Open door



Rehabilitation/Redemption

Trust



Spiritual authority

**Relationships continue
outside place of worship**



TYPES OF RISKS AND HARM

sexual harassment,
abuse and exploitation

criminal exploitation

a charity's culture,
which may allow poor
behaviour and poor
accountability

people abusing a
position of trust they
hold within a charity

bullying or harassment

health and safety

commercial exploitation

cyber abuse

discrimination on any of
the grounds in the
Equality Act 2010

people targeting your
charity

data breaches, including
those under General
Data Protection
Regulations (GDPR)

negligent treatment

domestic abuse

self-neglect

physical or emotional
abuse

extremism and
radicalisation

forced marriage

modern slavery

human trafficking

female genital
mutilation

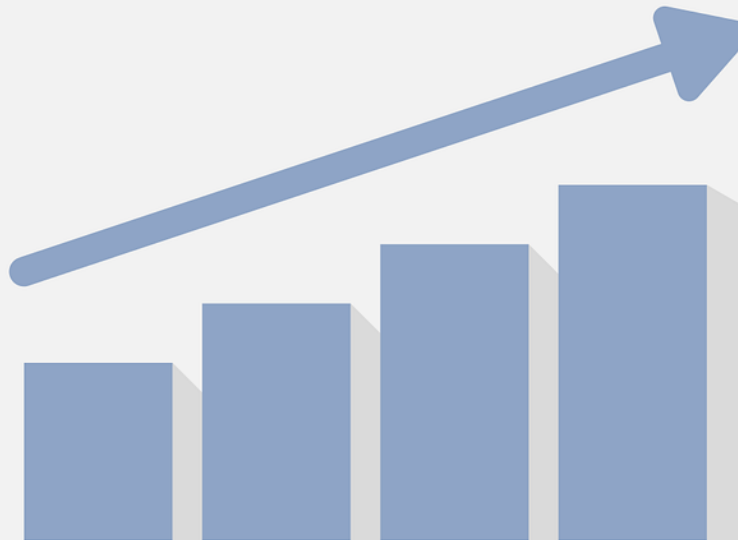


MANAGING RISKS



IDENTIFY AND MANAGE

Identifying and managing the possible and probable risks that a charity may face is a key part of effective governance for charities of all sizes and complexity



RISK VS EFFORT

The higher the risk, the higher the effort

- Significant risks are known and monitored
- trustees can make informed decisions and take timely action

WE EXPECT ALL TRUSTEES TO MAKE SURE THEIR CHARITY:



has appropriate safeguarding policies and procedures in place



checks that people are suitable to act in their roles



knows how to spot and handle safeguarding concerns in a full and open manner



has a clear system of referring or reporting to relevant agencies as soon as concerns are suspected or identified



sets out risks and how they will be managed in a risk register which is regularly reviewed



follows statutory guidance, good practice guidance and legislation relevant to their charity





does not ignore harm or downplays failures



has a balanced trustee board and does not let one trustee dominate its work – trustees should work together



make sure protecting people from harm is central to its culture



has enough resources, including trained staff/volunteers/trustees for safeguarding and protecting people



conducts periodic reviews of safeguarding policies, procedures and practice



SAFEGUARDING WHEN WORKING INTERNATIONALLY

We expect charities to endeavour to uphold the same practices and standards as in the UK

Charities should take reasonable steps to ensure that any partner they use upholds practices and standards to the fullest extent possible

Trustees should consider each set of circumstances in the environment that they take place



In circumstances where they deviate from normal best practice, trustees must be able to explain why taking the decision was a reasonable and justifiable course of action

In such circumstances trustees must consider and implement any additional steps required to ensure that safeguarding risks are removed or minimised.



USEFUL LINKS



- ❑ Read [NCVO's safeguarding resource](#) for advice on how to get started with safeguarding.
- ❑ Read the [Charity Governance Code](#) for best practice advice including on safeguarding.
- ❑ Read [Bond's 'Good governance for safeguarding'](#) for support on developing good practice on governance.
- ❑ [If you work with children or adults at risk](#) there are more safeguarding legal requirements. You must check whether these requirements apply to your charity. If they do, you must work within them.



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COMMISSION INQUIRIES

.UK

Search on GOV.UK

→ [Coronavirus \(COVID-19\)](#) | National lockdown: stay at home

→ [Brexit](#) | Check how the new rules affect you

[Home](#) > [Organisations](#)



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[Find a charity](#)

[Online services and charity login](#)

[Prepare and send your annual return](#)

[Guidance](#)

[Set up and register a charity](#)

[Close a charity](#)

[Complain about a charity](#)

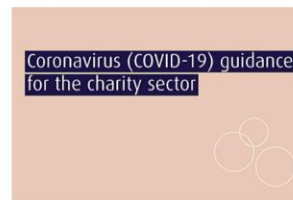
[Contact the Charity Commission](#)

Featured



15 December 2020 — Press release

[Charity watchdog gives registered charities almost £200,000 from](#)



8 January 2021 — Guidance

[Coronavirus \(COVID-19\) guidance for the charity sector](#)



11 December 2020 — Blog post

[Let's be clearer about the risk of a pension scheme deficit](#)



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WHAT WENT WRONG AND WHAT HAPPENED AS A RESULT?

- Allegations of abuse were made by beneficiaries alleged to have taken place over a number of years
- The trustees did not take appropriate action or report this to the Commission
- When the Commission got involved, the charity commissioned its own independent investigation
- The charity's own investigation found evidence of abuse and that senior individuals in the charity were previously aware of but failed to act
- Due to the findings of the internal report, the Commission opened an inquiry



The Commission opened the Inquiry under the Charities Act 2011 to establish and investigate:

The seriousness of the allegation/s

The extent to which the charity provided a safe environment

The failure to report serious incidents

Governance Concerns

Public trust and confidence concerns



CONCLUSIONS OF THE INQUIRY

- The Commission inquiry concluded that there was mismanagement and misconduct in the administration of the charity
- Former trustees failed to respond to and manage safeguarding concerns, and their failure to create a safe culture within the charity exposed some beneficiaries to harm.

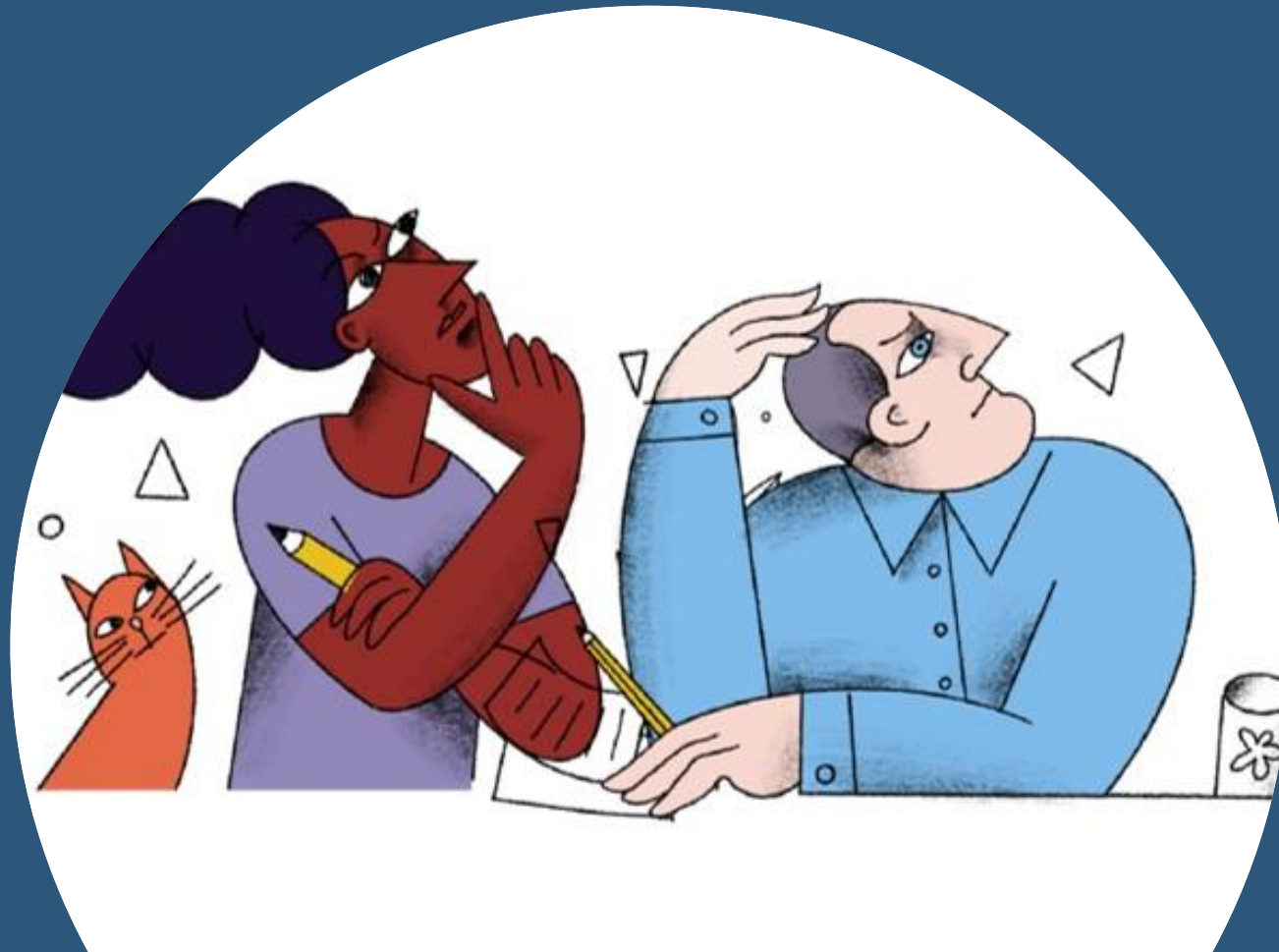


IMPACT

- The Commission can permanently disqualify trustees
- Interim managers can be appointed
- Public trust and confidence can be severely affected and reputational damage will have to be repaired
- Lives can be severely impacted



POLICIES, PROCEDURES AND PRACTICES YOU NEED TO HAVE



ADULTS AT RISK

Safeguarding duties for adults at risk apply to any charity working with anyone aged 18 or over who:

has needs for care and support (whether or not the local authority is meeting any of those needs)

is experiencing, or is at risk of, abuse or neglect

as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect

An adult at risk of abuse may:

- have an illness affecting their mental or physical health
- have a learning disability
- suffer from drug or alcohol problems
- be frail



CHILDREN

Safeguarding children means to:

protect children from abuse and maltreatment

prevent harm to children's health or development

ensure children grow up with the provision of safe and effective care

take action to enable all children and young people to have the best outcomes

Safeguarding children duties apply to:

- any charity working with, or coming into contact with, anyone under the age of 18.
- [Use resources](#) and [follow standards](#) from the NSPCC for safeguarding children.



Your safeguarding policy statement sets out what your organisation will do to keep people who come into contact with your charity safe from harm

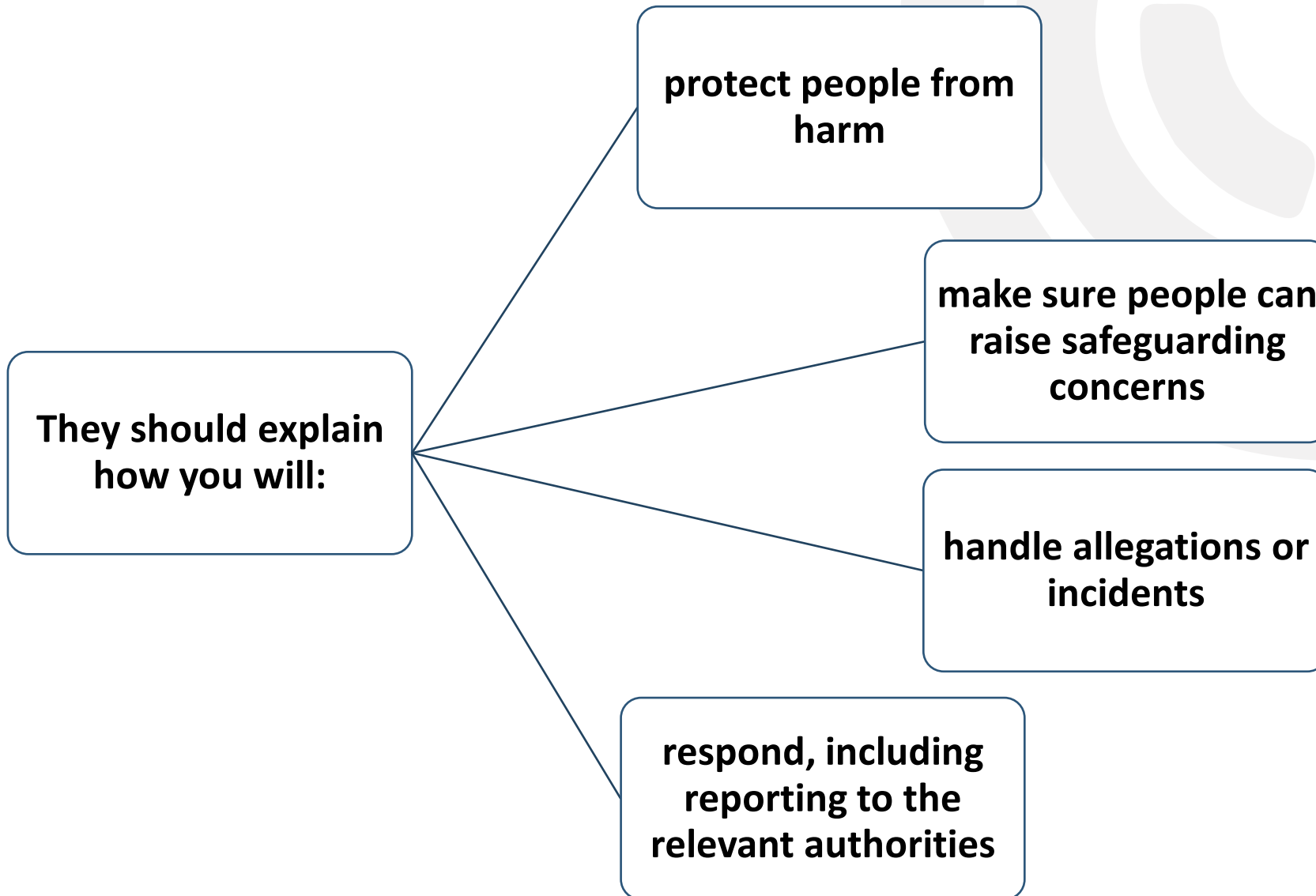






Safeguarding and child protection procedures are detailed guidelines and instructions that support your safeguarding policy statement.





CODE OF CONDUCT

If you have staff or volunteers you must have a clear code of conduct which sets out:

your charity's culture and values

how people in your charity should behave



[Read the Charity Governance Code](#)

[Read the example code of conduct produced by the Small Charities Coalition.](#)

Read NCVO's [Charity Ethical Principles](#) for help with policies on recognising and resolving ethical issues when considering your code of conduct.

a complaints process
for users and others
with concerns

suitable health and
safety arrangements
in place

**You also need
to make sure
your charity
has:**

first aid, fire safety
and digital safety
policies that
everyone
understands

welfare, discipline and
whistleblowing
policies for staff if you
have them



YOUR CHARITY'S POLICIES AND PROCEDURES FOR PROTECTING PEOPLE AND SAFEGUARDING SHOULD BE:



Put into practice



Responsive to change



Reviewed as necessary and at least once a year



Available to the public



Compliant with all relevant legislation

Online Safety

Content

Does your charity have adequate control over its website and social media accounts? Who can post information and is all content suitable for your charity?

Contact

How do people talk to each other when using your online services and how do you keep users safe? Do people need passwords to access services?

Conduct

How do you monitor what people do, say and share when using your services?



[Internet Matters](#) [Get Safe Online](#) [NSPCC](#).



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DEVELOPING POLICIES AND PROCEDURES

USEFUL LINKS



<https://learning.nspcc.org.uk/research-resources/templates/example-safeguarding-policy-statement>

<https://www.sfitogether.org/2018/07/23/safeguarding-children-policy/>

<https://thirtyoneeight.org/our-services/policy-support/>

<https://faithassociates.co.uk/services/safeguarding-courses-for-mosques-and-madrassahs/>

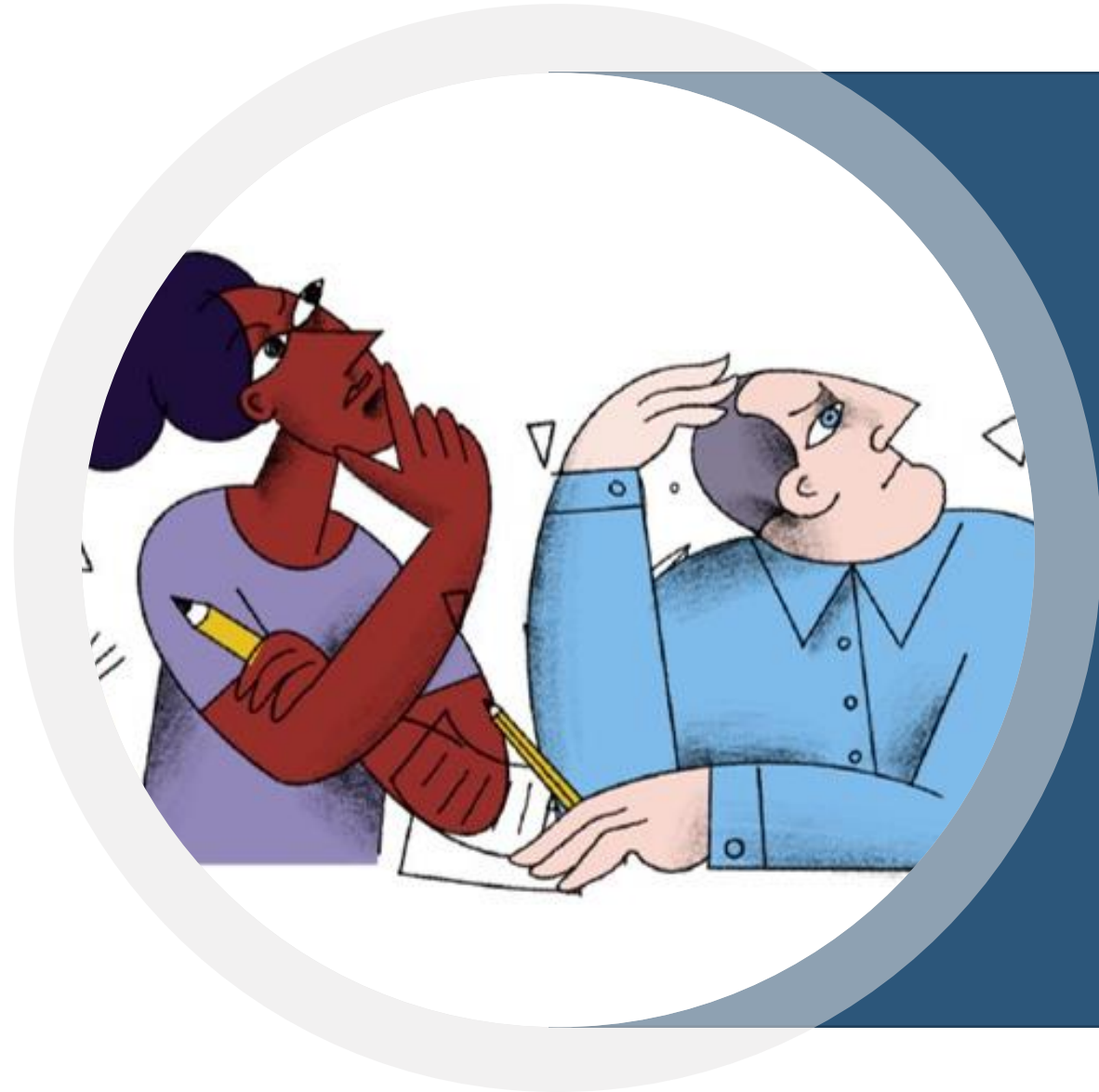
<https://www.leedsscp.org.uk/Voluntary-Community-Faith-Third-Sector/Role-of-the-designated-Safeguarding-officer>

<https://www.reformjudaism.org.uk/safeguarding-policies/>



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VETTING POTENTIAL TRUSTEES, STAFF AND VOLUNTEERS





safe recruitment procedures

References



Job history



Identity documents



Criminal records checks



Overseas checks, if relevant



<https://www.acro.police.uk/icpc/>



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- Trustees should risk assess all roles taking into account the working environment to determine if they are eligible for a check and if so, at what level.
- Always get a standard, enhanced or enhanced with barred list check from the DBS when a role is eligible for one.
- Not all roles working with children or adults at risk are eligible for a standard or enhanced check.
- You should get a basic check if your risk assessment determines it's appropriate.



OVERSEAS CHECKS

- [Read guidance on getting checks for people from overseas.](#)
- You can join the [Misconduct Disclosure Scheme](#) to get extra checks on international staff.

Sending workers overseas

- Where you cannot get a DBS check for someone going to work overseas, they may be able to [get an International Child Protection certificate.](#)



TRUSTEE CHECKS

- Obtain a declaration from the prospective trustee that they are not disqualified
- Consult the official registers of disqualified persons



For more information on checks for trustees, staff and volunteers:

<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees#get-checks-on-trustees-staff-and-volunteers>



USEFUL LINKS



<https://www.sfitogether.org/dbs-checks-faith-centres/>

[DBS Checking Service Guidance](#)

[Regulated Activity in Relation to Children](#)

[Regulated Activity in Relation to Adults](#)

[Charity Roles with Children](#)

[Charity Roles With Adults](#)



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REPORTING INCIDENTS OF HARM



CHARITIES SHOULD REPORT ANY SERIOUS INCIDENT THAT RESULTS IN – OR RISKS - SIGNIFICANT:



Harm to people
who come into
contact with your
charity



Loss of your
charity's money
or assets



Damage to your
charity's property



Harm to your
charity's work or
reputation



SERIOUS SAFEGUARDING INCIDENTS

Incidents of harm or mistreatment (alleged or actual) of beneficiaries of the charity (adults or children)

Someone connected with the charity was responsible for the harm or mistreatment (alleged or actual) of people who come into contact with the charity through its work

breaches of procedures or policies at the charity which have put people who come into contact with it through its work at significant risk of harm



Examples table: deciding what to report

Serious incidents to report	Incidents not to report
Protecting people and safeguarding incidents	
<p>A beneficiary or other individual connected with the charity's activities has/alleges to have suffered serious harm</p> <p>Allegation that a staff member has physically or sexually assaulted or neglected a beneficiary whilst under the charity's care</p>	<p>Minor unusual/aggressive behaviour by a beneficiary towards a member of staff</p> <p>Police called to charity premises because a beneficiary is drunk and disorderly</p>



Report to the relevant authorities

<https://safeguarding.culture.gov.uk/>



Follow our guidance

<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>



Use the online form

<https://ccforms.charitycommission.gov.uk/report-a-serious-incident>



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Guidance on handling safeguarding allegations in a charity

Every organisation that delivers charitable activities has a responsibility to safeguard people from harm or abuse, whether they are staff members, volunteers, or other people who come into contact with your charity through its work. This tool will help charities in England to handle the reporting of safeguarding allegations about the behaviour or actions of a person in their charity.

An allegation or concern means that a person has or may have behaved in a way that has harmed a child or adult, has possibly committed a criminal offence against a child or adult, or behaved towards a child (ren) or adult(s) in a way that indicates they may pose a risk of harm to others.



<https://safeguarding.culture.gov.uk/>

SAFEGUARDING INCIDENTS OVERSEAS

Any incident which is not reported overseas would still need to be reported to all relevant authorities in the UK, including (where appropriate) submitting a serious incident report to the Charity Commission

Where a British National or person with a claim to British residency has committed, or potentially committed, child sexual abuse/exploitation overseas, this should still be reported to the National Crime Agency in the UK



[Criminal Reporting of Safeguarding Offences Overseas](#)



Managing faith charities as trustees



10 actions trustee boards need to take to ensure good safeguarding governance

Safeguarding should be a key governance priority for all charities



Ensure your charity has an adequate safeguarding policy, code of conduct and any other safeguarding procedures. Regularly review and update the policy and procedures to ensure they are fit for purpose

Identify possible risks, including risks to your beneficiaries or to anyone else connected to your charity and any emerging risks on the horizon

Consider how to improve the safeguarding culture within your charity

Ensure that everyone involved with the charity knows how to recognise, respond to, report and record a safeguarding concern

Ensure people know how to raise a safeguarding concern

Regularly evaluate any safeguarding training provided, ensuring it is current and relevant

Review which posts within the charity can and must have a DBS check from the Disclosure and Barring Service

Have a risk assessment process in place for posts which do not qualify for a DBS check, but which still have contact with children or adults at risk

Periodically review your safeguarding policy and procedures, learning from any serious incident or 'near miss'

If you work overseas, find out what different checks and due diligence you need to carry out in different geographical areas of operation



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[gov.uk/guidance/safeguarding-duties-for-charity-trustees#children-adults-at-risk](https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees#children-adults-at-risk)

<https://www.smartsurvey.co.uk/s/SEGM2K/>



THANK YOU



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