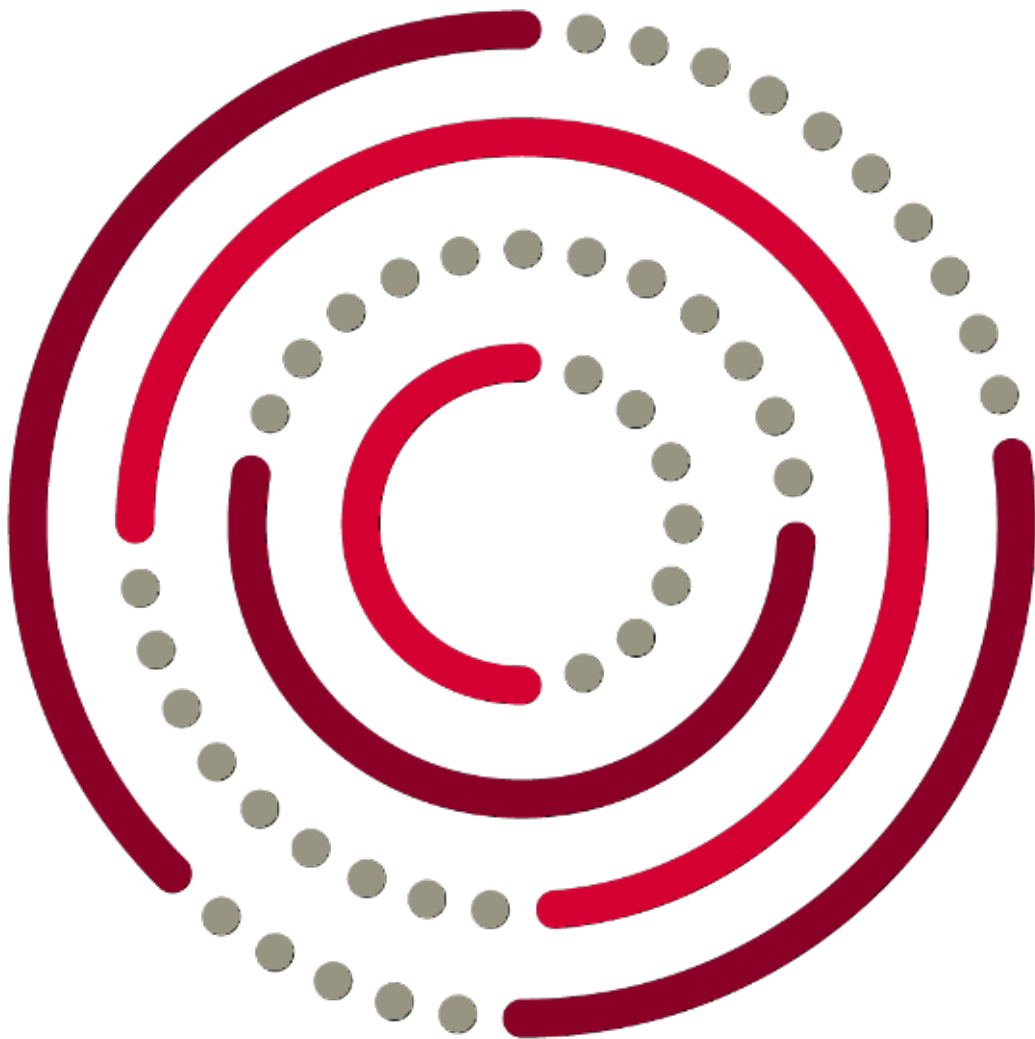


Good governance for safeguarding

A guide for UK NGO boards



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About Bond

Bond is the UK network for organisations working in international development. We connect, strengthen and champion a dynamic network of diverse civil society organisations to help eradicate global poverty, inequality and injustice. bond.org.uk

Introduction

This guide is for trustees of all international NGOs registered as charities in the UK, regardless of their size or whether or not they are directly involved in programme delivery. This Guide aims to help trustees of UK NGOs develop good practice in connection with safeguarding and people protection. It provides:

- A description of recommended practice.
- Advice and guidance on how organisations may develop their own activities to achieve good practice.
- Additional resources and references.

This guidance focuses on the oversight and governance role of UK NGOs' boards of trustees, but in doing so, sets out what the board should expect the charities' executive or management to have in place.

This guide is intended to supplement the Charity Governance Code¹ (see box below) as that code does not specifically refer to the governance of safeguarding. It also draws on the Charity Commission of England and Wales' Safeguarding and Protecting People for Charities and trustees guidance (<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>).

Principles of the Charity Governance Code

1. The board is clear about the charity's aims and ensures that these are being delivered effectively and sustainably.
2. Every charity is headed by an effective board that provides strategic leadership in line with the charity's aims and values.
3. The board acts with integrity, adopting values and creating a culture which helps achieve the organisation's charitable purposes. The board is aware of the importance of the public's confidence and trust in charities, and trustees undertake their duties accordingly.
4. The board makes sure that its decision-making processes are informed, rigorous and timely, and that effective delegation, control, management and risk-assessment systems are set up and monitored.
5. The board works as an effective team, using the appropriate balance of skills, experience, backgrounds and knowledge to make informed decisions.
6. The board's approach to diversity supports its effectiveness, leadership and decision-making.
7. The board leads the organisation in being transparent and accountable. The charity is open in its work, unless there is a good reason for it not to be.

Whistleblowing is recognised as a key component of any safeguarding system. However, as whistleblowing is only one component of a safeguarding system, this guidance refers to it where appropriate but does not attempt to provide detailed guidance or best practice in relation to whistleblowing or whistleblowers.

¹ <https://www.charitygovernancecode.org/en>

Terms used in this guide

In this Guide the following terms are used with the following meanings:

Allegation: Describes an assertion of misconduct that has not yet been investigated or proved on the balance of probability.

Charity Commission: The Charity Commission of England and Wales.

Complaint: Describes a matter raised which refers to an alleged incident of harm or potential harm. A complaint may be raised by the individual affected or by a witness, and may be made directly to a representative of the UK NGO, another organisation or through a whistleblowing procedure. It may be based on suspicion or experience.

Incident: Describes a wide range of events or circumstances that may cause harm and may include accidents as well as abuse.

Partner, delivery partner or partner organisations:

- An organisation that works with a UK NGO in the delivery of the UK NGO's objectives.
- A subsidiary trading company of a UK NGO.
- An organisation that receives funding from a UK NGO.
- Another charity or organisation that is linked to a UK INGO, for example as part of a federated structure.

Safeguarding: Describes the steps taken to protect people from harm, including beneficiaries, staff and volunteers, and other people who come into contact with the NGO and/or their partner. While safeguarding principally refers to the prevention of harm, it also encompasses practices to handle incidents and/or complaints.

UK NGO (non-governmental organisation): Here, this describes NGOs that are registered with the Charity Commission of England and Wales, the Charity Commission for Northern Ireland (CCNI) and/or the Office of the Scottish Charity Register (OSCR) and whose activities include working in international development and/or humanitarian response, either itself or through partners.

Safeguarding governance good practice

The board of trustees of any UK NGO has collective and ultimate responsibility for all the activities of that organisation, even though operational matters are delegated to an executive team and other staff.

UK NGOs have a duty of care to those involved in or affected by its activities and are required to take reasonable steps to manage the risk of causing harm. The board plays a crucial leadership role in setting the culture, behaviour and priorities of the organisation. In this guide we explore six ways that boards should take the lead on safeguarding and people protection: these activities are summarised in the diagram below.



We explore these six activity areas in detail in the rest of this guide. A first action for boards may be to review organisational policies, procedures and practice against this guide and create a plan to fill any remaining gaps and implement any required actions.

Any UK NGO that adopts appropriate principles and practices in connection with safeguarding and people protection should be able to:

1. As far as is reasonably practicable in the circumstances, **provide a safe and trusted environment** whereby reasonable steps are taken to ensure reasonably foreseeable harm is not caused to beneficiaries, staff, volunteers and those the organisation comes into contact with.
2. Secure an **organisational culture that prioritises safeguarding and people protection**, so that it is safe for those affected to come forward and to disclose concerns, allegations and incidents with the assurance that they will be handled sensitively, confidentially and appropriately.
3. Be committed to **ongoing learning and reflection to continuously improve** policies, procedures and practices and ensure that safeguarding and people protection is integrated into risk management, budgets, the planning and implementation of programming and fundraising.
4. Have **adequate policies, procedures and measures in place to prevent harm** being caused by the UK NGO, or those acting with or for it, to the people to whom it owes a duty of care, and that these are shared and understood.
5. **Ensure that concerns, allegations and incidents and complaints are handled appropriately**, should they arise, and prioritise the safety and dignity of the victims and survivors.
6. Hold those who have been involved in causing harm or pose a risk of harm to account through **appropriate disciplinary processes and/or external reporting to relevant authorities** (where it is safe and appropriate to do so, following an adequate risk assessment to prevent further harm, disrespect or indignity to the victim/survivor or others affected).
7. Ensure **appropriate transparency** so that the UK NGO can be held accountable by regulators, donors and the public in respect of its management of safeguarding and people protection.

Charity Commission Guidance

What you need to do depends on what your charity does and who it works with.

We expect you to:

- Make sure all trustees, employees, volunteers and beneficiaries know about safeguarding and people protection.
- Have appropriate policies and procedures in place.
- Check that people are suitable to act in their roles.
- Know how to spot and refer or report concerns.
- Have a clear system of referring or reporting to relevant organisations as soon as you suspect or identify concerns.
- Set out risks and how you will manage them in a risk register which is regularly reviewed.
- Be quick to respond to concerns and carry out appropriate investigations.
- Not let one trustee dominate your work - trustees should work together.

If you work with children or adults at risk – there are additional legal requirements.

See: www.gov.uk/guidance/safeguarding-duties-for-charity-trustees

1. Set the right tone

Organisations may have excellent safeguarding policies, procedures and systems in place to ensure that safeguarding is properly managed. However, the culture of the organisation must also create an environment which is safe and where staff, beneficiaries and others feel comfortable raising concerns or complaints when things go wrong and are confident that such concerns will be dealt with appropriately.

Organisational culture can be defined as “a system of shared assumptions, values, and beliefs that show people what is appropriate and inappropriate behaviour” (Jennifer Chatman, Professor of Management).

The culture of the organisation should be one of zero tolerance of harm, sexual harassment and exploitation, where those who raise concerns are appropriately treated and those responsible are held to account. The CEO and the executive team are responsible for shaping the culture of the organisation through their day-to-day management. There are several key actions that boards should take to ensure the organisation’s culture is actively supporting the vision, mission and values set by the board and that it is (so far as reasonably possible) creating a safe environment for staff, volunteers, beneficiaries and all others who come into contact with it through its activities. These actions include:

- 1. Recruiting the right CEO and ensuring that organisational culture is included in their objectives and performance review.** One of the most important roles that the board can play in relation to safeguarding is to recruit a CEO who prioritises and understands safeguarding and their role in shaping the organisational culture. During the recruitment process the board must satisfy itself that the CEO can demonstrate understanding of the key components required to establish a safe culture, not only in UK offices but in all the contexts in which the organisation works, which are often difficult with very different social, legal, cultural and political norms. Once appointed, the chair of the board should ensure that the CEO’s performance targets include indicators that relate specifically to embedding the identified organisational culture and values and, in particular, creating a safe environment. The CEO’s effectiveness in this regard must be suitably measurable so that the board can fulfil its oversight function.
- 2. Ensuring the organisation’s mission, vision and values are appropriate and prioritise safeguarding.** It is the role of the board to set and review the mission, vision and values of the organisation and to approve the strategy and how it will be implemented. In doing so, it is critical that the board considers the safeguarding risks that the organisation will have to assume and manage in order to deliver the organisation’s mission and to ensure a reasonably safe and trusted environment for those who come into contact with the organisation through its activities.
- 3. Approving an appropriate executive structure, including the appointment of Designated Safeguarding Leads (and deputies) and regional safeguarding focal points, as appropriate, who**

are sufficiently senior and competent for their respective roles. The board must ensure an appropriate executive structure is in place to assume day-to-day management of safeguarding.

4. **Defining the board's role in setting culture and putting organisational culture on the board's agenda.** It is important that the board creates a space in its agenda and/or in the remit of one of its committees to consider the organisation's culture. Organisational culture is often considered to be intangible and difficult to grasp, but that should not deter boards from grappling with it. The board should have a healthy discussion with the CEO and executive team to acknowledge that the board considers it to be of key importance, particularly in relation to safeguarding.

5. **Understanding and having oversight of the tools used to measure the culture of the organisation.** There are several tools that can be used to provide an indication of how people perceive the culture of the organisation, including: staff exit surveys, employee surveys, complaints (from beneficiaries, donors and other external stakeholders), reports, performance appraisals,

safeguarding cases, staff complaints and grievances. Data from these tools can be compiled into a single dashboard or report to provide a good indication of the health of the organisation's culture. Trustees should also interact with staff and volunteers, visit programmes overseas, and speak to beneficiaries and other stakeholders.

6. **Assigning a safeguarding focal point on the board,** which may mean having a lead safeguarding trustee. The board should give consideration to appointing a focal point and assigning particular responsibilities to this person in relation to safeguarding. However, the board in its entirety is collectively responsible for safeguarding and should not delegate all aspects of safeguarding to a single trustee, designated safeguarding lead or others (see example in box).

7. **Leading by example by ensuring an appropriate board culture.** Boards should take time to consider their own culture to ensure that it reflects and models the values of the organisation. Any new trustees should demonstrate their commitment to safeguarding and creating a safe and trusted environment to the greatest extent reasonably possible. A board should consider whether it has appropriate skills in relation to culture implementation and safeguarding and ensure that appropriate training is provided for all trustees to ensure that they understand the issues and ask informed and appropriate questions on the information they receive.

Key responsibilities of a Lead Safeguarding Trustee:

- Meeting regularly with the Head of Safeguarding, receiving reports and discussing activity.
- Acting as an independent resource that can offer advice, on request, to management that are dealing with and reporting safeguarding incidents.
- Challenging the organisation to ensure that it is doing all it can to safeguard those it comes into contact with.
- Ensuring appropriate time is devoted to safeguarding at board meetings.
- Being a key resource for the whole board, as someone with specialised training and knowledge.
- Operating as a person independent from management to whom safeguarding issues can be directly referred, if it is felt that management is not dealing with an issue appropriately or if it involves management.

2. Reduce risk

Organisations need to consider their own activities and how individuals may be vulnerable. The Charity Commission Guidance (CC26, Charities and Risk Management and the Charity Code of Governance) clearly sets out the role of the board in actively managing risks, of which safeguarding is a key one.

The Commission updated its Safeguarding and Protecting People for Charities and Trustees guidance in October 2018. It states that it is: “essential that charity trustees manage the risks associated with safeguarding, in the same way that it has a responsibility to actively manage all risks faced by the charity. Only once risks are identified can an organisation think about managing them.”

Boards retain overall responsibility for risk management and defining the level of risk they are prepared to accept. The approach to managing risks arising from safeguarding is the same as managing all other risks: indeed, it is essential to include safeguarding risk management in the overall risk management activities for which trustees are responsible. The guidance below builds on the Charity Commission CC26 Guidance and the updated Safeguarding and Protecting People for Charities and Trustees guidance.

There are particular actions that boards of UK NGOs should take to reduce, mitigate and manage risks related to safeguarding and people protection.

1. The board should ensure that **the organisation has assessed its own safeguarding risk profile**, taking into consideration its activities (which include, but are not limited to, delivering programmes, fundraising, recruitment and procurement) in the contexts in which it works and how individuals may be at risk. This will help them to ensure that the practices they adopt are appropriate and proportionate.

The board should ensure that, when assessing the organisation’s safeguarding risk profile, risk assessments have been done using a bottom-up approach. This is because consideration will need to be given to the level of safeguarding risk arising in each programme based on:

- The **programme’s aims and activities**. For example, running an orphanage for unaccompanied children is likely to carry a much higher safeguarding risk than providing training to farmers.
- The **legal and regulatory context** in which a programme is delivered. For example, programming in a conflict-affected state which has very weak legal, judicial and regulatory systems in place to prevent or deal with safeguarding issues will carry higher safeguarding risks than a country where there is a strong regulatory and legal framework.
- The **cultural context** in which the programme is delivered. For example, cultures in which gender inequality is prevalent and children’s rights are weak will carry higher safeguarding risks.
- The **vulnerability of the individuals** with whom the programme/organisation engages. For example, working with children or refugees is much higher risk than working with private sector consultants.
- The **delivery model** used to implement the programme. For example, if using a local NGO partner to deliver the programme, how has the organisation assessed the safeguarding risk

associated with this and what actions are in place to mitigate them through its due diligence process and contractual agreements? If delivering directly through the organisation's own staff, what risks does this entail and what actions are in place to mitigate these risks?

2. The board should put in place and regularly review the **organisation's process for identifying, mitigating, prioritising, escalating, managing, learning from risks** and, where applicable, the organisation's system of internal controls to manage these risks. The board should review the effectiveness of the organisation's systems and processes at least every year unless there is a reason for doing so sooner.
3. The board should **describe the organisation's approach to risk in its annual report**, in line with regulatory requirements. Organisations should specifically consider their approach to describing safeguarding risks (see section 6).
4. The board should ensure that relevant **staff have received appropriate training** in carrying out safeguarding risk assessments and managing such risks.

The board should ensure that it understands and agrees with the risk framework. The board should maintain oversight of the conclusions of risk assessments and ensure that the organisation then uses this risk profile to develop appropriate measures to reduce, mitigate and manage risks. This may involve additional resources; hence the need for an early assessment to include the full costs in budgeting and/or funding requirements.

It is also the role of the board to **set the risk appetite** for the organisation and approve the processes for assessing and managing risk. Whilst boards are responsible for risk management, they often delegate this to senior management and so the board must ensure that an approved **risk management framework** (or policy) is in place, that they are clear who is responsible for coordinating the risk management activity across the organisation, and be comfortable that it is reflected throughout the organisation's policies and operating procedures. It is important that boards review and agree the risks identified, their prioritisation and their management, as well as the contingency arrangements in place.

Boards must consider if they are satisfied by what is being done to reduce risks or minimise harm if incidents occur. A common way to approach this is to decide whether to treat, tolerate, terminate or transfer the risk. For example, the board may decide that it is not acceptable to proceed with a planned activity with a high-risk profile unless additional resources are available to reduce those risks. This is an opportunity to highlight the organisation's obligations to take reasonable steps to protect individuals from harm and to convey the board's attitude towards risk management.

In order to manage safeguarding risks, UK NGOs need to have appropriate policies and procedures in place, including (but not only):

- A code of conduct.
- A whistleblowing policy.
- A safeguarding policy.
- Safety and security procedures.

If the organisation has direct or indirect contact with children and/or vulnerable adults, appropriate safeguarding policies should also be in place. UK NGOs may choose to organise or name these in different ways, as long as the obligations and inter-relationship between them is clear.

The board needs to ensure that they are kept up to date and comply as far as practicable with best practice guidelines. Trustees need to be satisfied that there are adequate checks and processes in place for ensuring policies are kept up to date, communicated to staff and that they are adequate for the circumstances in which they are being deployed. Trustees can also obtain assurance of the appropriateness of policies and procedures by ensuring that the charity is following established best practice such as the Core Humanitarian Standards, or is suitably accredited for its practices by Keeping Children Safe or similar entities (see Resources).

In addition to the above, it is important to mention specific critical risks that boards need to consider in relation to safeguarding, such as the **people it engages with/employs/deploys** and **delivery partners**. Boards need to ensure that appropriate policies and procedures are in place for the recruitment of staff and volunteers in all areas of the organisation's activities. The scope and nature of the policies will depend on the type of work the organisation undertakes and how it employs staff or deploys volunteers. Boards can set the tone from the outset by making sure that the executive team state in recruitment advertisements that the organisation upholds the highest safeguarding standards. Equally, UK NGOs that provide grants to overseas entities or work with delivery partners need to consider how they will secure values-based partnering and incorporate appropriate due diligence. These checks need to be proportionate, but should reflect the standards set out in this guide.

Charity Commission guidance: Safeguarding and protecting people for charities and trustees

Risks to be aware of related to safeguarding and protecting people:

- Sexual harassment, abuse and exploitation.
- Negligent treatment.
- Physical or emotional abuse.
- Bullying or harassment.
- Health and safety.
- Commercial exploitation.
- Extremism and radicalisation.
- Forced marriage.
- Child trafficking.
- Female genital mutilation.
- Discrimination on any of the grounds in the Equality Act 2010.
- People targeting your charity.
- A charity's culture may allow poor behaviour.
- People abusing positions of trust within a charity.

See: www.gov.uk/guidance/safeguarding-duties-for-charity-trustees#manage-the-risks

3. Encourage speaking up

UK NGOs should take all reasonable steps to create an environment in which there is zero tolerance of harm to others; that those who engage in misconduct or have been complicit are held to account for their actions; and those who raise complaints or concerns are appropriately protected and respected.

These principles should be woven through all policies, procedures, statements of purpose, values, missions, and codes of conduct. A code of conduct should expressly set out the UK NGO's culture and its expectations of behaviour from all those who work for or with it or on its behalf.

All UK NGOs should have mechanisms in place that make it easy for victims, survivors or witnesses to speak up in relation to actual, suspected or potential harm to those who come into contact with the NGO and/or misconduct by those who work for or with it or on its behalf.

The board should set the right tone in creating a culture in which expectations of behaviour and conduct are clear and speaking up is championed and protected (see Section 1). Boards also need to ensure that there are policies and procedures in place that encourage issues to be raised, investigated and acted upon. These procedures include:

- 1. Internal whistleblowing procedures** for staff and volunteers to use in relation to actual or suspected misconduct by colleagues. These are internal to the organisation and there should be a variety of ways offered to make contact eg email or on a hotline etc. These procedures should be well-known and displayed prominently.
- 2. Grievance procedures** for employees to raise issues in relation to inappropriate treatment that they are subjected to in the workplace.
- 3. Complaints procedures** for beneficiaries and those who come into contact with the UK NGO's activities (whether directly or via a delivery partner).
- 4. Safeguarding children and vulnerable adults' procedures** for concerns, suspicions, allegations and incidents that specifically relate to abuse of children and vulnerable adults.

These may be centralised procedures that apply to all projects, subject to higher standards being imposed by local law or accommodations in relation to local culture. Alternatively, such procedures may be bespoke to each jurisdiction/project, while reflecting NGO/partnership-wide minimum requirements.

There may well be individuals who fear retaliation, whether from peers, those in local or professional communities, or from local or national authorities. It is critically important that **the relevant procedures take account of potential fear** and build in appropriate safeguards around the way in which information is received, used, stored and shared (both internally and externally) and to prevent victimisation of, or other harm being caused to, those who come forward.

Ensuring that processes are fair, respectful to those involved in them, and result in appropriate outcomes where only those who have engaged in wrongdoing are appropriately and proportionately held to account

is critical for ensuring that **complainants are confident** about coming forward. How the organisation acts will encourage or deter people from speaking up in future.

The applicable mechanisms **must be readily accessible**, whether through the intranet, external websites, on leaflets and/or by having details available within projects (for example, policy summaries pinned to the office walls or verbal outreach initiatives). They should also be made available in appropriate languages.

The board should ensure that the policies and procedures prepared by the executive includes **a range of ways that issues can be raised**. In particular, these need to be suitable for complainants in different contexts - including face-to-face, feedback desks, hotlines, complaints boxes, phone, SMS, e-mail, website, meetings, and community reference groups. Organisations may operate these mechanisms internally or contract external agents to operate the systems for them.

While trustee visits are not a core process to raise concerns, these visits are often a healthy and important way for the board to know and understand the organisation. Such visits also give people opportunities to raise concerns directly to the board.

Boards should be assured by the executive team that processes are in place for **staff and volunteers to receive training (mandatory for some donors) on these policies and that there are procedures at induction and regular refreshers at appropriate intervals**, depending on their role.

Boards should make **adequate resources available** to ensure that:

- Those who benefit from the UK NGO's activities and those who come into contact with the UK NGO are aware of the conduct and behaviour they should expect from those who work for or with or on behalf of the UK NGO.
- Individuals can raise a complaint or concern safely.
- Issues raised are handled promptly and appropriately once received.

Boards should model and reinforce these expectations and have zero tolerance for non-compliance.

Boards may consider assigning regional safeguarding focal points, with responsibility for:

- Understanding and dealing with any barriers that appear to people raising concerns or complaints in the relevant context.
- Ensuring that core policies and procedures and/or minimum requirements that have been approved by the board are suitably adapted to secure compliance with local laws and take appropriate account of cultures and customs, to secure maximum effectiveness.
- Receiving, assessing, investigating, managing and responding to complaints and concerns and/or ensuring that this work is successfully completed.

4. Investigate complaints

Complaints provide a window into the practice of the organisation. The executive team and the board cannot be in all places at all times to ensure that the systems and protections that have been put in place to safeguard and protect all who come into contact with the organisation are being appropriately followed.

It is therefore often through the investigation of incidents, complaints and concerns that potential and actual harm and/or misconduct comes to light and can be appropriately addressed and managed.

Issues will come to light in different ways depending on the type of concern and who is affected as described in Section 3.

It is the responsibility of boards to ensure that the UK NGO has policies and procedures in place which assure that any concerns raised are investigated thoroughly, robustly, fairly and sensitively. As such, the policies and procedures (individually or cumulatively, if set out separately) should:

1. **Reflect best practice** in the UK, subject to proper consideration of local law requirements.
2. Clearly explain **how disclosures, allegations, complaints and/or incidents should be dealt with** on their receipt, and how to record and escalate them and to whom.
3. Be clear as to the respective **roles and responsibilities** of individuals.
4. **Explain how information flows and how information will be treated, especially with regard to confidentiality.** Information about the complaint should be treated and shared on a “need to know” basis. This applies equally to the board, who must have oversight of the incidents at an appropriate level of detail, but need not necessarily be privy to names or even places if they do not need that information.
5. Warrant that, in appropriate cases, **internal investigation is not commenced or continued.** This is only in cases where to do so may compromise **criminal or regulatory investigations by relevant authorities.** It should stipulate that **matters are appropriately referred for external investigation** in accordance with applicable legal and regulatory requirements and following **adequate risk assessment** (it may be that: external reporting risks further harm to those affected by the alleged incident or incidents; those affected do not want the matter externally reported; external reporting risks disproportionate consequences for the accused; and/or due process is not guaranteed or likely).
6. **Identify appropriate individuals (such as trained investigators)** to carry out the investigation, account of relevant experience, skills, **geographical, cultural, linguistic and legal considerations** as well as potential **conflicts of interest or loyalty.** This may require support and resources from regional focal points and/or external providers, if appropriate. To ensure that action can be taken at speed and at short notice, any external assistance should be organised in advance.

7. Ensure **adequate record keeping in relation to allegations and incidents**. This needs to be compliant with relevant data protection and privacy laws, and subject to coordination and/or oversight by the **designated safeguarding lead** for the project, programme, region and/or organisation (as appropriate), with clear reporting lines set out.
8. Ensure that the **board is periodically apprised, in summary, of reports and their outcomes**. The only exception is cases where matters are particularly serious within the context of the UK NGO's operations, in which case they should be brought to the board in an appropriate level of detail as soon as practicable. Regular reports may be limited to a description of the number and type of matters raised and their outcomes, which will allow the board to monitor the frequency and types of issues arising, seek assurance that they are being adequately dealt with under existing systems, ask any pertinent questions and consider what, if any, changes need to be made to the organisation's overarching arrangements.
9. Make sure that it is clear when **regulators (eg the Charity Commission), institutional donors and others (eg insurers) must be notified of allegations, incidents and/or concerns** and be updated in connection with the investigation. Mechanisms should be sufficient to externally report promptly where necessary and appropriate.
10. Ensure that the UK NGO **develops learning and opportunities for improved practice** through reviews undertaken following particular incidents or patterns of incidents where potentially systemic issues are identified during investigation. As part of this process, the **voices and experience of survivors** should be captured in reviews of practice in an appropriate way.
11. The board must make **sufficient resources available** to carry out the required investigations. This may include provision for seeking advice from international and national lawyers or other advisors where appropriate.
12. The board should verify that **relevant staff are appropriately qualified, inducted and trained** in relation to the policies and procedures in place and that the training is periodically updated.
13. The board must make sure that the executive team has arranged **adequate insurance** in relation to safeguarding incidents. It should be aware of notification requirements and appreciate how it must work with the insurers so as not to void or otherwise compromise coverage in the investigation or

Serious Incident Reporting

Charities are advised under various policies and guidance documents to notify their regulator (the Charity Commission in England and Wales, OSCR in Scotland and CCNI in Northern Ireland) as soon as possible upon becoming aware of a serious incident. For further information on those requirements see:

Charity Commission – England and Wales:

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

Office of the Scottish Charity Regulator:

www.oscr.org.uk/managing-a-charity/notifiable-events

Charity Commission Northern Ireland:

www.charitycommissionni.org.uk/concerns-and-decisions/serious-incident-reporting-a-guide-for-charity-trustees/

management of incidents. Notably, it may be possible and/or necessary to obtain insurers' support for an appropriate course of action, such as an apology.

14. The board should reinforce the need for adequate **due diligence** requirements, processes and, where appropriate, assistance in relation to the investigative processes and procedures within **partner organisations**, and their capacity to fulfil the requirements sufficiently.

Data protection concerns

UK data protection should not be a barrier to justified information sharing. Rather, it provides a framework to ensure that personal information is shared appropriately.

Information sharing should be:

- Necessary for the purposes for which it is shared.
- Only with those individuals who need to have it.
- Accurate and up-to-date.
- Timely.
- Secure (in how it is shared and stored).

The organisation's policies, procedures and agreements should reflect these principles. Decisions about information sharing should be documented so that the board and other key stakeholders can ascertain if information has been shared, with whom, when and for what purpose.

Although it may be better to ask individuals for their consent before sharing information, it may sometimes be inappropriate or even dangerous. The safety and wellbeing of the individual and others who may be affected are the first considerations.

Being open about the situations when information will be shared is important. Ideally, privacy notices, job descriptions and other documents should explain that safeguarding and protecting people will require the processing of personal information within the law. Secrecy should not be promised, but appropriate confidentiality should be maintained and data handled securely.

See, for example in the domestic context:

www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice

www.gov.uk/government/publications/working-together-to-safeguard-children

ico.org.uk/media/for-organisations/documents/1067/data_sharing_checklists.pdf

5. Support survivors

Boards should ensure that the organisation adopts a survivor-centred approach. This is one where the wellbeing and the wishes of the survivor of a safeguarding incident are put at the heart of any actions taken.

The board should ensure that:

1. The organisation adopts a **survivor-led approach** whereby the safety and wellbeing of survivors is paramount and that this principle is reflected throughout the organisation's various policies and processes.
2. The organisation should ensure that relevant resources are in place for **providing support** to complainants/survivors.
3. The organisation should be **accountable to survivors**, providing information and communicating with them about the progress of their case and how the subject of complaint is being held to account for their (mis)conduct.
4. Organisations should also **seek feedback from survivors**, if and wherever appropriate, in order to improve their policies and processes.

The board needs to make it clear that it champions a **survivor-led approach** and to clearly articulate what this means in theory and in practice, including how it will be implemented. This requires a measure of principles-based flexibility, as the help and support needed must be assessed for each individual on a case-by-case basis, and in a prompt manner.

Appropriate policies, processes and resources to enable a survivor-led approach are therefore required. In order to implement a survivor-led approach, boards will need to ensure that all policies and procedures which relate to safeguarding, such as investigation guidelines, bullying and harassment policies and processes, staff grievance policies and processes, adopt a survivor-led approach. This may require existing policies and procedures to be updated.

It is also recommended that organisations have **guidelines and processes in place for how they will support survivors of sexual exploitation and abuse**. To support this, the board could approve in advance the types of support that may be provided, such as medical costs, a safe haven, and psychosocial counselling and ensure adequate resources are available, where appropriate.

Boards should consider how they can be **accountable to survivors**, providing information and communication for as long as necessary after the initial response.

While remaining survivor-led in approach, the UK NGO will need to have regard to, and carefully manage, the impact of its decisions in respect of other duty of care that it may owe, legal requirements and consequences in relation to other stakeholders in determining appropriate courses of action.

Survivor-centred approach

The main components of a survivor-centred approach are:

- The **safety and security of the survivor** is the prime consideration. First actions should involve assuring the immediate safety of the survivor, any dependents, and any witnesses.
- **Confidentiality** of the survivor, their family, friends, and witnesses should be ensured at each step in the process.
- Taking into account the survivor's wishes and **ensuring survivor self-determination** or – in the case of children or adults with certain disabilities – the best interests of the survivor. Self-determination involves ensuring that all actions taken are in accordance with the wishes of the survivor.
- **Respect and dignity**. In all communications with the survivor, demonstrate belief and trust, seeking to build a supportive and healing relationship between the survivor and your organisation.
- **Empowerment**, by building on the capacity and resilience of the individual, their family, friends, and community and enabling survivor agency.
- **Do No Harm**. The mechanisms put in place must not negatively impact on the survivor. Assessing risks and mitigating against these risks throughout the life of the safeguarding report handling mechanism can do this.
- **A timely response** is needed to ensure the treatment of wounds, and, where possible, the prevention of sexually transmitted infections and worsening mental health. A good response time will ensure the ability to take legal or remedial action, prevent continued harm, prevent harm to others, respond to potential consequences such as unwanted pregnancies or provide antenatal care etc.
- **There should be no limitations on reporting timeframe** for an individual to tell an organisation about inappropriate sexual behaviour allegedly perpetrated by a member of staff. Staff who have left an organisation should continue to be allowed to raise a report in relation to unacceptable behaviour they experienced while they were employed by the organisation.

Note, some organisations may allow for the survivor of a complaint to have a staff representative or trade union representative or lawyer to assist them throughout the complaint-handling process.

Adapted from **Toolkit for Developing an Organisation-wide Safeguarding Report Handling Mechanism**.

6. Ensure openness and accountability

Transparency and accountability is a key principle of the Charity Governance Code: “The board leads the organisation in being transparent and accountable. The charity is open in its work, unless there is good reason for it not to be.”

The rationale behind this principle is as follows: “[The] public’s trust that a charity is delivering public benefit is fundamental to its reputation and success, and by extension, the success of the wider sector. Making accountability real, through genuine and open two-way communication that celebrates successes and demonstrates willingness to learn from mistakes, helps to build this trust and confidence and earn legitimacy.”

It is therefore important that the trustees consider how the organisation can achieve appropriate transparency and accountability in relation to safeguarding, while taking account of the sensitivities of the subject matter and the rights and welfare of those affected.

The board should secure openness and accountability in relation to safeguarding and people protection by:

1. Abiding by the Charity Commission and Requirements of the Statement of Recommended Practice (SORP) stipulation that charities with a turnover exceeding a specific threshold report **on the major risks to which the charity is exposed, of which safeguarding is likely to be one**, confirming that they are satisfied with the systems in place to manage those risks. This information should be included in the trustees’ report within the charity’s financial statements.
2. Ensuring that all **legal, regulatory and contractual reporting of safeguarding incidents** is done in a timely manner.
3. Considering their **public reporting**. Whilst there is no express obligation to report to the public on the organisation’s approach to and experience of safeguarding matters, boards should do so in the interests of transparency and accountability.

The purpose of the risk management statement in the trustees’ report is to give an insight into how the organisation handles risk and an understanding of the major risks to which the organisation is exposed. It is also an opportunity for the trustees to comment on any further developments of risk management procedures being undertaken or planned.

The form and content of the statement is likely to reflect the size and complexity of an individual organisation’s activities and structure, but must include:

- An acknowledgement of the trustees’ responsibility.
- An overview of the risk identification process.
- An indication that major risks identified have been reviewed or assessed.
- Confirmation that control systems have been established to manage those risks.

Requirements of the Statement of Recommended Practice

Charities based in the UK and the Republic of Ireland prepare annual reports and accounts in accordance with the Statement of Recommended Practice: Accounting and Reporting by Charities (SORP). This requires certain matters to be disclosed in the trustees' annual reports, but currently there is no specific requirement for trustees to report allegations, suspicions or incidents of harm to beneficiaries, staff and those who come into contact with the charity.

Larger charities (those with over £1m income) are required to provide a description of the principal risks and uncertainties facing the charity, as identified by the trustees, together with a summary of their plans and strategies for managing those risks.

Trustees' annual reports also need to comment on the significant positive and negative factors both within and outside the charity's control which have affected the achievement of its objectives and, where relevant, explain how this has affected future plans. These factors might include relationships with employees, service users, beneficiaries and funders and the charity's position in the wider community.

Legal, regulatory and contractual reporting of safeguarding incidents. This is a complex area and boards must ensure that mechanisms are in place which allow all reporting obligations to be met. Whilst it is ultimately the board's responsibility to ensure that the organisation meets its obligations, it is likely that the board will delegate this responsibility to senior management. In this case, the board must satisfy itself that management has:

- Clearly identified all reporting obligations (see list of stakeholders below).
- Established a process for identifying and deciding upon which incidents are reportable and through what channels.
- Reported back to trustees on a regular basis to confirm that obligations have been met.

Key stakeholders in relation to reporting safeguarding incidents:

- **Regulators:** the Charity Commission (England and Wales), Office of the Scottish Charity Regulator (OSCR) and the Charity Commission Northern Ireland (CCNI). The Charity Commission has the most demanding reporting requirements, as articulated in its updated **Serious Incident Reporting Guidance**.
- **Police and other authorities, eg professional regulators:** for this please refer to the Charity Commission guidance on reporting to the police and other regulatory authorities in the UK and overseas.
- **Donors:** each donor has different reporting requirements, so organisations need to fully understand and adhere to them.
- **Others:** careful consideration will need to be given to other stakeholder reporting requirements in, for example, federated models, of other parts of the federation, and in consortium arrangements, other members of the consortium, as well as insurers.

Reporting to the public: Good governance mandates that boards should have a commitment to appropriate openness and accountability, whatever the organisation's turnover. Boards can achieve this in a number of ways: through statements on the organisation's website, its annual report or other accountability reports. It is recommended that organisations report annually to the public on their safeguarding approach, practices and experience in appropriate terms.

This reporting should be clear as to the type, nature and severity of the allegations, incidents or disclosures and those affected by them. Harm may be done to the public's confidence in a particular organisation or in the sector in general if reports are not adequately clear and contextualised.

Public reports should cover:

- The organisation's approach to safeguarding.
- How risk is assessed in planning and delivery.
- The policies and procedures the organisation has in place to prevent harm to beneficiaries, staff, volunteers and all those who come into contact with the charity. These will necessarily be different for different classes of individuals and the type of activity involved.
- Complaint/concern handling mechanisms in place to enable individuals to speak up on a confidential, and (where necessary) anonymised basis.
- How trustees ensure the effectiveness of those policies and procedures.
- How complaints and concerns are handled, investigated and reported to the board and to the relevant authorities, where appropriate.
- Lessons learned and any actions being implemented as a result.
- A summary of the safeguarding cases handled in the year.

Why explain your approach to safeguarding?

Early in 2018, there was wide-ranging media coverage of sexual misconduct in the international aid sector. While inappropriate behaviour is present in all sectors, the coverage shocked the public, as charities - and in this case, UK NGOs - are held to a higher standard of conduct.

It is important that public reporting does not give the impression that this behaviour is accepted by UK NGOs. It is helpful to provide the context. UK NGOs often work in difficult settings where the statutory framework is missing or weak, all forms of inequality are significant, including gender, and the people the UK NGO is there to assist are vulnerable.

Given the greater public awareness of these issues, it would be surprising if UK NGOs did not refer to safeguarding and explain how they manage the risks.

As the breadth of allegations which are expected to be reported is still a new area of public reporting, UK NGOs are likely to be at different stages. Explaining what your organisation is already doing and planning to do in the future is helpful to stakeholders.

Resources

General

Charity Governance Code

www.charitygovernancecode.org/en/front-page

Charity Governance Code for smaller charities

www.charitygovernancecode.org/en/pdf

Charity Commission Guidance on Safeguarding

www.gov.uk/guidance/safeguarding-duties-for-charity-trustees

DFID's requirements for assurance from funded entities (2018)

www.gov.uk/government/publications/update-on-safeguarding-in-the-aid-sector

Commitments made by donors to tackle sexual exploitation and abuse and sexual harassment in the international aid sector (October 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749632/donor-commitments1.pdf

UK Non-governmental organisations: commitments to tackle sexual exploitation and abuse and sexual harassment in the international aid sector (October 2018)

<https://www.gov.uk/government/publications/uk-non-governmental-organisations-commitments-to-tackle-sexual-exploitation-and-abuse-and-sexual-harassment-in-the-international-aid-sector>

Charity Commission: 10 actions trustee boards need to take to ensure good safeguarding governance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756636/10_safeguarding_actions_for_charity_trustees_infographic.pdf

Set the right tone

Handy, C. 1988, Understanding Voluntary Organizations

Cultural Style, article in Harvard Business Review, February 2018 and featured tool from Spencer Stuart

The Cultural Web, developed by Gerry Johnson and Kevan Scholes in 1992 – includes various tools for changing organisational culture

Organisations that help you to understand the voice of affected people or partners: Ground Truth Solutions, Keystone Accountability

Example of a code of conduct

<http://www.pwc.co.uk/who-we-are/assets/pwc-code-of-conduct-may-2017.pdf>

The 10 Actions by the Charities Commission

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756636/10_safeguarding_actions_for_charity_trustees_infographic.pdf

Reduce risk

Charity Commission Compliance Toolkit

www.gov.uk/government/collections/protecting-charities-from-harm-compliance-toolkit

Core Humanitarian Standard – published by CHS Alliance

corehumanitarianstandard.org/the-standard

Sphere Standards

www.spherestandards.org

Keeping Children Safe – operate accreditation

www.keepingchildrensafe.org.uk

Stay Safe, the International Federation of the Red Cross' specific standards and guidance

www.ifrc.org/Global/Documents/Secretariat/201402/Stay-Safe-manual-EN.pdf

Interagency Standing Committee Minimum Operating Standards on Preventing Sexual Exploitation and Abuse

https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mospsea.pdf

Encourage speaking up

Toolkit for developing an organisation-wide safeguarding report handling mechanism

www.bond.org.uk/groups/safeguarding

Investigate complaints

Serious Incident Reporting:

Charity Commission – England and Wales

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

Office of the Scottish Charity Regulator

www.oscr.org.uk/managing-a-charity/notifiable-events

Charity Commission Northern Ireland

www.charitycommissionni.org.uk/concerns-and-decisions/serious-incident-reporting-a-guide-for-charity-trustees/

Data Protection Guidance, by way of example, in the domestic context:

www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice

www.gov.uk/government/publications/working-together-to-safeguard-children

ico.org.uk/media/for-organisations/documents/1067/data_sharing_checklists.pdf

Charities and insurance:

<https://www.gov.uk/government/publications/charities-and-insurance-cc49/charities-and-insurance#risk-assessment-and-decision-making>

Ensure openness and accountability

Accountability Now

<https://accountablenow.org>

Statement of Recommended Practice or Charities SORP (FRS 102)

<http://www.charitySORP.org>

Examples of NGO reports:

World Vision International - Accountability Update 2017

<https://www.wvi.org/accountability/publication/2017-accountability-update>

Oxfam GB – Annual Report for the year ended 31 March 2018

https://www.oxfam.org.uk/what-we-do/about-us/plans-reports-and-policies/annual-report-and-accounts-2018?cid=rdt_oldannualreview

Save the Children – Accountability and Transparency Report 2017

https://www.savethechildren.org.uk/content/dam/gb/reports/Accountability_and_Transparency_Report_Save_the_Children_UK_2017.pdf

CARE international – <https://www.careinternational.org.uk/who-we-are/safeguarding>

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Anonymous attendees at Bates Wells Braithwaite's Safeguarding Best Practice Group roundtables including representatives from domestic charities, UK NGOs and other sector stakeholders.

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