



Uplifting governance

Safeguarding Conference
20.10.20

Jo Steel | Governance Consultant |
Bridgehouse Company Secretaries

Our Team

We are a versatile team with a large amount of company secretarial, governance and legal expertise. Each member of our team is committed and passionate about what they do and understands the complexities involved in achieving good governance.

Our Approach

Conscientious and committed to exceeding clients' expectations, we are passionate about adding value and delivering a truly personal service. Our approach has been recognised by the Institute of Chartered Secretaries and Administrators (ICSA) – when winning Service Provider of the Year the judges remarked:

"The winner came across as passionate about delivering a service that makes a real difference".

Our Expertise

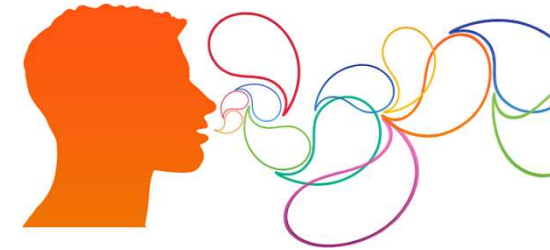
Our team are multi-skilled, highly experienced professionals with proven success in a variety of market sectors.

Our Sectors

FCA regulated entities | Private Sector | Charities | Not for Profit | Membership | Housing | Local Authorities | Pension companies

Policy and Procedures

- ✓ Effective **procedures** and **guidelines**
- ✓ Clear lines of **communication**
- ✓ Covering areas of **delegation** and **reporting back**



Recognise. Respond. Report. Record. Review.

- ✓ Trustees should be satisfied that everyone involved with the charity knows how to firstly **recognise a safeguarding concern or incident** and **how to respond** to it.
- ✓ The procedures in place should then make it **clear how concerns should be reported, recorded and subsequently reviewed.**

Having a Policy is not enough.

How do you ensure it is understood and effective?

- ✓ Conduct a **staff/volunteer survey** to find out what people know;
- ✓ Visual aids and posters around the workplace or with homeworking through **use of intranet, staff handbooks** or frequent **safeguarding reminders delivered remotely**;
- ✓ Carrying out '**scenario testing**' of the procedures;
- ✓ **Regularly evaluate** any safeguarding training provided (Current? Relevant? Can it be improved or tailored?)

Clarity is Key

Suggested Reporting Lines



Whistleblowing

Be supportive of the Commission's view on whistleblowing, including use of the confidential advice line, **Protect**.

Option should be **encouraged in cases where a person feels that the charity's own safeguarding procedures has been ineffective** or is likely to be disregarded (including details of how to blow the whistle is within the safeguarding policy is encouraged) .



Charity Commission Whistleblowing report 2019 – 20

Key Findings

- ✓ The Commission received 247 whistleblowing disclosures in the past year - **a 33% increase** compared with previous years
- ✓ The majority of disclosures are from **employees**
- ✓ The primary issues raised were **governance, safeguarding** or **financial management** concerns;
- ✓ Safeguarding and governance issues cover a **wide range of situations** and are often linked: for example, governance issues can be significant contributory factors to safeguarding incidents, most specifically when the safeguarding issue concerns a risk to beneficiaries.

Actual or Alleged

- ✓ You may need to **report before all the facts are investigated or established** – early reporting is expected by the Commission

A Serious incident is one which results in or risks significant:

- ✓ Harm **to people** who come into contact with your charity through its work (including staff, volunteers and beneficiaries);
- ✓ Harm to your **charity's work** or **reputation**;
- ✓ Loss of **money** or **assets**;
- ✓ Damage to **property**.

Other than Safeguarding incidents, you must also report serious incidents relating to:

- ✓ **Financial crimes** – fraud, theft, cyber-crime and money laundering
- ✓ **Large donations** from unknown/unverifiable sources, or **suspicious financial activity** using charity funds
- ✓ Other significant **financial loss**
- ✓ Links to **terrorism or extremism**, individuals subject to an **asset freeze**, or **kidnapping of staff**- which would also be a safeguarding issue
- ✓ Other significant incidents, such as **insolvency, forced withdrawal of banking services, significant data breaches/losses or incidents** involving partners that materially affect the charity

What is "Significant"?

- ✓ In the context of each charity when **accounting for Size, Staff, Operations, reputation** etc

Serious Incidents SHOULD BE REPORTED

- 1** A beneficiary or other connected individual connected has/alleges to have **suffered serious harm**
- 2** Allegation that a staff member has **physically/sexually assaulted or neglected** a beneficiary whilst under the charity's care
- 3** The Chief Executive of the charity has been **suspended after alleged sexual harassment** of a fellow member of staff
- 4** **Allegation** that a trustee/staff member/volunteer has been **sexually assaulted** by another trustee/staff member/volunteer
- 5** **Repeated medication errors** to beneficiaries in a care home indicating a systemic problem (opposed to "one off" error leading to no significant harm)
- Staff computer found to contain **images of child pornography**
- Internal investigation has established that there is a **widespread culture of bullying**
- Beneficiary / connected individual **died / been seriously harmed** significant contributory factor charity's **failure to implement** relevant policy
- Charity **failed to carry out DBS checks** which would have identified that a staff member/trustee was disqualified in law from holding that position
- Discovery that an employee or volunteer coming into contact with children or at risk adults is on the **sex offenders register**

Incidents DO NOT NEED REPORTING

- | | | | |
|----------|---|---|----------|
| 1 | Minor unusual or aggressive behaviour by a beneficiary towards a member of staff | Details of reports under the Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013 (RIDDOR) where no significant harm to individuals | 5 |
| 2 | Police called to charity premises because a beneficiary is drunk and disorderly | Minor accidental injury to a charity service user e.g. slipping on a wet floor | 6 |
| 3 | Awareness of allegations of abuse or neglect of a beneficiary occurred outside charity; charity has reported allegations to appropriate agencies, no harm to charity's reputation | Non senior position/responsibility (e.g. head of safeguarding) bullied harassed fellow staff. No indication of widespread bullying culture/harassment - minor disciplinary action (e.g. no suspension or dismissal) | 7 |
| 4 | Logged accident book reports where there was no significant harm to individuals | Non senior position/responsibility dismissed for marrying member of the community in which the charity works, in breach of charity's code of conduct, not in breach of local laws | 8 |

Incidents with a direct or indirect link to safeguarding

Outbreaks

Should be reported **IF** as a result, the charity is unable to:

- ✓ Deliver vital services to at risk beneficiaries, for example a residential care home has insufficient staff to care for the residents safely
- ✓ Continue its normal operations, for example because a large number of beneficiaries are seriously ill



Stopped operating temporarily due to lockdown or voluntarily

This should be reported **IF** as a result the charity is:

- ✓ Unable to deliver vital services to at risk beneficiaries;
- ✓ Insolvent or forced to close permanently;
- ✓ Highly likely to be insolvent or forced to close permanently within the next 12 months

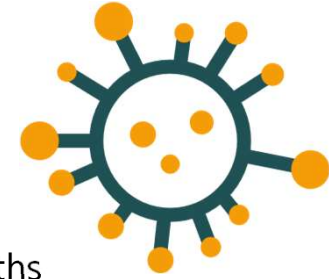
Potential insolvency in the next 12 months

In these uncertain times this is obviously difficult to predict. When deciding on whether you should report, you should account for matters such as quantity of reserves held and how easy it is to temporarily shrink or cease operations.

Loss of substantial proportion of income

Should be reported **IF** as a result, the charity is unable to:

- ✓ unable to deliver vital services to at risk beneficiaries
- ✓ insolvent or forced to close permanently
- ✓ highly likely to be insolvent or forced to close permanently within the next 12 months



Safeguarding of staff

- ✓ Allegation by staff member that they have suffered significant harm due to working conditions during the pandemic.

Other reportable incidents (not necessarily linked to safeguarding)

- ✓ Furloughed staff means inability to deliver vital services to at risk beneficiaries or has led to a direct loss of income stream resulting in insolvency
- ✓ Scam email linked to the pandemic has conned the charity into making a payment
- ✓ A fraud that is linked to the pandemic
- ✓ Investigation by HMRC for alleged abuse of furlough or other government schemes
- ✓ Investigation by Police for alleged breach of government lockdown measures.
- ✓ Allegation that staff member or volunteer has abused a beneficiary during the pandemic.

Prescribed by the Commission; Report via online portal

- ✓ Contact details
- ✓ Details of other bodies you've reported it to e.g. police
 - ✓ details of other charities involved
 - ✓ date of the incident and what happened
- ✓ date the charity found out about the incident and how it found out
- ✓ what impact the incident has had on the charity's beneficiaries, finances, staff, operations or reputation
 - ✓ whether trustees are aware of the incident

Details of how your charity is handling the incident, including:

- ✓ the charity's policies or procedures that relate to the incident and whether they were followed
 - ✓ what steps the charity has taken to deal with the incident
 - ✓ what steps the charity has taken to prevent similar incidents
- ✓ where applicable, the charity's media handling or press lines, including a link to a press release if available

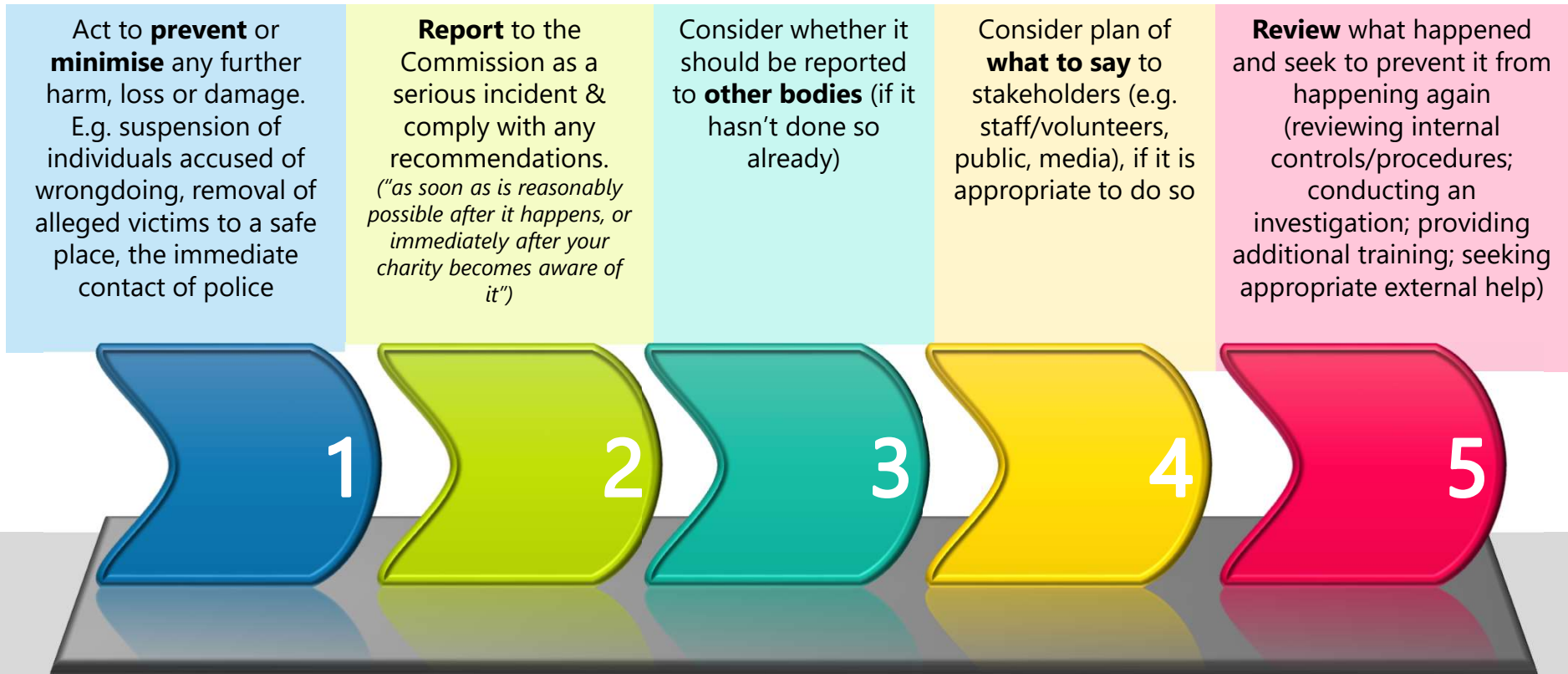
It is very important that all relevant information is provided in the original serious incident report, and in any subsequent updates

The importance of reporting

- ✓ Trustees **legal** duty to avoid exposing their charity's assets, beneficiaries or reputation to undue risk.
- ✓ Reporting requirement enables the Commission to ensure that trustees comply with their legal duties.
 - ✓ Reporting, shows that trustees have identified and are dealing with a risk.
- ✓ Allows the Commission to protect the wider voluntary sector by assessing risk to other individual charities as well as identify trends or risks facing the sector.
- ✓ Helps protect the reputation of charities as a whole - fundamental to support and fundraising from the general public.

Trustees Responsibilities Steps to take

Serious Incident Occurs – Steps to take:



If Trustees have delegated the management and reporting of safeguarding to management, ensure that:

- ✓ Adequate reporting back to Trustees – this may be before or after serious incidents have been reported externally, but there must be a clear reporting line within the process
- ✓ How often to report to trustees depends on size and nature of each charity: In very large charities it may only be viable to present figures and other data so that they can review and consider trends and assure themselves that Safeguarding (and other areas) are being soundly managed; A very small charity may decide that **all** serious incidents requiring reporting are advised to the trustees. No one size fits all.
- ✓ Where a decision is made **not** to report an incident to the Commission or other bodies, a brief record of the decision and the reasons for it should be kept.

- ✓ If charity's income is **over £25,000**, you must, as part of the annual return, **sign a declaration** confirming there were no serious incidents during the previous financial year that should have been reported to the Commission but were not.
- ✓ An offence under **section 60 of the Charities Act 2011** to provide false or misleading information to the Commission, which includes filing a false declaration through the annual return
- ✓ If a serious incident occurred which **wasn't reported**, ensure that this is reported filing your annual return

Safeguarding

- ✓ **Police** – if immediate risk via 999, if not immediate via 101 or your local police station if you think a crime has been committed.
- ✓ **Local Authority** – this may be through:
 - Multi-agency safeguarding hubs (MASH)
 - Local Authority Designated Officer for allegations against adults working or volunteering with children (contact must be made within one working day of the incident coming to light);
 - Social Services, Adult Services, Prevent (safeguarding people from being drawn in to extremism or radicalisation)
- ✓ **Sector specific bodies** such as the Care Quality Commission – (for Health and Adult social care)
- ✓ **Bodies overseas** - report to local law enforcement/safeguarding organisations. Be familiar with such bodies in each geographic area of operation; You may also need to report to UK authorities.

Non Safeguarding incidents:

- ✓ Action Fraud
- ✓ National Crime Agency
- ✓ Met Police Anti-Terrorist Hotline



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Contact Us

Jo Steel, Governance Consultant

0203 862 7963

jo@bhcsecretaries.co.uk

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Registered Office: Third Floor, 5 St Bride Street,
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