Safeguarding for Trustees

Welcome to the Thirtyone:eight Safeguarding for Trustees course. This handbook is designed to accompany the webinar and contains the case scenarios, discussion questions and polls we will be using in the webinar.

Safeguarding for Trustees is a four UK nations friendly course. Most of the information in the handbook is applicable to all four nations, but there are also individual sections related to each nation. Please find the section(s) that relates to the nation(s) you work in. This handbook has a lot of information and isn't designed to be read cover-to-cover. We do encourage you to use the contents page to identify the information relevant to you, and to revisit this information when you need a refresher and as things arise.

When it comes to safeguarding, the role of trustee carries unique challenges and opportunities. Our hope is that this course helps you to both identify those, and feel equipped to navigate them in a way that builds healthier cultures and safer places.

We are looking forward to supporting you as you use your unique and pivotal role as a trustee to safeguard all those your charity works with.

<div align="right">The Thirtyone:eight team</div>

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Questions and Exercises in the Webinar

Throughout the webinar there will be opportunities to have discussions, share knowledge and participate in activities to apply our learning in context. These are included here for reference only. There is no need to work through anything in advance.

Consider: Why do a million people in the UK choose to serve as trustees?

Consider: Why should safeguarding be a central concern for trustees?

Module 1: Policies and Practices

Poll 1: Which of the following policies does your charity have?

1. Safeguarding policy
2. Codes of Conduct
3. Whistleblowing
4. Bullying / harassment
5. Complaints

Poll 2: What is the function of each of these policies (Safeguarding policy, codes of conduct, whistleblowing, harassment)?:

1. This lets people know how they can escalate issues when they're not satisfied with the internal responses to concerns of harm.
2. Tells people how they can let you know that they've had a negative experience, and what your process will be for dealing with that.
3. How you expect people connected to your charity to act. These may be role specific.
4. A set of guidelines or instructions that tells people how you will keep people safe. It also outlines what people need to do when things go wrong and how you will follow up those concerns.
5. Covers bullying and/or harassing behaviours that impact those involved in the charity's work.

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Module 2: Risks

Pause and consider: What are the hands of your charity? What are the elbows of your charity? What indirect harm could they inflict?

Scenario – Suzette

Suzette has been your paid part-time administrator for 2 years after learning about your work through her brother-in-law, one of your other trustees. She also worked in several business management posts before being made redundant last year. She has brought some much-needed order to your admin processes and really has been a huge gift to your charity. You're not sure what you'd do without her. Outside of that role, she likes to visit the drop-in sessions and make suggestions to the volunteers about what they should be doing. A couple have mentioned that she seems quite interfering rather than just supporting them.

The same volunteers have recently told you that Suzette has taken a shine to Antonio (a volunteer for the past 3 years. He is a shy man with a stammer, and he lives alone in a property he inherited from his late parents). He seems to get caught for long chats with her at the end of the session. When you visit the drop-in the following week you observe her putting her arm on his shoulder and taking him by the hand as she talks with him. He seems a bit embarrassed by her attention. You've been told he's a quiet person who doesn't often say very much, so you're not sure if there's any problem.

1. Should you be concerned at all?
2. As a trustee what actions [reasonable steps] might you need to take?
3. What risks can you identify?

Module 3: Protect

Pause and consider: Who makes the decisions in your organisation? Are there times when this doesn't feel right or healthy?

Scenario – Jason and his friend

You are a trustee of a church which lets out the building to an afterschool club 3 nights a week. The club is run by Jason - a learning support assistant at one of the schools, plus Sheena a nursery nurse who has a child at the school. There's also a group of parent volunteers. Children from ages 9years – 12 years old can use the club. The club has its own safeguarding policy that you have a copy of.

Your safeguarding lead, Kieran, has come to you with a concern that he is unsure what to do with. One of the parent volunteers has told him that once or twice recently a friend of Jason's has been at the club and been chatting with some of the 11-12year old boys about what games they play online and about another club that he helps at that teaches boxing.

1. What actions do you need to take?
2. What risks can you identify?
3. Who – if anyone – needs protecting?

Carefully consider: Have we been justifying or overlooking problematic behaviours or decisions? Have we been recruited to this position because it's assumed that we won't call out unhealthy behaviours and/or hold someone to account?

If leaders or staff are making decisions that you don't believe is in the charity's best interest; aren't managing the resources well; and/or aren't showing the care and competence needed by the people you exist to serve, then it is your role to challenge that.

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Action point: If you answered yes to either of the above questions, you will need to take action. We recommend both speaking to other members of the board and seeking external advice, such as our help-centre.

<div style="border:1px solid">

IYDNE*:
List your line-management structures. Are there gaps?

</div>

*(If you do nothing else)

Module 4: Report

Pause and consider: Who does the reporting – trustee or safeguarding lead/champion?

Pause and consider: Have you, in your role as trustee, made a report to the charity regulator?

Scenario – Alistair

This exercise will not be done as part of the live webinar but you may find it helpful to unpack the concepts here together with your board and/or safeguarding lead.

You are a trustee of a small charity which offers support and counselling to young people (11-18years old) who have self-harmed and had suicidal ideation. The group operates in a community hub building. The staff are professionally trained or currently in training, giving their time freely once a week and there are a few volunteers who greet the young people, serve refreshments, give out leaflets, etc.

One of the staff of the hub, Milo, is a learning support assistant at a nearby primary school. He opens/closes the building on the nights the charity operates and has recently emailed the chair of trustees with a concern. He says that one of the trainee counsellors, Alistair, is worrying him. Milo has observed on several occasions that Alistair stays after his organised sessions, and chats to the young people in the waiting room. He feels that Alistair is slightly overly-familiar in his body language and is chatting about what they are up to online. Milo has even heard Alistair mentioning a site which he knows has caused

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worry among professionals as it seems to minimise or even encourage self-harm. Milo feels that the trainee might not have noticed him being in earshot because he was 'just there as a caretaker'.

1. What actions should the board take?
2. What should be reported on and to who?
3. What policies/practices need to be referred to/checked/updated?

IYDNE:
Appoint a designated Trustee for Safeguarding

IYDNE:
Schedule regular check-ins with the Safeguarding Lead

Relevant laws and guidance across the 4 UK nations

Safeguarding practice is usually based on the laws made by one of the 4 UK Governments (Westminster, Holyrood, Stormont and the Senedd). Much of the statutory guidance for charities is set by the three charity regulators (the Charity Commission, the Charity Commission for Northern Ireland and the Office of the Charity Regulator for Scotland).

As a trustee, you <u>are</u> expected to know and apply the key parts of legislation and governance in how you run your charity. This is also the legal framework that informs how the material in this course is structured.

The full legislation/guidance documents are available online by searching the name and date given here.

England and Wales	Northern Ireland	Scotland
Charities Act 1992	The Charities Act (Northern Ireland) 2008	Charities and Trustee Investment (Scotland) Act 2005
Charities Act 2011	The Charities Act (Northern Ireland) 2013	The Charities Accounts (Scotland) Regulations 2006
Charities (protection and social investment Act) 2016 [protects against abuse]	The Charities (Accounts and Reports) Regulations (Northern Ireland) 2015	Charity SORP 2005
Charities Act 2022 Related guidance: Information about changes	The Charities Act (Northern Ireland) 2022	Charity SORP 2014 - FRSSE and FRS 102
Trustee Act 2000		The Charities References in Documents (Scotland) Regulations 2007
Guidance		
Safeguarding Duties for Charity Trustees	Charity Essentials Safeguarding Resources and Running Your Charity Guidance	https://cms.scvo.scot/wp-content/uploads/2019/09/Good-Governance-and-Safeguarding-a-Guide-for-Trustees.pdf

Safeguarding for Trustees in England and Wales

The following pages contain useful information for those for trustees seeking to create safer places in England and Wales.

Useful Terminology:

Serious concerns:

Referred to as Serious Incidents and Reporting Serious Incidents [RSI]. In England and Wales, a serious incident is 'an adverse event, whether actual or alleged, which results in or risks significant loss of your charity's money or assets, and/or damage to your charity's property, harm to your charity's work, beneficiaries, or reputation.

The responsibility for making these reports lies with the charity's trustees, although you can delegate it if the board has confirmed the individual has been given the authority to make the report on the charity's behalf.

Many of the serious incidents the Charity Commission wants to know about are financial in nature, which is a category of abuse in Wales so could be seen as a safeguarding issue. In broader safeguarding terms, you should make a report if the following happens: (From What to do if something goes wrong: reporting serious incidents)

- Beneficiaries of your charity (adults or children) have been, or alleged to have been, abused or mistreated while under the care of the charity, or by someone connected with the charity, for example, a trustee, staff member or volunteer.
- There has been an incident where someone has been abused or mistreated (alleged or actual) and this is connected with the activities of the charity.
- There has been a breach of procedures or polices at the charity which has put beneficiaries at risk, including failure to carry out checks which would have identified that a person is disqualified in law under safeguarding legislation from holding a position in the charity working with children or adults.

You can make this report online via: Report a Serious Incident

Public benefit: (From Public Benefit - an Overview)

The law on public benefit can be complex and the language used about public benefit in charity law may be unfamiliar. But in essence, public benefit is about knowing:

- What the charity is set up to achieve - this is known as the charity's 'purpose'
- How the charity's purpose is beneficial - this is the 'benefit aspect' of public benefit
- How the charity's purpose benefits the public or a sufficient section of the public - this is the 'public aspect' of public benefit
- How the trustees will carry out the charity's purpose for the public benefit - this is what is known as 'furthering' the charity's purpose for the public benefit

Barred lists referrals:

Information on reporting to the barred lists in England, Northern Ireland and Wales can be accessed at [Making Barring Referrals to the DBS](#)

Recommended approach to managing safeguarding risks:

This advice comes from [Safeguarding and protecting people for charities and trustees](#):

Manage the risks:

Protecting people and safeguarding responsibilities should be a governance priority for all charities. It is a fundamental part of operating as a charity for the public benefit.

As part of fulfilling your trustee duties, whether working online or in person, you must take reasonable steps to protect from harm people who come into contact with your charity.

Harm and risks you must be alert to, whether online or in person, include:

- 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

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- 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

Helpful resource:

Risk assessment checklist available from - [Risk assessment tool 5](#)

Conflicts of Interest

The charity regulators recognise that, often as a result of the informal way many trustees are recruited and the interconnections that exist, conflicts of interest can and do occur.

From a safeguarding perspective, this is particularly relevant when there is the potential for an individual to abuse a position of power they hold.

As a trustee, you must make that decision based only on what's best for the charity and without influence from the personal situation, regardless of any loyalty relationships that occur. Perhaps nowhere is this truer than when the decision involves passing on a safeguarding concern or report.

In these situations, it's recommended that you follow these four steps:

1. **Declare conflicts of interest**
   a. This should be done early and before they could potentially impact any decision making that happens.

b. Best practice is to do this at the start of any meeting and keep a register of interest.

c. Have a Conflicts of Interest Policy informing trustees of how you'll respond when these emerge.

2. **Consider removing conflicts of interest**

   a. This decision is made based on what is best for the charity.

   b. If it's a serious conflict, you may need to remove it – this might even mean asking a trustee to resign. If you don't remove the conflict, you must make sure you prevent it affecting decision making in another way.

3. **Manage conflicts of interest**

   a. At a minimum, the conflicted trustee leaves relevant discussions.

   b. Doesn't take part in the decision or vote.

4. **Keep a record of conflicts of interest**

   a. Record what the conflict was.

   b. Who it affected.

   c. When it was declared.

   d. How you managed it.

You may need to include other voices; legal advice, safeguarding independent review or ask the charity regulator to authorise your decisions where the stakes are particularly high.

Advice taken from: [Managing conflicts of interest in a charity - GOV.UK (www.gov.uk)](www.gov.uk)

Safeguarding for Trustees in Northern Ireland

The following pages contain useful information for those for trustees seeking to create safer places in Northern Ireland.
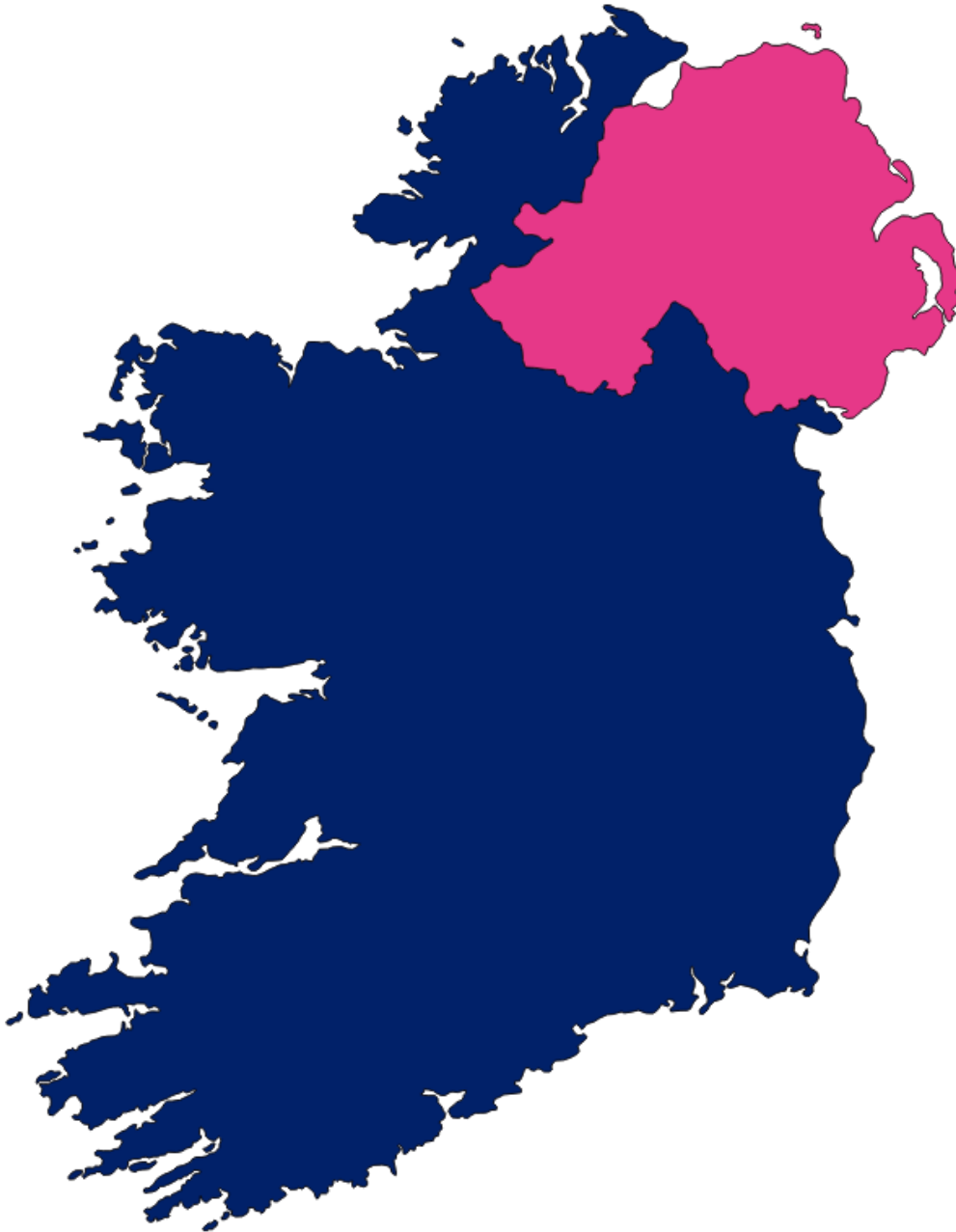
Useful Terminology:

Serious concerns:

Referred to in Northern Ireland as Serious Incidents and Serious Incident Reporting. The responsibility for reporting serious incidents rests with the charity's trustees. In practice, some charities may delegate this task to someone else within the charity, such as an employee or the charity's professional advisers.

Reports should be made about suspicions, allegations or incidents of abuse involving beneficiaries. The Charity Commission for Northern Ireland states:

In reporting to the Commission, charity trustees must make a full and frank disclosure, to include the names of any alleged or actual offenders. We understand that charities may be wary of releasing personal information. This data is necessary for the Commission to carry out its general and regulatory functions under the Charities Act. Providing this information to the Commission is consistent with Article 6(1) of the General Data Protection Regulation. The Commission relies on certain exemptions set out in the Data Protection Act 2018, to protect personal information obtained in the exercise of its regulatory functions. (From: Serious Incident Reporting Guidance)

Public benefit: (from Public Benefit Requirement)

The Charities Act states that purposes must be for the public benefit to be charitable. Charity trustees must know and be able to identify the purposes of their charity. These are the two elements of public benefit:

1. Benefit: This is about the benefit flowing from the charity's purposes. For a charity's purposes to satisfy the benefit element of public benefit, that benefit must have three key features, it must:

- Flow from the charity's purposes
- Be capable of being demonstrated
- Be beneficial, not harmful.

2. Public: This is about who may benefit from the charity's purposes. For a charity's purposes to satisfy the public element, the benefit which may flow from those purposes must:

- Be to the public or to a section of the public

- Not provide a private benefit to individuals unless this benefit is incidental.

Barred lists referrals: Information on reporting to the barred lists in England, Northern Ireland and Wales can be accessed at [Making Barring Referrals to the DBS](#)

Recommended approach to managing safeguarding risks:

This advice comes from [Running your charity guidance](#)

In its lifetime, a charity will experience a variety and range of risks. It is the responsibility of charity trustees to manage actual and potential risks to ensure the charity can continue to meet the needs of beneficiaries, at present and in the future.

Risks can be internal, for example arising from inappropriate organisational structure, or external, for example changes in the law or regulatory requirements. The risk management strategy will depend on the type of risks faced by the charity.

What action should be taken to manage risk?

Charity trustees are responsible for setting the charity's strategic aims, objectives and direction as well as identifying and managing risks arising from its activities. A risk policy will help charity trustees to identify risks and take appropriate action.

There are a number of ways in which risk can be managed, depending on the likelihood and impact of the risk:

- **Transfer**: transferring the financial consequences to third parties or sharing it, usually through insurance or outsourcing
- **Treat**: management or mitigation of risk
- **Tolerate**: accepting or assessing a risk that cannot be avoided if
- the activity is to continue.
- **Terminate**: the risk by doing things differently, removing the risk where it is feasible to do so.

Helpful resource:
Safeguarding for Trustees

Risk assessment checklist available from -

Conflicts of Interest

The charity regulators recognise that, often as a result of the informal way many trustees are recruited and the interconnections that exist, conflicts of interest can and do occur.

From a safeguarding perspective, this is particularly relevant when there is the potential for an individual to abuse a position of power they hold.

As a trustee, you must make that decision based only on what's best for the charity and without influence from the personal situation, regardless of any loyalty relationships that occur. Perhaps nowhere is this truer than when the decision involves passing on a safeguarding concern or report.

In these situations, it's recommended that you follow these four steps:

1. **Declare conflicts of interest**
   a. This should be done early and before they could potentially impact any decision making that happens.
   b. Best practice is to do this at the start of any meeting and keep a register of interest.
   c. Have a Conflicts of Interest Policy informing trustees of how you'll respond when these emerge.

2. **Consider removing conflicts of interest**
   a. This decision is made based on what is best for the charity.
   b. If it's a serious conflict, you may need to remove it – this might even mean asking a trustee to resign. If you don't remove the conflict, you must make sure you prevent it affecting decision making in another way.

3. **Manage conflicts of interest**
   a. At a minimum, the conflicted trustee leaves relevant discussions.
   b. Doesn't take part in the decision or vote.

4. **Keep a record of conflicts of interest**
   a. Record what the conflict was.

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b. Who it affected.

c. When it was declared.

d. How you managed it.

You may need to include other voices; legal advice, safeguarding independent review or ask the charity regulator to authorise your decisions where the stakes are particularly high.

Advice taken from: [Managing conflicts of interest in a charity - GOV.UK (www.gov.uk)](www.gov.uk)

Safeguarding for Trustees in Scotland

The following pages contain useful information for those for trustees seeking to create safer places in Scotland.

Useful Terminology:

Serious concerns:

Referred to in Scotland as notifiable events. Aside from financial concerns, the charity regulator wants to know about 'Incidents of abuse or mistreatment of vulnerable'.

OCSR guidance says: (from [Guidance for notifiable events](#))

Charity trustees have a responsibility to make sure that vulnerable beneficiaries are safeguarded. If there is an incident where there has been mistreatment of vulnerable beneficiaries, then we would like to hear about it, and what you are doing to make sure it cannot happen again. This would include the following:

- A charity trustee, member of staff or someone connected to your charity has mistreated or abused a vulnerable person while carrying out the charity's activities.
- Allegations have been made that such an incident may have happened, even.
- There are grounds to suspect that such mistreatment actually took place.

We would like to know:

- What the incident was
- How the charity trustees dealt with it
- What the charity trustees are doing to try to make sure that something like that doesn't happen again
- If the charity trustees have looked at their policies and checked that they are sufficient and up to date.

Public benefit: (From [Meeting the Charity Test Guidance](#))

Public benefit is the way that a charity makes a positive difference to the public. The 'benefit' that charities provide can take many different forms – it might be obvious or intangible, but both matter. The 'public' may have limits as stated in the governing document, for example children with additional needs. Anyone who meets this criteria (e.g. are children with additional needs) shouldn't be excluded from the charity's work.

Barred lists referrals: Information on reporting to the Protecting Vulnerable Groups [PVG] lists in Scotland can be accessed at [PVG Referrals](#)

Recommended approach to managing safeguarding risks:

This advice comes from [Good Governance and Safeguarding - a Guide for Trustees.](#)

Trustees are collectively responsible for their organisation and ultimately accountable for its activities (even if they are delegated to volunteers, staff or contractors). That's why it's vital that trustees understand the risks their organisation faces. They should ensure that risks are analysed and understood with a clear approach to managing those risks, due diligence, and a risk management policy and risk register (with safeguarding as a specific component) which is regularly reviewed.

Helpful resources:

Risk assessment checklist available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550693/Tool_5.pdf

A complete guide to risk management: *This document explores all kinds of risks charities face and isn't limited to Safeguarding risks. It does, however, name safeguarding approaches as frontline defences against certain risks* [Rethinking-Risk.pdf (sayervincent.co.uk)](#)

Conflicts of Interest

The Office of the Charity Regulator for Scotland [OSCR] recognises that, often as a result of the informal way many trustees are recruited and the interconnections that exist, conflicts of interest can and do occur.

From a safeguarding perspective, this is particularly relevant when there is the potential for an individual to abuse a position of power they hold.

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As a trustee, you must make that decision based only on what's best for the charity and without influence from the personal situation, regardless of any loyalty relationships that occur. OSCR specifically states that you must "put the interests of the charity before your own interests or those of any other person or organisation **including those responsible for your appointment**".

The four recommended steps for responding to conflicts of interest are:

1. **Identify**
   a. Have a Conflict of Interest Policy so all trustees understand what's required from the start of their role.
   b. Keep a register of interests and keep conflicts of interest as a regular agenda item.
   c. Declare any potential conflict of interest as soon as it arises.

2. **Manage**
   a. Have clear procedures in place to say what should happen when conflicts of interest occur, e.g. should the conflicted trustee remove themselves for part of the meeting?
   b. Decide if the conflict of interest is a personal one or related to their appointment. If it's an appointment-related conflict, be prepared to ask all affected parties to remove themselves from related discussions.
   c. Make sure that all decisions continue to be make in the best interest of the charity.

3. **Record**
   a. Keep a record of what happened and how it was managed. Include:
      i. Who was the conflicted trustee/s
      ii. When the conflict was identified and declared
      iii. What was discussed and decided
      iv. Who withdrew from decisions and how subsequent decisions were in the charity's best interest
      v. How you're maintaining the charity's register of interest.

4. **Learn**
   a. Make improvements to the charity's policies and procedures where needed and seek expert advice where necessary.
   b. If conflicts of interest arise frequently or affect the same individuals, be prepared to consider whether the make up of the

board needs changing to ensure effective management of the charity.

c. Make sure your governing document has the power to remove trustees who are in serious or persistent breach of the Charities and Trustee Investment (Scotland) Act 2005.

Advice from: OSCR | Conflict of Interest

Further helpful information: How your charity can avoid conflicts of interest

Appendix 1: Practices from our principles

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E  L  H  T  K  I  N  D  N  E  S  S  Z  L  F
P  E  M  E  I  B  F  B  P  A  K  G  A  V  M
T  A  C  C  O  U  N  T  A  B  I  L  I  T  Y
L  I  S  C  S  E  H  N  R  F  W  Z  N  E  I
G  N  P  R  O  T  E  C  T  I  O  N  A  M  E
L  T  X  N  P  R  P  O  N  O  X  H  W  P  M
M  E  N  C  R  N  C  Y  E  U  A  G  A  O  S
I  N  G  O  E  E  A  W  R  R  D  R  K  W  E
Q  T  R  U  V  M  X  O  S  I  V  A  E  E  P
O  I  O  R  E  B  C  B  H  S  E  T  N  R  L
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P  N  T  G  T  A  X  J  P  L  T  T  Z  E  W
H  A  H  E  I  C  B  W  O  F  U  U  Q  N  J
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Your policies should outline the practices (what you do) that safeguard people in your organisation – but like the words hidden in the jumble of letters here, finding the right, specific safeguarding practices can be difficult.

The Charity Governance Code, 2023, notes that: "The board makes sure that the charity's values are reflected in all of its work."

That means:

1) Practices are one of the tangible ways the values, or culture, of the charity is expressed.
2) Trustees are responsible for the practices that occur within the organisation.

Knowing what to do, your practices, should grow out of what you believe, your principles. When you are looking to write / update policies, discuss your principles and how these might be outworked in practice. If you're finding it difficult to articulate our charity's principles, the practice principles hidden in the wordsearch above, (taken from the Care Act 2014) might give you a helpful framework for thinking about what safeguarding practices you should have.

These principles were written for adult safeguarding, so if you work with children or don't work directly with beneficiaries, some of these principle will be easier for you to apply than others.

- **Empowerment** - People must always be treated with dignity and respect, with practitioners working alongside them to ensure they receive quality, person-centred care that ensures they are safe on their terms.

- **Prevention** – The importance of taking action before harm occurs and seeking to put mechanisms in place so that they don't recur.

- **Proportionality** - Deciding on the least intrusive response appropriate to the risk presented by the individual.

- **Protection** - Organising and delivering support and representation for those in greatest need, who may not be able to do so themselves.

- **Partnership** - Effective safeguarding cannot be delivered in isolation from other partners and systems that interact with or impact on a person. Seek to work with others.

- **Accountability** - Being open, clear and honest in the delivery of safeguarding and ensuring there are mechanisms in place to hold practitioners, services or systems to account.

The principles could take *countless* forms in practice. Asking 'what would this principle look like if we outwork it within our charity?' can lead to your practice. Some examples might include:

- We ask people who they'd like to sit in with them/be their key worker (Empowerment)

- Wherever possible, we avoid lone working (Prevention)

- An adult may be struggling to retain information long enough to make an informed decision, but they can still choose whether they'd like tea/coffee/snacks after the service and where they'd like to sit, when they'd like to leave (Proportionality)

- All of our roles, employed staff and volunteers come with an appropriate level of criminal record checks (Protection)

- We make sure anyone we work with has similar policies and practices in place once a year which means we get reassurance and the opportunity to learn from their new ideas (Partnership)

- We have a poster on the wall with photos of 3 different people anyone can go to with concerns (Accountability)

Safeguarding for Trustees

Appendix 2: Safer Recruitment

Our charities need to have appropriate policies and practices in place to ensure that we're not allowing people who pose a known risk gain access to vulnerable individuals. The law and guidance across the four-UK nations is very clear on this:

England and Wales: "Trustees are expected to make sure the charity checks that people are suitable to act in their roles" Safeguarding and protecting people for charities and trustees

Northern Ireland: "Organisations working with children and adults at risk need to have robust recruitment and selection procedures in place, including carrying out AccessNI checks where required." Safeguarding Resource Charity Commission NI

Scotland: "Trustees should ensure that appropriate due diligence is carried out which may include Disclosure checks, taking up references, and checking qualifications and experience". Good Governance and Safeguarding for Trustees Scotland

As the above quotes hint, there are a few elements that make up good Safer Recruitment practice:

1) Expression of Interest– a written indication that people want to work with us. What they might be interested in doing and why.
2) Role profile – details what they'll actually be doing and sets fair expectations.
3) Interview – a chance to ask honest questions, define suitability criteria and identify areas of concern
4) Checks – external evidence of past behaviours. Can include criminal records checks [where the role is eligible], references and even social media checks.

How formal and how much time and cost you invest into this process will be in-line with the specific role you're recruiting for and your charity's capacity. But every strand provides a hurdle for people who seek to use your charity to perpetrate harm and gain access to vulnerable people.

Appendix 3: Qualitative reporting

A helpful structure for insights into a project's progress might include:

- Project name
- Name of project lead
- Time and frequency of project
- Current scope compared to original: Has the project scope changed since the project began? If so, how?
- Overview of risks: Are there any high risks or concerns (even small ones) that may need to be managed?
- Actions taken
- Accomplishments
- Decisions required: From trustees or leadership, so the project can run well and people continue to be supported

(Adapted from: Project Management Report: Examples and Writing Tips)

Other helpful links on narrative-style reports:

Trustees Annual Reports Guidance and Good Practice

12 Ways To Make Charity Trustee Reports More Effective

Appendix 4: Disqualified trustees information

England and Wales:

In England and Wales, the Charity Commission have a register of people who have been removed from acting as trustees. Automatic disqualification can apply to charity trustees or senior managers of the charity. Charities are required to check this register before recruiting new trustees. It is called the 'Register of Removed Trustees' and can be accessed here: Search the Register of Removed Trustees (charitycommission.gov.uk).

There are other reasons why someone may be disqualified as a trustee. If they:

- Have an unspent conviction for one or more of the offences listed here* (link to declaration form below)
- Have an IVA, debt relief order and/or a bankruptcy order,
- Have been removed as a trustee in England, Scotland or Wales (by the Charity Commission or Office of the Scottish Charity Regulator),
- Have been removed from being in the management or control of any body in Scotland (under relevant legislation),
- Have been disqualified by the Charity Commission,
- Are a disqualified company director,
- Are a designated person for the purposes of anti-terrorism legislation,
- Are on the sex offenders register,
- Have been found in contempt of court for making (or causing to be made) a false statement,
- Have been found guilty of disobedience to an order or direction of the Charity Commission.

If you become automatically disqualified, the actions you take will depend on your position but, fundamentally, you must immediately cease to act in the trustee capacity. You may also need to formally resign (if you are a trustee) and consider legal advice, for the sake of your charity's reputation and standing and your own employment, (for example, if you are a senior manager of the charity also sitting on the trustee board).

Trustee eligibility declaration form (publishing.service.gov.uk)

*Additional Information: It is possible to apply for a waiver from the Charity Commission concerning the automatic disqualification. Certain criteria need to

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be met for a waiver to be granted. The Charity Commission also has discretionary power to disqualify a trustee from their position. This is subject to different criteria. Details on both here: [Automatic disqualification rules for charity trustees and charity senior positions - GOV.UK (www.gov.uk)](#) and [Questions and answers: The discretionary disqualification power - power to disqualify from being a trustee (publishing.service.gov.uk)](#)

Northern Ireland:

In Northern Ireland, the disqualifications for acting as a charity trustee are set out in the Charities Act (Northern Ireland) 2008, and broadly include but are not limited to anyone who:

- has been convicted of an offence involving deception or dishonesty, unless the conviction is spent under the Rehabilitation of Offenders (Northern Ireland) Order 1978
- is an undischarged bankrupt or has made an arrangement with creditors
- has previously been removed as a charity trustee by the Commission or the courts [This includes removal in another jurisdiction (i.e. England, Wales or Scotland), under Charities Act (Northern Ireland) 2008 S86 (e&f)].
- is subject to disqualification under company legislation.
- Is disqualified and/or barred from acting as a trustee of this particular charity under the provisions of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (as amended by the Protection of Freedoms Act 2012) which deal with people who are working in a regulated and/or controlled activity.

As with the other UK nations, Application for a waiver against disqualification is also available, subject to certain conditions.

The register of removed trustees has been taken off the Charity Commission Northern Ireland website following a legal ruling. The lists of removed trustees only include details of those trustees removed by each of the regulators across the UK and not all those individuals disqualified for other reasons.

Charity Commission Northern Ireland encourages charities to look towards the public registers which include details of disqualified trustees, for example:

https://www.online.economy-ni.gov.uk/IVA_Register/IVASearch.aspx

https://find-and-update.company-information.service.gov.uk/search/disqualified-officers?_ga=2.44195558.351558316.1695897002-125091186.1695897002

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https://apps.charitycommission.gov.uk/trusteeregister/search.aspx

There isn't a centralised database for disqualifications, particularly those disqualifications arising from criminal convictions. Unlike England and Wales, legislation in Northern Ireland does not include a list of specified offences, placing a greater challenge on charities based here to be certain that any offences disclosed to them as part of their internal processes don't fall under the broad umbrella of "dishonesty and deception". Any charity, or individual trustee, can contact the Commission directly for advice about this, and do this anonymously. The advice given may still require interpretation by the trustees.

Charity Commission Northern Ireland encourages charities to use and amend their trustee declaration for their own purposes:

https://www.charitycommissionni.org.uk/manage-your-charity/registration-support/#Trustee

It is a useful tool for charities to use when new board members are appointed so people coming into the role can be clear that they are eligible to act as a trustee.

Scotland:

There is no register of charity trustees in Scotland kept by OSCR as this is not a legislative requirement for OSCR. When organisations apply for charitable status, the trustees are required to sign a trustee declaration form which declares that they are not disqualified from being a trustee:

2018-05-23-trustee-declaration-form-final-draft-va1797234.pdf (oscr.org.uk)

The Charities and Trustees Investment (Scotland) Act 2005 (S.69) permits disqualification from the office of trustee, under certain conditions. (The OSCR may also waive the disqualification, on application, provided this does not conflict with the purposes of the Company Directors Disqualification Act 1986).

There is currently no process for checking if an individual is disqualified from being a trustee. You can search AiB's website linked below to see if individuals are subject to a PTD (protected trust deed); but this is only one condition that would disqualify someone from being a trustee, and there is not a process for finding out if the individual is subject to any of the other conditions.

AiB - Register of Insolvencies - Public Search for Insolvency, Protected Trust Deeds and Trust Deed Adverts

This is the wording on the trustee declaration:

- I am aware of my duties and responsibilities as a charity trustee in terms of section 66 of the Charities and Trustee Investment (Scotland) Act 2005 ('the 2005 Act').
- I am not disqualified from being a charity trustee in terms of the 2005 Act – that is:
- I am not an undischarged bankrupt
- I have not granted a Protected Trust Deed (PTD)
- I do not have an unspent conviction for an offence involving dishonesty
- I do not have an unspent conviction for an offence under the 2005 Act
- I have not been removed by the Court of Session under the 2005 Act (or earlier legislation) from being a charity trustee or being concerned in the management or control of any charity or body
- I have not been removed from being a charity trustee by the Charity Commission or the High Court in England due to misconduct or mismanagement
- I have not entered into an individual voluntary arrangement (IVA) to pay off debts with creditors. (This only applies to trustees living in England or Wales)
- I am not disqualified from being a company director.

Appendix 5: Charity governance code

Although this resource is written for England and Wales and isn't a legal requirement, it's aim is to help trustees and charities to govern well so it has a wealth of good practice and applicable insights for all for the UK nations. It gives helpful, practical recommendations for how big and small charities can apply each section. It's written by trustees, for trustees.

Of relevance here is their advice on **ensuring the right to be safe**.

For smaller charities:

Trustees understand their safeguarding responsibilities and meet the legal minimum to promote a culture in which everyone feels safe and respected.

Where appropriate:

- the board makes sure that there are appropriate and regularly reviewed safeguarding policies and procedures
- as part of a charity's risk-management process, the board checks key safeguarding risks carefully and records how these are managed
- all trustees, staff, volunteers and people who work with the charity have information or training on the safeguarding policy, so they understand it, know how to speak up and feel comfortable raising concerns.

For larger charities:

Trustees understand their safeguarding responsibilities and go beyond the legal minimum to promote a culture in which everyone feels safe and respected.

Where appropriate:

- the board makes sure that there are appropriate and regularly reviewed safeguarding policies and procedures
- as part of a charity's risk-management process, the board checks key safeguarding risks carefully and records how these are managed
- all trustees, staff, volunteers and people who work with the charity have information or training on the safeguarding policy, so they understand it, know how to speak up and feel comfortable raising concerns.

Home — Charity Governance Code

Safeguarding for Trustees

Trustees Checklist

Foundations

- Ensure all trustees undertake some basic or foundational safeguarding training.

Policies and Practices

- Complete the 'Practices from Principles' exercise with your trustee board and/or lead person for safeguarding (Handbook - Appendix 1).
- Ensure you have the following documents:
    - Safeguarding policy
    - Codes of conduct
    - Complaints procedure
    - Whistle-blowing policy
    - Bullying and harassment policy
- Sign up to Charity Regulator alerts (links in handbook).
- Ensure policies are in suitable, accessible formats for everyone who needs them.
- Review your safer recruitment to ensure you are compliant (Handbook - Appendix 2)
- **IYDNE:** Review your policies - Have all trustees agreed to them? Are they fit for purpose? Are they in line with law and guidance? Do you need to communicate or present these differently so everyone involved in your charity can understand them?

Risks

- Weigh up the benefits to the public your charity brings and any inherent risks and ensure the benefits outweigh the risks.
- Consider discussing 'risk appetite' with your trustee board. Appetite is likely to vary between different aspects of your work.
- Identify the 'elbows' of your charity – the indirect unintentional risks that may be posed by your funding sources, premises or people.
- **IYDNE** - Update, or create, a risk register.

Protect

- Identify any vulnerable groups you work with and ensure you have additional safeguarding measures to protect them e.g. additional training for staff and volunteers, policies in accessible formats, enhanced criminal records checks as part of safer recruitment.
- Introduce, or review, qualitative reporting for different projects and activities (Handbook – Appendix 3).
- Review your whistle-blowing policy.
- Discuss how to manage conflicts of interest, create or review this policy.
- Complete the 'consideration' exercises around power and behaviour on page 6 of your handbook and seek advice if needed.
- IYDNE – List your line management structures, are there any gaps?

Report

- IYDNE – Appoint a designated trustee for safeguarding.
- Ask your Safeguarding Lead for a short, regular summary of the safeguarding situation in your charity, e.g. no. of people trained since last meeting, referrals, issues reported.
- Read the nation-specific section(s) in your handbook around reporting to charity regulators.
- Review your policies on data storage and sharing. The Caldicott Principles (link in your handbook) may be helpful for this.
- IYDNE – Schedule regular check-ins with the safeguarding lead.

Signposting to other useful organisations and resources

Please note: These links are accurate at the time of course preparation. Thirtyone:eight don't recommend organisations, but you may find these links useful when looking for support and guidance.

When trustees disagree:

[Dealing with problems and disputes between trustees | NCVO](#)

[It's your decision: charity trustees and decision making - GOV.UK (www.gov.uk)](#)

[OSCR | Disputes](#)

Helpful updates and alerts:

England and Wales, some Northern Ireland: [Regulatory alerts: Charity Commission - GOV.UK (www.gov.uk)](#)

Scotland: [OSCR | Newsletter](#)

Partner organisations:

What to do when an incident involves a partner organisation (England and Wales): [Reporting a serious incident in your charity when it involves a partner](#)

(Scotland): It is important to be aware that most donors have high expectations of safeguarding standards. For example, the Scottish Government and UK Department for International Development (DFID) require partner organisations to have robust safeguarding policies in place and to have carried out due diligence on their in-country partner in that regard too, and notify them of any safeguarding incidents, as well as any irregular financial activity. For more information about reporting a notifiable event to OSCR, please read their guidance online (From [Governance Support Package SCVO](#))

(Northern Ireland): Notes on partnership and overseas working can be found here [Safeguarding resources](#)

Links commonly used throughout the webinar

Please note: As above, these links are accurate at the time of course preparation. Thirtyone:eight don't recommend organisations, but you may find these links useful when looking for support and guidance.

These are shared in the order they're likely to be mentioned during our webinar. Some of these are also included in our signposting section.

Charity Regulator Guidance for Trustees:

England and Wales: Safeguarding-duties-for-charity-trustees

Northern Ireland: Charitycommissionni-safeguarding-resources to be read alongside Running-your-charity-guidance

Scotland: OSCR Good-Governance-and-Safeguarding-a-Guide-for-Trustees.pdf

Introduction

Final Report of Charity Commission Safeguarding Taskforce: Charity Commission Safeguarding Taskforce

Module 1 – Policies and Practices

Policy templates (Thirtyone:eight member resource): https://thirtyoneeight.org/dashboard/resources-library/templates-policies/

Module 2 – Risks

Charities Act 2011: Charities Act 2011

Charities Act (Northern Ireland) 2008 (as amended): Charities Act (Northern Ireland) 2008

Safeguarding for Trustees

Charities and Trustee Investment (Scotland) Act 2005: [Charities and Trustee Investment (Scotland) Act 2005](#) and [2019-01-23-latest-updated-safeguarding-booklet-design-pdf.pdf (oscr.org.uk)](#)

Module 3 – Protect

Whistleblowing news clip: https://www.youtube.com/watch?v=2jnDr5EIpmY

Trustee Board Statistics: [Who sits on the typical trustee board? (civilsociety.co.uk)](#)

Module 4 – Report

Reporting harm: [Dealing with wrongdoing and harm: lessons for trustees - GOV.UK (www.gov.uk)](#)

Safeguarding lead role: [Safeguarding for designated safeguarding leads | NCVO](#)

Safeguarding trustee role: [Responsibilities of a lead trustee for safeguarding | NCVO](#)

Barred list referrals: [Making barring referrals to the DBS - GOV.UK (www.gov.uk)](#)

PVG referrals: [Making a referral to Disclosure Scotland - mygov.scot](#)

Caldicott Principles for data use and storage: [The Caldicott Principles - GOV.UK (www.gov.uk)](#)