Overview

Following recent media attention, highlighting serious safeguarding failures by a number of well-known charities, the Commission invited over 350 charities to attend an Essential safeguarding practice seminar. The seminar was aimed at charities working to deliver services to vulnerable beneficiaries overseas. It sought to remind charity trustees of their duties and responsibilities. The Commission set out to:

- raise awareness of the relationship between good safeguarding practice and the delivery of good governance.
- inform charities about their duty to report serious incidents to the Commission, including safeguarding matters.
- identify the issues facing Northern Ireland charities, in relation to safeguarding employees, volunteers and vulnerable beneficiaries.
- support charities to improve their safeguarding practice and ensure that their charity’s values are reflected in all areas of their operation.

The seminar was chaired by the Commission’s Chief Executive, Frances McCandless and attended by representatives from over 90 charities working to deliver services to overseas beneficiaries. Over sixty per cent of seminar attendees were charity trustees.

The event involved presentations from Sarah Mistry, Director of Effectiveness and Learning, Bond, Sandra Adair, Director of Operations, Volunteer Now and Myles McKeown, Head of Enquiries and Compliance, Charity Commission for Northern Ireland. Presentations were supported by three question and answer sessions. These allowed seminar participants to highlight their safeguarding concerns to the panel who offered guidance and direction.

Appendix 1 sets out twenty-two questions and answers drawn from these discussions. Copies of the presentation slides are available to download from the Commission’s website. Key messages presented at the seminar are summarised below.
Frances McCandless, Chief Executive, Charity Commission for Northern Ireland (Seminar chair)

- The Commission views safeguarding as a key governance issue for charity trustees working with children and adults at risk of harm, at home and abroad.
- Important we learn from the mistakes of others where safeguarding measures have failed and charity values are not reflected in the culture or practice of the organisation.
- Public trust and confidence is vital to the success of all charities. Once lost or damaged it is incredibly difficult to rebuild.
- Commission wants to hear what you think are the key issues that we need to be aware of as the Regulator. What are the key governance issues facing your charity, in delivering services to vulnerable to beneficiaries overseas.
- This is an opportunity for charity trustees to identify training needs and monitoring and policy priorities for their organisation, to enable them to meet their legal obligations.
- Policies must be working effectively. Charity trustees should ask themselves, how is our current policy being implemented? How is implementation monitored?
- Charity trustees must be satisfied that there are clear lines of responsibility and accountability for safeguarding, within their own organisation and in any partner organisation with whom they deliver services, at home or abroad.
- This is particularly important for charities which undertake humanitarian or development work in partnership with overseas organisations or volunteers.
- Charities should seek to build a culture of safety as a bare minimum, where if something goes wrong, as trustees, you hear about it and you do something about it. This includes vulnerable beneficiaries, staff, volunteers and women, since many of the issues that have come to light concern gender. Does your charity have a whistleblowing policy?
- If something goes wrong, the charity trustees are accountable and the Commission expects them to take responsibility for putting things right.
- In the event of a serious incident, complaint or allegation, charity trustees should:
  - follow their safeguarding procedures in the first instance
- contact the relevant safeguarding authorities locally/abroad;
  and
- report all serious incidents to the Commission in line with our guidance.

**Guidance update - Serious Incident Reporting (SIR)**

- Charity trustees must provide a full and frank disclosure of all serious incidents involving safeguarding matters or other criminal activity to include the names of alleged or actual offenders.
- This information is necessary for the Commission to carry out its regulatory functions.
- Additional clarification has been provided around the reporting of safeguarding incidents that occur overseas: where there is direct service provision to children or vulnerable adults; or where a close relationship exists with a delivery organisation providing services to children or vulnerable adults overseas.
- The Commission is happy to make further changes to this guidance if necessary following on from today’s event.

Finally, with the General Data Protection Regulation (GDPR) taking effect tomorrow (25 May 18), it is important to recognise that safeguarding responsibilities also extend to the protection of personal data held by the charity. This includes the personal data of beneficiaries, staff and volunteers.

**Sarah Mistry, Director of Effectiveness and Learning, Bond**

Sarah provided an overview of the work going on following the recent Safeguarding summit in London on 5/6 March and shared emerging sector-wide ideas for increasing quality, consistency and reliability of safeguarding practice:

- **Bond** is the UK network for organisations working in international development. It unites and supports a diverse network of over 450 organisations to help eradicate global poverty, inequality and injustice.
- In relation to **safeguarding** in particular, Bond is working with its members, government and regulatory bodies to ensure organisations are equipped to prevent sexual exploitation across the international development sector, to protect beneficiaries, partners, staff and volunteers from harm and to deal appropriately with any incidents that arise.
5 March, following adverse media attention for a number of large UK charities the Department for International Development (DfID) and the Charity Commission for England and Wales (CCEW) hosted a safeguarding summit.

The focus of the summit was to drive up standards and take steps to tackle sexual exploitation within the international development sector. UK charities made a public commitment to strengthening their leadership, culture and capacity around safeguarding. They signed up to an agreed set of principles which they committed to work towards.

The summit identified a systemic problem of patchy and fragmented safeguarding practice.

While safety and respect for rights has been around for a very long time, the question that arises today, is about how the sector owns the agenda, ensuring it has the leadership and culture in place to ensure it operates, at home and abroad, in line with its mission and values.

Following the summit, a series of working groups were set up to drive forward better practice across four thematic areas:

- Accountability to beneficiaries
- Organisational culture
- The employment cycle
- Reports and complaints mechanisms

Working Group outcomes and recommendations will be fed back to the sector as part of a major international follow-up conference in London, October 18.

The summit highlighted the experience of some within the sector of an unequal power relationship. This inhibits staff, volunteers and beneficiaries from coming forward to raise their concerns or can prevent concerns from being heard.

Individuals need space and safety to raise concerns without the threat of reprisal.

Keeping people safe goes beyond issues of sexual exploitation, though that is a strong driver of the current focus – both in relation to bullying and harassment in the workplace, and exploitation and abuse of the people our work is aiming to help.

This extends to the gender power imbalance where this exists within organisations and in relation to the provision of support on the ground.
• Regarding the Employment cycle, this demands a sector wide solution, ensuring recruitment, vetting, background checks and references don’t enable wrongdoers to recirculate in the system.

• We expect to see the level of reporting safeguarding incidents to increase as an outcome of this work.

• This work has assumed a definition of keeping people safe that goes beyond the traditional definition used in the UK (which refers to children and ‘vulnerable adults’ or ‘adults at risk’) to encompass everyone involved in the delivery or receipt of international development and humanitarian assistance.

• What do possible outcomes for the working groups look like?
  – Enhanced standards, policies and procedures for all types/sizes of organisation
  – Better infrastructure – a repository of advice and guidance, possibility of a global Centre of Excellence or a Safeguarding Ombudsman.
  – Better leadership – through a leadership charter/ Code of conduct across all domestic charities with potential to extend to international charities – driving a culture of change
  – Consideration given to implementation issues – legal advice on the laws and norms that exist within each country.
  – Better communication/engagement
  – Coordinated approach/expectations among donors, regulators and authorities. Sharing of information to allow others to challenge what works and what doesn’t work in different situations.

• Risks identified through the summit:
  – Implementation must be accessible for smaller charities - proportionate and inexpensive
  – Localising power - important that funding and power are not re-centralised to the UK
  – Risk of charities withdrawing from critical delivery in fragile/uncertain contexts because their due diligence is not in order or boards’ risk appetite is reduced.

• This is not and cannot be a tick-box exercise – needs to be real and meaningful.

• Charities need to act quickly and robustly to address issues arising.

• Use their judgment to identify issues or potential issues.

• Finally – this is not an add-on, must be integral to what you are doing.
Sandra Adair, Director of Operations, Volunteer Now

Volunteer Now is the lead organisation for the provision of volunteer support, promotion and development in Northern Ireland. Sandra’s presentation set out key issues and best practice in relation to volunteer management and safeguarding:

- Important to recognise the vulnerability of volunteers travelling abroad to deliver services overseas.
- Volunteering is about committing time and energy for the benefit of others, but it needs to be a two way relationship.
- It is important to get your value base right at the start. This is at the heart of good volunteer management.
- Volunteers provide a free resource, skills, qualities, availability, flexibility, sharing of cultures, learning. Charity trustees sending volunteers abroad also need to be aware of the potential issues: differing expectations, unclear boundaries or inappropriate boundaries, reduced contact, culture and language issues.
- Thinking of the recent high profile cases that went horribly wrong – key considerations are: making sure that your volunteers are benefiting the community or individuals that they have gone to help, that everyone is safe; that volunteers have a good experience; and that the profile of your organisation is raised.
- Volunteers are a resource that need management and planning.
- You need a volunteer policy, agreed by your trustees, this will set the framework for how volunteers are managed.
- This is the first document you should be sharing with whoever you are partnering with overseas – this will set the scene, the tone for how you mean to do business, it will put out a clear message that what you are doing is going to be well managed and that you expect certain standards from your volunteers and from the people they will be working with.
- You need to think about what the volunteer’s role is going to be, what can they do and not do, what are the risks, are the activities dangerous, will they be working with vulnerable people, what is the culture of the country they are going to, what is the expected behaviour of the volunteers and those they work with (charter/code of behaviour).
• Are they going to be working with vulnerable beneficiaries? You need clear procedures if you are recruiting your volunteers here you will need to have clear role information and decide the level of check - if it is regulated activity or not.

• You need to check that an Access NI certificate will be recognised in the country they are going to. In some cases you may need to go through ACRO and get an International Child Protection Certificate. (International Child Protection Certificate (ICPC) is a criminal records check for UK nationals, or non-UK nationals who've previously lived in the UK, looking to work with children overseas).

• A joint initiative between the National Crime Agency's Child Exploitation and Online Protection Command (NCA-CEOP) and ACRO aims to protect children from offenders who travel overseas to abuse vulnerable children through employment, volunteering and charity work.

• Police record checking does not stand alone - you still need robust safeguarding procedures, for example good recruitment, induction, management and training processes. You need to challenge poor practice and celebrate good practice.

• It is important to encourage an open culture that says we want to hear from volunteers, staff, beneficiaries - when things are going well and when they are not.

• You must make sure that volunteers are given a good induction and orientation in the country they are going to, you should have checked who they can go to for support, encourage them to review and evaluate what they are doing and keep in touch.

• Seek feedback, ask questions.

• Volunteers shouldn’t feel that they are on their own, they are part of your organisation, the link with you must be retained through regular reporting, ensuring accountability.

• Address any issues with the partner organisation and with the volunteer if needs be, that includes complaints, performance or behaviour issues.

• What are the potential issues? The volunteer role is not what you agreed when the volunteer arrives, the working environment is not safe, the safeguarding practices are not what you trained your volunteers in, the volunteer behaves in a manner that is inappropriate, there is no one providing supervision.
• Agree and manage expectations around standards and values from the start.

• Frontline staff need to feel confident to challenge and to raise concerns about quality, safety and performance, senior leaders need to take concerns seriously and support them.

• Put the controls in place, maintain good practice standards and don’t lose sight of their purpose.

Myles McKeown, Head of Enquiries and Compliance, Charity Commission for Northern Ireland.

Presentation slides on Serious Incident Reporting cover the key points raised at the seminar. For detailed information and guidance on Serious incident reporting see the Commission’s published guidance available to view and download from our website.
Appendix 1: Essential Safeguarding practice seminar Questions and Answers

Q1: A small church based organisation raises funds to send out to various developing countries, India, South America, the Philippines. Money is sent to an account abroad and managed by members of the clergy in the recipient country for the benefit of the community. The charity’s trustees do not have the means to travel abroad to check out the organisations they fund. How do they find out if there are safeguarding issues?

A1: Charity trustees are one hundred per cent responsible for familiarising themselves with all applicable legislation. They also need to satisfy themselves that their purposes are being met. Ask the relevant questions, use whatever communication routes are available to you. You have to be assured that the resources you have provided are being used properly.

Development and humanitarian work is high risk by its very nature.

Q2: Charity funds solar panels for community projects abroad. Do charity trustees need photographic evidence that these have been installed?

A2: Charity trustees need to work out what will satisfy them that the money has been used for the purpose intended. Are you taking reasonable steps to assure yourself that this is the case? If at a later date the Commission receives a concern regarding the charity which produces evidence that your safeguards are not working, then you must put additional safeguards in place. If you have taken reasonable steps to assure yourself that the funds are being used for their intended purposes, then there may be no need for photographic evidence. However, where you become aware of an issue or concerns that the funds are not being used for their intended purpose, you may need to increase the evidence required to support your payment.

Q3: Charity operates a child sponsorship programme supporting six different schools in India, working within a church context. How can the charity trustees be responsible for how these children are treated by individuals on the ground?

A3: In terms of the level of control you can have over work undertaken by partners, there are universal standards that must be applied. Teams going out to visit or deliver projects must implement universal standards of practice. They also have a duty to share those standards with projects and delivery partners. Charity trustees can write down what they expect of organisations you are working with – set out what is important to your charity. Where possible training and induction should be provided, this does not have to be face-to-face training, it may be achieved using eg webinars.
Serious Incidents happen, even with policies and procedures in place, how you react as charity trustees when things go wrong is what is important. Report it and deal with it.

**Q4:** Scenario outlined where children living in India are supported through funding generated by a Northern Ireland charity. Charity imparts its values to the partner organisation, however, within that local setting a child is disciplined by their teacher through the use of a stick, how liable are the charity trustees for such conduct?

**A4:** The question that you would ask of yourselves in that scenario is, once aware of the event, how did you raise the matter with the organisation and were you satisfied with the response? And if you are not satisfied, what action have you taken, and can demonstrate that you have taken, as a result?

**Q5:** Charity working with organisations in Uganda. Are we seeking to change the culture in your partner organisation?

**A5:** This is not about imposing your charity’s culture on a partner organisation. It is about opening a dialogue. We all have boundaries. What are red lines for your organisation? Charity trustees need to come to an agreement with partner organisations. They need to talk about what is acceptable and what is unacceptable behaviour. Come up with collaborative solutions, begin by setting out what you expect. Listen to one another, if you are unable to reach agreement, review your position.

**Q6:** Partnerships take time. This needs to be recognised. What standards are we expected to meet now?

**A6:** Charity trustees must be able to demonstrate that they are working towards an agreed standard of behaviour with a partner organisation and that they are working to a reasonable timeline.

**Q7:** In relation to staff and volunteers, where do we draw a line in someone’s personal life and public service?

**A7:** The whole of someone’s life counts if they are representing a charity abroad, 24 hours a day. Charity staff are not free to abuse vulnerable beneficiaries outside of the working day.

Tensions currently exist in relation to vetting and employment references. One of the issues to have emerged from recent events surrounding Oxfam and Save the Children, is that staff were able to move on to other organisations without restriction or communication of the issues that led to their dismissal. In terms of data protection, the primary concern for charities working with vulnerable beneficiaries is that beneficiary safety trumps data protection considerations.
While charity trustees need to be aware of Data Protection/General Data Protection Regulation (GDPR) requirements, it is important to identify an acceptable way of sharing certain information where the outcome of not sharing such information would potentially compromise the safety of vulnerable beneficiaries.

**Q8:** Charity trustees need better guidance on how to apply the vetting process. Should all trustees and volunteers be vetted?

**A8:** Whether an AccessNI check is necessary will depend on a number of factors. *(Guidelines for AccessNI vetting can be found on the NIdirect website)*

Where a volunteer is not eligible for an AccessNI check, they must be given clear guidelines for carrying out their role, including expected standards of behaviour. A risk assessment should be carried out in relation to the protection of volunteers and beneficiaries.

Role descriptions should be reviewed in line with policies and procedures and appropriate action taken where, over time, a volunteer role changes to working more and more closely with children or vulnerable adults.

**Additional comments:**

Trustee recruitment in general should be given careful consideration. It is important to ensure diversity in the recruitment of trustees, ensuring beneficiaries are represented. Diversity of thought is important in terms of background, class, experience and gender.

Trusteeship is an important and responsible role which should be taken seriously. If a charity’s board is not sufficiently representative or its culture is questionable, this can work its way down through the organisation.

Trustees that come to the table with good intentions but with their eyes closed are not suitable for the role of trustee.

**Q9:** A charity operates through a small group of volunteers who have undertaken safeguarding training. They see their sector under attack in the wake of recent safeguarding scandals and are experiencing low morale. What more can they do?

**A9:** We are in defence mode. It is important for charities to stand up with confidence and say what they are doing well. Confirm or demonstrate the progress you are making: training undertaken, policies, procedures and support mechanisms that you have put in place.

**Q10:** Does the same vetting process apply for volunteers coming here to volunteer?
A10: It depends who you are partnering with. AccessNI can access criminal records held overseas for a limited number of EU countries, this currently applies to an applicant whose nationality is German, Lithuanian, Polish, Portuguese, Romanian, Spanish, French, Italian or Slovakia and is in regulated activity with children. It is possible to submit an application while the applicant is overseas.

If you are recruiting people who are abroad, an AccessNI check might reveal overseas criminal records held on the Police National Computer. However, as AccessNI cannot normally access criminal records held overseas, an AccessNI check may not provide a complete picture of an individual's criminal record.

If you plan to employ someone from another country and you want to check if they have a criminal record in that country you can find information about getting this on the GOV.UK website.

Q11: Where can the protocols for vetting and safeguarding be found on the internet?

A12: Agreed standards and guidance for good practice in working with adults at risk can be accessed via the Volunteer Now website, Keeping Adults Safe: a shared responsibility (this publication also contains a self-assessment checklist to help your organisation assess where it is in relation to each of the 8 safeguarding standards. The checklist will help your organisation identify criteria which are already being met and those that require further development.)

Agreed standards and guidance for good practice in working with children and young people can also be accessed via the Volunteer Now website, Keeping Children Safe: Our Duty to Care. (This publication also contains a self-assessment checklist to help your organisation assess where it is in relation to each of the 7 safeguarding standards. The checklist will help your organisation identify criteria which are already being met and those that require further development.)

Volunteer Now has developed a tool to help organisations working with both children and adults at risk, to develop/review their policy and procedures. This checklist contains nine safeguarding standards that are intended to be the minimum standards of practice in organisations that are working with all vulnerable groups and who wish to develop one overarching safeguarding policy: Safeguarding Children and Adults at Risk: Policy standards.

Q13: Charity uses volunteers which have been approved by another church which recruits and provides the volunteers. Is this approval enough?
**A13:** If the role of the volunteers makes them eligible for an AccessNI check, you must undertake proper checks. AccessNI disclosure certificates are only accurate on the issue date. It is an offence to employ someone in a regulated position if they are on the barred list. Responsibility for vetting/police checking cannot be passed on to another organisation.

Alternately you might choose to deploy the volunteers in a different way that would not require checks to be carried out.

**Q14:** A Northern Ireland charity sources funding from across the United Kingdom to support children in India. Volunteers and child sponsors go out to India to visit the children. The charity ensures that they are police checked. Can we get a UK-wide check?

**A14:** The Disclosure and Barring Service (DBS) is responsible for placing or removing people from the DBS children’s barred list and adults’ barred list for England, Wales and Northern Ireland. However responsibility for carrying out basic, standard and enhanced checks in Northern Ireland, lies with AccessNI.

It may be possible to apply to ACRO to get an International Child Protection Certificate. (International Child Protection Certificate (ICPC) is a criminal records check for UK nationals, or non-UK nationals who’ve previously lived in the UK, looking to work with children overseas).

The Commission will raise this issue at the safeguarding conference in London in October 18, for consideration of bringing this issue to DBS.

**Q15:** If an overseas organisation that works with children and vulnerable adults applies for funding from our charity, do we have to have a policy and procedure in place or do we need to be sure that they have a policies and procedures in place?

**A15:** If there is an interaction with vulnerable beneficiaries you must ensure that policies and procedures are in place and operational in the organisations you fund. This requirement should be set out in your funding policy.

**Q16:** A charity that works to provide healthcare to communities in Uganda asks is there is a distinction between incidents directly involving their charity and incidents reported to them by other charities working in the area which they record and monitor?

**A16:** For example, a reported rape in a community that you are working in is not reportable unless your charity is involved or the victim is one of your beneficiaries. But, if in doubt, an incident should be reported.
Q17: A charity funds projects in Ethiopia which some trustees visit occasionally. Do we need to have a safeguarding policy?

A17: Yes, if your trustees have access to vulnerable beneficiaries.

Q18: As a partner organisation working with delivery organisations abroad, should I report an incident that happens for example in Malawi if we haven’t worked with the organisation in Malawi for over a year?

A18: Unless the incident occurred within the timeframe that you were working with or funding the organisation in Malawi, we would not expect this to be reported to the Commission as a serious incident. However, you should consider reporting any serious incident involving vulnerable beneficiaries to local authorities in Malawi, if appropriate.

Q19: A charity links with organisations across the globe that work with children. Do we need to contact each and every organisation for sight of their safeguarding policies?

A19: Charity trustees need to ask themselves, are they content to pass charitable funds on to another organisation if they do not know whether or not they have appropriate safeguarding measures in place. It is important to consider, what questions would be asked of you as charity trustees if something did go wrong.

Grant-making policies should include assurance mechanisms for safeguarding and this should be reflected in grant terms and conditions.

Q20: A charity that operates across the UK and Ireland asked which charity Regulator they should report to.

A20: The relevant Regulator will depend on where the charity is registered. Where three independent charities are operating as a consortia, each charity should report to their respective Regulator. The UK and Irish Regulators will work together on this. Charities should make it clear if they have reported to other Regulators, including, for example, the Information Commissioner’s Office, if relevant.

Q21: We place trust in our charity partners. What happens if an incident occurs abroad and a victim brings it to the attention of the delivery organisation but the individual does not take it forward or raise it with their charity partner in Northern Ireland?

A21: Charities can work with others who are working with the same partner, speak to other local charities who could take on a whistleblowing function or provide third party independent verification of an organisation’s safeguarding measures.
All charities should include a whistleblowing policy as part of their safeguarding measures. Beneficiaries, staff and volunteers need to be able to report an incident in safety and without reprisal. Charity trustees need a means to access information which might not reach them through the normal channels or which might be deliberately withheld.

Volunteers going out to visit projects or partner organisations are your eyes and ears on the ground and should report back to charity trustees on what exactly is happening. They should be looking to confirm that a partner organisation has and does take proportionate and reasonable steps to protect it beneficiaries, staff and volunteers.

Charity trustees should engage in a robust conversation with their partners working overseas. It is not sufficient to look at a written policy, you must satisfy yourselves that the right culture is in place to support the implementation of policies and protections.

Q22: What if an organisation doesn’t have the level of paperwork in place – do we insist they use our policies?

A22: It is not about imposing our norms and cultures on overseas organisations, but there are universal standards (Keeping Children Safe, a consortium of international development and humanitarian organisations has developed a set of International Child Safeguarding Standards supported by a comprehensive toolkit for implementation.)

Closing remarks - Frances McCandless

Safeguarding has been identified as a key governance issue for charities working with vulnerable beneficiaries overseas. Concerns received by the Commission indicate that risks do exist. It is important to understand that the legislation applies to charity trustees in their governance role and it is their responsibility to ensure that the necessary safeguarding measures are in place to protect the charity, its beneficiaries, staff and volunteers.

The Commission will use the information gathered from today’s discussions to inform its future guidance and support of the sector in relation to the issues raised. We await the outcome of the working groups established to drive forward actions agreed at the London summit in March.

Resources permitting, the Commission may offer a follow-up event in the autumn to highlight the working groups’ outcomes and ideas for better safeguarding practice.