SAFEGUARDING FRAMEWORK FOR FOUNDATIONS

INTRODUCTION

Charity regulators across the UK have clearly established safeguarding as a governance and operational priority. This means taking proactive steps to protect children and vulnerable adults. It also includes a responsibility to prevent harm to others who come into contact with the charity, including staff and volunteers.

By integrating safeguarding in their overall approach to funding, foundations play a critical role in promoting practices and organisational cultures which keep people safe. As charities in their own right, foundations must also prioritise safeguarding within their own internal practices even where they have limited contact with children and vulnerable adults.

This framework is designed to help foundations – by which we refer to independent trusts and charitable foundations as well as other grant making charities (e.g. intermediary grant makers) – to consider their own internal practices and integrate safeguarding within their funding cycle. Recognising that foundations are unique and independent organisations, this framework does not seek to impose rigid standards. Instead, it poses a series of questions to prompt discussion and help foundations decide what is appropriate and proportionate for their organisation.

DEFINING SAFEGUARDING

"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, you must take reasonable steps to protect from harm people who come into contact with your charity."

Charity Commission for England and Wales: Safeguarding & protecting people for charities & trustees, 2019

"Safeguarding is the action that an organisation takes to promote the welfare of children and vulnerable adults to protect them from harm including physical, emotional, sexual and financial harm and neglect…Charities have a wider responsibility to protect their staff, volunteers and beneficiaries in general. It's important that charities consider how to promote the wellbeing and welfare of all the individuals they work with."

OSCR Scottish Charity Regulator, Safeguarding Guidance: Keeping Vulnerable Beneficiaries Safe, 2018

This resource updates the framework developed by Association of Charitable Foundations (ACF) in 2018. The revised framework was developed by Karen Walker-Simpson, Director of the Funder Safeguarding Collaborative, with support from Joanna Pienkowska, Senior Policy and Engagement Officer at ACF. The Funder Safeguarding Collaborative (FSC) provides support to a broad range of grant making organisations with the aims of promoting collaboration, listening, and learning among funders to support and strengthen safeguarding practices globally.
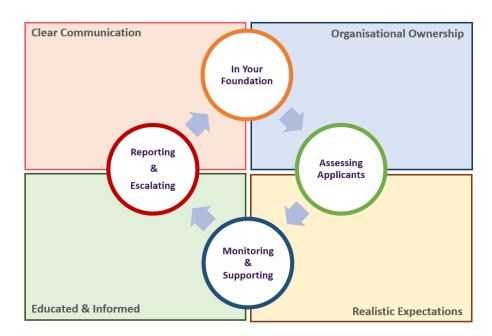
The revised framework incorporates learning from research conducted by the Funder Safeguarding Collaborative in 2020, which is grateful to Elevate Children Funders Group for funding the research and to the many trusts, foundations and charities who took time to participate in the study for their willingness to share their knowledge and best practices. The quotes in this framework are from foundations who participated in the FSC study to identify learning and positive funder safeguarding practices.

USING THIS FRAMEWORK

This framework is divided in to four sections:

- Section 1: In Your Foundation
- Section 2: Assessing Applicants
- Section 3: Monitoring & Supporting
- Section 4: Reporting & Escalating

Although presented separately, these different aspects of safeguarding are inter-connected and mutually reinforcing. Rather than focussing on one area in isolation, we recommend that foundations consider what is appropriate and proportionate for their organisation across all areas in order to develop an integrated and holistic approach. A guide to useful safeguarding resources is included at the end of the framework.

Each section includes a series of questions to prompt reflection and discussion. These questions are structured around the four principles of best practice which emerged from research into funder safeguarding practices conducted by the Funder Safeguarding Collaborative.

- **Clear Communication:** Inconsistent or unclear expectations from funders creates confusion and uncertainty amongst grantees. Increased transparency about requirements and creating opportunities for two-way dialogue helps to promote a shared understanding of safeguarding.
- **Organisational Ownership:** Framing safeguarding as a compliance issue and imposing rigid requirements undermines organisational ownership and may result in tick-box compliance. Identifying, valuing and supporting existing good practice is likely to produce more meaningful change.
- **Realistic Expectations:** Grantees and funders can both feel overwhelmed by safeguarding and unsure how to meet expectations given existing pressures on their time and resources. It is important to approach safeguarding as a continual journey of improvement rather than expecting an 'ideal' system. How to support this as part of the funding awarded will be a key consideration.
- **Educated and Informed:** Grantees can be reluctant to discuss challenges and concerns due to fear and uncertainty about the funder response. Openness and honesty rely on trust. This is enhanced when funders have their own internal safeguarding procedures, train their staff in safeguarding and demonstrate an openness to learning from others.

SECTION 1: IN YOUR OWN ORGANISATION

Considering practice within your own organisation is essential for developing an effective approach to safeguarding.

It ensures that you are meeting your regulatory requirements through creating a safe environment for trustees, staff, volunteers, and others who come into direct contact with the organisation. This includes taking proactive steps to prevent harm as well as ensuring that everyone knows how to raise concerns.

Implementing safeguarding within your own organisation also helps equip trustees, staff and volunteers to assess, monitor and support safeguarding amongst grantees. By 'walking the talk', you demonstrate a genuine commitment to keeping people safe which increases credibility and helps to foster trust and open communication.

Questions for foundations:

Clear Communication

- Do you have a documented safeguarding policy, including a code of conduct?
- Do you have policies and procedures to protect staff and volunteers in your organisation, (e.g. an equality policy, anti-bullying & harassment policy, grievance procedures)?
- Do you have a clear procedure for staff and volunteers to raise concerns? At what stage would trustees be involved, and how?
- If you have a serious incident, who is responsible for notifying regulator or other authority?
- Have you considered publishing your policy on your website so that it is accessible to grantees and other stakeholders?

Organisational Ownership

- Do your policies and procedures reflect the specific risks associated with your organisation's mission and core activities? (e.g. contact with beneficiaries, use of images, data protection and confidentiality)?
- Have you captured existing good practice and provided opportunities for staff, volunteers and trustees to contribute to the policy?
- Are your Trustees and Senior Leadership aware and engaged with efforts to strengthen safeguarding?
- Is your policy reviewed regularly to reflect changes in your organisation and/or regulatory requirements?

Realistic Expectations

- Are the measures realistic and proportionate, taking into account the specific risks within your work?
- Have you requested feedback from the team when developing or reviewing your policies and procedures to ensure these are realistic and that everyone feels able to fulfil their obligations?

Educated & Informed

- Do you provide opportunities for trustees, staff and volunteers to learn about safeguarding and how this applies to their role?
- Are trustees, staff and volunteers able to access advice and support on safeguarding?

> "Grantees come back to us and say, 'can you show us your safeguarding policy?' It's right that they should be holding us to account as well, and that we continue to learn"
>
> Foundation representative

IN YOUR ORGANISATION: REGULATORY OBLIGATIONS

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

1. Ensure your charity has an adequate safeguarding policy, code of conduct and any other safeguarding procedures.
2. Identify possible risks, including risks to your beneficiaries or to anyone else connected to your charity.
3. Consider how to improve the safeguarding culture within your charity.
4. Ensure that everyone knows how to recognise, respond to, report and record a safeguarding concern.
5. Ensure people know how to raise a safeguarding concern.
6. Regularly evaluate any safeguarding training provided, ensuring it is current and relevant.
7. Review which posts within the charity can and must have a DBS check.
8. Have a risk assessment process in place for posts which do not qualify for a DBS check.
9. Periodically review your safeguarding policy and procedures, learning from any serious incident or 'near miss'.
10. If you work overseas, find out what checks & due diligence you need to carry out in different geographical areas"

Charity Commission for England and Wales, Safeguarding and protecting people for charities and trustees, 2019

"Charity Trustees should take these ten practical safeguarding steps:

1. Know your duties in terms of charity law.
2. Know what specific statutory duties you have to comply with because of the nature of your charity's activities including where necessary carrying out Disclosure Scotland checks.
3. Have safeguarding policies and procedures that are appropriate for your charity's activities and reflect both law and best practice.
4. Review and assess safeguarding risks and policies regularly, particularly where there are changes to circumstances or activities.
5. Make sure charity trustees are appropriately trained in safeguarding so that they're able to make informed decisions that affect vulnerable beneficiaries.
6. Be alert to the possibility of the charity being targeted as an access point to children or vulnerable adults and the ways you can manage those risks.
7. Make sure safeguarding policies and procedures are properly implemented. All staff and volunteers should receive safeguarding training and go on regular refresher courses and be clear about: what abuse is, how to spot it, how to respond to concerns about and from vulnerable beneficiaries, who to report concerns to.
8. Make sure the principal themes of safeguarding are embedded in the culture of your charity encouraging a safe environment so that anyone who has a concern feels able to report it as soon as abuse is identified or suspected.
9. Have in place procedures for staff, volunteers and beneficiaries to raise concerns with clear: lines of accountability, systems of reporting, actions to be taken. It should be clear to everyone when they are expected to raise concerns.
10. Make sure all concerns reported are appropriately and sensitively investigated and promptly acted on. If incidents do occur, reflect and learn from them."

OSCR Scottish Charity Regulator, Safeguarding Guidance: Keeping Vulnerable Beneficiaries Safe, 2018

"Charity trustees are required to put in place safeguarding policies and procedures which seek to ensure that:

- inappropriate persons do not gain access to children or adults at risk.
- staff and volunteers are adequately trained and supported to implement safeguarding policies and procedures.
- Safeguarding practices are properly monitored and reviewed."

Charity Commission for Northern Ireland, Alert for Trustees of Charities Working with Vulnerable Beneficiaries, 2018

SECTION 2: ASSESSING APPLICANTS

Due diligence is a vital component of any funding cycle. Ensuring applicants have adequate measures in place to keep people safe must be considered alongside other checks such as financial management and good governance.

When assessing safeguarding in funding applications, the level of interrogation and analysis should be reasonable and proportionate. This will depend on a range of factors, such as the size and scope of funding, as well as the level of risk inherent in the nature and location of the activities being funded. This should include risks associated with digital engagement and online safety.

It is important to remember that different organisations will be at different stages in their safeguarding journey. A perfect system should not be expected to be in place. Where gaps are found, this should inform monitoring and supporting (section 3) if funding is awarded.

Questions for foundations:

Clear Communication
- Are applicants able to access information about your safeguarding expectations on your website?
- Are your assessment questions easily understandable, particularly for non-UK based applicants?
- Could you provide examples to illustrate the information you require?
- Could you provide feedback to applicants in order that the assessment contributes to ongoing improvement?

Organisational Ownership
- Do you provide an opportunity for applicants to explain their approach to keeping people safe?
- Could you request examples to show how safeguarding is implemented in practice?
- When assessing policy and practice, do you check these are tailored to the specific risks associated with the organisation's mission and core activities?
- Do you consider digital engagement and online safety when assessing risk?

Realistic Expectations
- Is your assessment proportionate to the nature of safeguarding risk in grantee organisations?
- Are the time and resources required to complete the assessment realistic and achievable for the applicant and for foundation staff?
- How would you respond if you identified gaps in an applicant's approach?
- Could you offer them time and/or support to address this?

Educated & Informed
- Do assessors have sufficient knowledge to decide what is reasonable and proportionate across different organisations and programmes?
- When funding in other jurisdictions, do assessors have sufficient knowledge to assess what is reasonable and proportionate in different geographical contexts?

ASSESSING APPLICANTS: REGULATORY OBLIGATIONS

"Carry out proper due diligence when you work with, or make grants to, any other bodies, including:

- delivery partners,
- trading subsidiaries of the charity, including charity shops,
- organisations you fund,
- connected charities.

You must make sure that any grant recipient or partner body is suitable. They must have appropriate safeguarding procedures in place. Make sure there are clear lines of responsibility and reporting between all bodies involved"

Charity Commission for England and Wales, Safeguarding and protecting people for charities and trustees, 2019

"Charities that work with partner organisations both in Scotland, elsewhere in the UK or overseas should make sure that:

- those organisations have appropriate safeguarding policies in place for the nature of the work and the area they operate in
- that these policies are properly implemented in practice and regularly reviewed
- when giving grants to overseas organisations appropriate due diligence checks are made on the recipient body.

Charity trustees also need to be aware that vulnerable beneficiaries overseas can face different or additional risks of abuse or exploitation and safeguarding policies and procedures should take account of any additional factors that are necessary in the circumstances."

OSCR Scottish Charity Regulator, Safeguarding Guidance: Keeping Vulnerable Beneficiaries Safe, 2018

"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.

Charity Commission for Northern Ireland, Essential Safeguarding Good Practice Seminar, 2019

SECTION 3: MONITORING & SUPPORTING SAFEGUARDING

The responsibility to keeping people safe does not end with the creation of a safeguarding policy. It is important that the organisations you fund implement safeguarding measures and update these regularly to reflect learning and best practice.

Similarly, for trust and foundations, the responsibility to ensure safe practice does not end with initial due diligence or including safeguarding requirements in your funding conditions. The safety of everyone connected with your grantees should be integrated into your monitoring processes.

Implementing effective safeguarding measures takes time and grantees may encounter challenges along the way. Focussing on incremental improvements over time and offering support and resources provides reassurance and helps build honesty and trust. If you become aware of safeguarding concerns within a grantee organisation, the guidance in section 4 will help you think through your response.

Questions for foundations:

Clear Communication
- Are your expectations clearly explained within your funding agreements with grantees? Does this include expectations around safeguarding implementation as well as policy requirements?
- What other opportunities do you have to discuss safeguarding with grantees? This could be during onboarding, visits, monitoring calls or monitoring reports.

Organisational Ownership
- How do you ensure monitoring and support recognises the specific strengths and addresses the specific gaps identified at assessment stage?
- If you are providing capacity building, how do you ensure that the support is tailored to the needs of the organisation? What role does the grantee have in shaping the support?
- Can you create opportunities for peer-to-peer learning between grantees, acknowledging the positive practices which already exist within grantee organisations?

Realistic Expectations
- Is your monitoring adequate and proportionate given the nature of activities and level of risk?
- Can you provide grantees with resources to implement and strengthen their safeguarding? For example, including a budget line for safeguarding, offering additional funding or providing capacity building.
- Have you allowed enough time for grantees to implement any changes? How can you monitor and acknowledge positive progress?

Educated and Informed
- Do funding staff feel confident and equipped to monitor and discuss safeguarding with grantees?
- For overseas funding, how do you ensure that funding staff understand the local context? Are their opportunities for visits to understand safeguarding in practice?

MONITORING & SUPPORTING: REGULATORY OBLIGATIONS

"Every trustee should have clear oversight of how safeguarding and protecting people from harm are managed within their charity. This means you need to monitor your performance, not just using statistics, but with supporting information, such as qualitative reports. This will help you to understand common themes, identify risks and gaps so you can ensure they are addressed…Trustees can use a number of things to help with their checking and assurance, including:

- record the risks faced by your charity and how these are managed
- speak to people in your charity to make sure they understand how to raise concerns and get feedback on past experiences
- carry out checks on any sites your charity may work in and seeing any necessary paperwork
- training plans for trustees, staff and volunteers on safeguarding and protecting people from harm
- plan a standing agenda item on safeguarding and protecting people from harm at meetings
- review a sample of past concerns to identify any lessons to be learnt and make sure they were handled appropriately"

Charity Commission for England and Wales, Safeguarding and protecting people for charities and trustees, 2019

"Make sure safeguarding policies and procedures are properly implemented. All staff and volunteers should receive safeguarding training and go on regular refresher courses and be clear about: what abuse is, how to spot it, how to respond to concerns"

OSCR Scottish Charity Regulator, Safeguarding Guidance: Keeping Vulnerable Beneficiaries Safe, 2018

"Policies must be working effectively. Charity trustees should ask themselves, how is our current policy being implemented? How is implementation monitored?"

Charity Commission for Northern Ireland, Essential Safeguarding Good Practice Seminar, 2019

"We need to see strengthened safeguarding as a shared agenda where we all have different inputs, then it's less of a hoop to jump through for organisations.

We need to focus on the real reason for good safeguarding standards – to ensure that the people we work with are safe and not to just ensure compliance with grant conditions"

Foundation representative

SECTION 4: RESPONDING AND ESCALATING

It is increasingly recognised that robust safeguarding means that more cases are likely come to light. Equally, the absence of safeguarding incidents is not necessarily reassuring nor a sign of good practice. Despite this, many grantees may be reluctant to report incidents for fear of jeopardising their funding. They may also have concerns about sharing sensitive information and be worried about the expectations a funder might impose.

When responding to safeguarding incident within a grantee organisation, it is important that foundations take a survivor-centred approach and ensure their actions do not cause any unintentional harm. Foundations are not a proxy regulator or investigative authority and any request for information must be reasonable and justifiable. Foundations should avoid imposing solutions where they have limited knowledge of the context or individuals involved.

It is helpful for foundations to develop clear protocols which explain how they will respond to safeguarding notification in a grantee organisation, including how they will protect confidentiality and ensure data protection. These are in addition to the internal reporting protocols outline in section 1.

Questions for foundations:

Clear Communication
- Are you clear about the information you require, why you are asking for it, and what you will do with it? Does this respect the confidentiality of survivors and data protection rules?
- How is your approach communicated to grantees? How can your communication reassure grantees and encourage reporting?
- Who needs to be informed internally when concerns are reported? What types of concerns should be escalated to the foundation's Trustees?

Organisational Ownership
- What is your role in responding to concerns within grantee organisations? Does this respect the procedures and expertise of the grantee?
- Where cases identify gaps in safeguarding, how will this inform the monitoring and support of the grantee (section 3)?

Realistic Expectations
- Are the timescales for reporting realistic? Is the amount of information you require reasonable and justifiable?
- Have you considered providing additional resources to help grantees conduct a robust investigation or secure additional support services for survivors (e.g. counselling, legal advice)?
- If you are not satisfied with the response, what action will you take?
- If you decide to suspend or withdraw funding, have you considered how this will impact beneficiaries?
- How will you ensure decisions are fair, survivor-centred and do no harm?

Educated & Informed
- Are your staff confident in responding to concerns and assessing risks? How can they access additional advice and support?
- For overseas funding beyond your jurisdiction, how do you ensure that staff understand the local context? Do they understand that there may be different legal protections, service provision and the additional risks which may not exist in the UK?

REPORTING & ESCALATING: REGULATORY OBLIGATIONS

"You need to make a report to the Commission if a serious safeguarding risk materialises. This will usually be if any of the following occur:

- incidents of abuse or mistreatment (alleged or actual) of beneficiaries of the charity (adults or children) which have resulted in or risk significant harm to them and:
  - this happened while they were under the care of the charity
  - someone connected with the charity, for example a trustee, staff member or volunteer, was responsible for the abuse or mistreatment (alleged or actual)
- other incidents of abuse or mistreatment (alleged or actual) of people who come into contact with the charity through its work, which have resulted in or risk significant harm to them and are connected to the charity's activities.
- breaches of procedures or policies at the charity which have put people who come into contact with it through its work at significant risk of harm…

The above may include incidents in the workplace that have resulted in or risk significant harm to trustees, staff or volunteers…..Sometimes charities will become aware of safeguarding incidents that have occurred outside of the charity….If your charity becomes aware of such incidents, you would not normally be expected to report them to the Commission. However, you would be expected to do so if it's found (or alleged) that the incident wasn't handled appropriately by your charity and this resulted in harm to the person or persons concerned. Use the 'Report a serious incident' online form to report serious incidents to the Commission"

Charity Commission for England and Wales, How to Report a Serious Incident in your Charity, 2019

"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 charities 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 hear about the event as soon as possible. However, we do understand that the charity trustees may need time to look at the issue and decide how to deal with it before reporting to us. This will also help with the report as charity trustees will be able to explain to us how they are managing the issue and any remedial action they have already taken.

To Submit a Report to OSCR OSCR | Notifiable events"

OSCR Scottish Charity Regulator, Guidance for Notifiable Events, 2020

"Charity trustees are expected to submit a serious incident report to the Commission if any of the following things occur:

- Beneficiaries of the charity (adults or children) have been, or alleged to have been or are being, abused or mistreated while under the care of the charity, or by someone connected with the charity, for example, a charity trustee, employee or volunteer.
- There has been an incident (alleged or actual) where someone has been or is being abused or mistreated and this is connected with the activities of the charity….
- There has been a breach of procedures at the charity which has put beneficiaries at risk…
- Charity staff and/or volunteers have repeatedly raised safeguarding concerns with the charity trustees which the trustees have failed to investigate or address….

The Commission's role is to ensure that charity trustees comply with their legal duties and responsibilities and are handling the incident responsibly."

Charity Commission for Northern Ireland, Serious Incident Reporting: A Guide for Trustee, 2019

USEFUL SAFEGUARDING RESOURCES

Funder Safeguarding Collaborative offers members access to webinars, resources, training and capacity building tailored to the needs of funding organisations. Membership is free and open to a wide range of grant-making institutions across the globe.

Ariadne European Funders for Social Change and Human Right report on 'Preventing and Responding to Sexual Harassment: Funders' practices and challenges' provides a set of questions to help foundations reflect on how they can tackle sexual harassment in their work environment and in their work with grantees.

NVCO offer a range of safeguarding know-how guidance, training and links to national and local organisations who provide safeguarding support. Resources are aimed at voluntary organisations, small groups, organisations and charities working in the UK.

NSPCC offer best practice guidance, policy templates, checklists, training as well as research and policy updates on safeguarding. Resources are aimed at a wider range of small organisations working with children in the UK.

Bond offer best practice guidance on safeguarding as well as offering training on investigations and good governance for safeguarding. Resources are aimed at UK based organisations working in international development.

International Development Alliance offer a "*Safer for All*" package which includes tools, templates, examples and training modules. Resources are aimed at organisations in Scotland who are working in international development.

Resource & Support Hub offer open access guidance, tools, research, webinars, discussion forums and signposting to quality-assured safeguarding support. Resources are designed for organisations in the aid sector and focus specifically on the prevention of sexual exploitation, abuse and sexual harassment.