

<b>Committee</b>	<b>Dated:</b>
City Bridge Trust	2 <sup>nd</sup> May 2018
<b>Subject:</b> Safeguarding requirements for grantees and the Trust	<b>Public</b>
<b>Report of:</b> Chief Grants Officer & Director of City Bridge Trust (CGO)	<b>For Decision</b>
<b>Report author:</b> Ciaran Rafferty, Principal Grants Officer	

### Summary

This report sets out the Charity Commission's guidance on safeguarding for charities and funders. It summarises the Trust's current policy and practice and seeks your approval to implement improvements: these draw on the expertise of colleagues in the City of London Corporation's Children & Family Services Department and a cohort of funders (including the Trust) who have been working together to improve their safeguarding policies and practices.

### Recommendations

Members are asked to:

- a) Note the report.
- b) Agree the processes as outlined in paragraphs 10 -15 below.
- c) Instruct officers to arrange appropriate training for staff and Members to take place within the next three months
- d) Continue to work closely with other funders to ensure that the Trust's approach to this issue is consistent, compliant and supportive of the sector's needs.

### Main Report

#### Background

1. All organisations should provide a safe and trusted environment for anyone who comes into contact with them, including staff and volunteers. If something goes wrong within a charitable organisation the Trustees/Directors of that organisation are accountable and responsible for putting things right. The Charity Commission published an alert in December 2017 which reminded charities of the importance of:

- providing a safe and trusted environment which safeguards anyone who comes into contact with it including beneficiaries, staff and volunteers
- setting an organisational culture that prioritises safeguarding, so that it is safe for those affected to come forward and report incidents and concerns with the assurance they will be handled sensitively and properly
- having adequate safeguarding policies, procedures and measures to protect people
- providing clarity as to how incidents and allegations will be handled should they arise, including reporting to the relevant authorities, such as the Commission.

## 2. And that:

- trustee duties include avoiding exposing the charity's assets, beneficiaries or reputation to undue risk - this means taking reasonable steps to protect beneficiaries, employees and volunteers from harm
- on occasion, charities may be targeted by people who abuse their position and privileges to gain access to vulnerable people or their records for inappropriate or illegal purposes - trustees must be alert to this risk and the need to manage it
- safeguarding goes beyond preventing physical abuse, and includes protecting people from harm generally, including neglect, emotional abuse, exploitation, radicalisation, and the consequences of the misuse of personal data.

## Current Position

### 3. The advice given by the Charity Commission to charities (and which is applicable to all organisations funded by the Trust as it reflects requirements arising from a legal framework which includes: Children Acts 1989 and 2004; and Care Act 2014) is that Trustees/Directors need to:

- know their duties and responsibilities – under charity law but also under other specific statutory duties or guidance which apply because of the type of work the charity undertakes
- ensure adequate measures are in place to assess and address safeguarding risks
- put in place adequate safeguarding policies and procedures, including relevant HR matters, appropriate for the charity's particular circumstances and which reflect both the law and best practice. Organisations should also have a whistleblowing policy
- make sure the charity's policies and procedures are effectively applied in practice
- ensure there are mechanisms in place which provide trustees with assurance about the charity's compliance with those policies and procedures
- ensure those safeguarding policies, practice, and performance are robustly and regularly reviewed to ensure they are up to date and fit for purpose
- actively promote a safe culture and strong awareness of everyone's safeguarding responsibilities in the charity
- take steps to help deter and prevent safeguarding issues from occurring

- ensure there are mechanisms in place to promptly identify and act upon emerging safeguarding trends or issues
  - ensure that serious incidents are reported to the Commission in accordance with its guidance and that safeguarding allegations, complaints or incidents are reported to other agencies in accordance with the law and best practice
4. The policy and safeguarding measures in place should be proportionate to the size of the organisation and the risks arising from its activities.

### **The role of City Bridge Trust as a funder**

5. The Charity Commission states “*Charities that fund other organisations, including overseas partners, whose activities involve contact with children or adults at risk, should carry out appropriate due diligence on the recipient body. Trustees should be confident that the partner is capable of delivering the proposed activities or services and has in place appropriate systems of control, including adequate safeguarding policies and procedures.*”
6. With the implementation of Bridging Divides now is a good time to review some of the principles of how we consider applications for funding. Bridging Divides is underpinned by core values which we will expect to see in applicants and which we as an organisation will be expected to demonstrate and uphold. In this regard we will strive, as always, to assess requests for funding in ways that are fair, proportionate and supportive and by paying particularly close attention to the areas of Governance, Safeguarding, and Financial Health.
7. Currently, the Trust’s scrutiny of applicants’ safeguarding arrangements could be stronger. We ask organisations on the application form if they have a policy but we don’t always delve into the detail of it, or of their practice, during assessment. (If they said they didn’t have one we would follow up as to why not, etc and may or may not use that omission as part of the reason to decline.)
8. There is a clear need for the Trust to devise and implement a more suitable strategy for the assessment of an organisation’s safeguarding policy and practice and which gives that process no less weighting than, for example, the financial scrutiny that your officers undertake.
9. However, the wheel does not need to be reinvented on this as some funders already have effective strategies in place (such as BBC Children in Need) which can be adapted and adopted. In revising your approach to safeguarding your officer has been part of a small group of similar funders (eg Paul Hamlyn Foundation; Lloyds Bank Foundation; Henry Smith Charity) to look at how we can come to a relevant, consistent and proportionate approach on these matters. Equally, your officers have engaged with City of London colleagues (including the Director of Children & Community Services) for guidance on current best practice. The funders’ group, at the time of writing, is still in the process of determining a common, appropriate, approach and so that which is identified here (in the paragraphs below) may be amended in due course to reflect agreed good practice. Any significant amendments will be reported to your Committee.

## Proposals

10. The Trust will continue to ask, on the application form, if an organisation has a safeguarding policy and to provide a copy of it when submitting the application. Referral to the Charity Commission guidance (above) will be provided so that applicants know what is expected of them in this regard and that all organisations – not just those working with children or vulnerable adults - should have effective policies and practices.

11. The applicant's policy will be assessed in the first stage of assessment to determine whether or not it is sufficient. It is very likely that aspects of the policy will require follow-up information and/or clarification if the application goes to the next stage of assessment – ie the interview/visit stage.

12. Members will be aware that all applications which are brought to you with a recommendation for funding undergo either an assessment visit or a telephone interview. (The latter done only for smaller grants such as Access Audits or for straightforward requests for continuation funding where the officer has had a recent and ongoing grant-management relationship with the applicant organisation.) These processes will now require clarification of the applicant's safeguarding policy and practice. This will be done through a series of questions which aims to confirm whether or not:

- The organisation (and specifically its trustees/directors) is aware of its general responsibilities in relation to safeguarding – including the need to protect staff and volunteers from harm as well as beneficiaries.
- There is a designated safeguarding officer (can be a trustee) within the organisation and who has undergone level 3 training, where necessary
- Staff and volunteers have undergone Disclosure & Barring Service (DBS) checks where necessary (NB these are required only for those who are likely to be in sole contact with a vulnerable person)
- The safeguarding policy is reviewed on a regular basis (ideally annually)
- Staff, volunteers and trustees/directors have had appropriate training (including refresher training at appropriate intervals)
- There are appropriate systems in place to report and take forward any incidents
- When organisations are working in partnership there should be clear lines of responsibility

13. It may also be appropriate to determine effective policy and practice through asking specific or scenario-type questions, such as:

- i. How do you ensure your beneficiaries know about your policies, how to raise concerns and what will happen if they do?
- ii. Have you had a safeguarding incident in the past two years? If yes, please tell us about it and how you responded and what, if anything, you changed as a result?
- iii. How do you manage risks posed by web-based technology (eg if vulnerable service users have access to social media as part of the activities on offer)?

- iv. How do you plan activities to ensure beneficiaries, staff and volunteers are safe from injury or harm?
- v. Who delivers your safeguarding training and what qualifies them to deliver this training? What does the training cover?

14. A record of all questions asked and the responses will be taken and kept on the Trust's database along with other information from the application and assessment process. When an application is brought to Committee with a recommendation for support the report will carry a statement as to whether or not safeguarding issues have been deemed satisfactory. Consideration of this aspect of an organisation's operation should also take into account that it is extremely unlikely that the Trust would be any organisation's sole funder and that other funders may have already examined its policy and practice on this matter.

15. It may well be that the safeguarding checks/assessment determine that some aspects of the organisation's policy or practice are weak or could be improved, in which case the application may not be declined but recommended for support but with a condition, or conditions. (In some instances it may be appropriate, also, to include some additional funds in the grant recommendation to cover the costs of training for example.) This is an effective mechanism for helping organisations improve, particularly where it is clear that they have a genuine desire to do the right thing. The rationale for any such approach and condition will be fully explained in the Committee report.

16. The Trust's role is to ensure as far as is reasonably possible that a grantee is aware of its responsibilities and has appropriate safeguarding mechanisms in place or is in the process of putting these in place, with or without the Trust's assistance. The Trust itself will need to have its own safeguarding policy in place which may include DBS checks for Members where these might be required.

## **Implications**

17. The Trust has been part of a cohort of funders reviewing their approach to safeguarding and devising appropriate and reasonable systems for assessing applicants' policies and practices. An increased focus on this aspect of an organisation's activity may lead to the assessment process taking a little longer than usual and/or to specific conditions being placed on a grant recommendation but these are manageable interventions and, it is expected, will lead to a better informed and more robust sector.

18. Some training for your officers – and for Committee members - will be necessary and should happen ideally within the next 3 months (officers will arrange this). Officers will ensure to be kept abreast of good practice through participation in funders' networks such as those offered by London Funders and the Association of Charitable Foundations; and through contact with colleagues in other City of London departments.

19. Building on this review of the Trust's Safeguarding policy and practice and recommended improvements, your officers are working with the Central Grants Programme to ensure the good practice is shared. Through your CGO we are

also sharing the findings with the Bridge House Estates task and finish group to ensure the broader work of the charity is cognisant of these improvements. It will also be shared with those responsible for the wider charitable activity of the City of London Corporation: building on the model of City Bridge Trust as an exemplar and repository of charitable knowledge and good practice.

## **Conclusion**

20. Good funders should strike a balance between critically assessing applications and providing support to applicants. The Trust endeavours to do this and we believe we are usually on target. The approach to Safeguarding outlined in this paper will aim to critically determine whether or not an organisation's policy and practice is fit for purpose at the time of assessment but, where it may fall short in certain areas, to offer support through measures such as conditions of grant, access to training/resources, etc – albeit without compromising our responsibility to ensure that funded organisations have appropriate systems in place.

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