

SAFEGUARDING ESSENTIALS  
FOR TODAY AND  
TOMORROW


ACO CONFERENCE

MARCH 2023

TOM BURKE  
(HE/HIM)

CHAMPIONING  
VOLUNTARY  
ACTION

NCVO



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ABOUT NCVO

We're the membership community for charities, voluntary organisations and community groups in England.

We connect, represent and support over 17,000 members, made up of all causes, shapes and sizes.

Together we champion voluntary action.

[www.ncvo.org.uk/get-involved/join](http://www.ncvo.org.uk/get-involved/join)

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ONE  
HOW WE GOT HERE...

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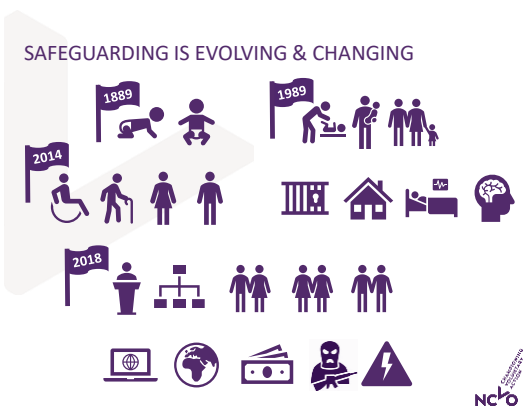
SAFEGUARDING IS EVOLVING & CHANGING

1889


1989

2014

2018




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TWO  
WHERE WE ARE TODAY

NCVO



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WHAT IS SAFEGUARDING?  
CHARITY COMMISSION VIEW

Whether working online or in person, you must take reasonable steps to protect people who come into contact with your charity through its work from abuse or mistreatment of any kind.

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.

Charity Commission (2022) Safeguarding and protecting people for charities and trustees  
<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

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### WHAT IS SAFEGUARDING? OSCR VIEW

Safeguarding is the action that an organisation takes to promote the welfare of vulnerable beneficiaries 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 wellbeing and welfare of all the individuals they work with.

OSCR (2018) Safeguarding Guidance: Keeping vulnerable beneficiaries safe  
<https://www.oscr.org.uk/guidance-and-forms/managing-a-charity/guidance/safeguarding-guidance-keeping-vulnerable-beneficiaries-safe/>



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### SAFEGUARDING OR PROTECTION?

<p><b>Safeguarding</b></p> <ul style="list-style-type: none"> <li>• Proactive</li> <li>• All people, especially those vulnerable to harm</li> <li>• All agencies</li> <li>• Broad legal basis and duties</li> </ul>	<p><b>Protection</b></p> <ul style="list-style-type: none"> <li>• Reactive</li> <li>• Specific people who are or at risk of abuse</li> <li>• Specialised agencies like social services and the police involved</li> <li>• Strict legal basis and duties</li> </ul>
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### WHO ARE WE SAFEGUARDING?

• C _____	• Children
• A ___ at ___	• Adults at Risk
• V _____	• Volunteers
• S _____	• Staff
• P _____	• Partners
• D _____	• Donors
• P _____	• Public
• T _____	• Trustees



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### SAFEGUARDING LAW & POLICY

Common law duties of care	Statutory duties to safeguard children and adults at risk	Statutory duties to protect children and adults at risk	Liability for negligence & vicarious liability	Statutory duties to prevent radicalisation & terrorism
Employment law incl whistleblowing	Public order offences & criminal law	Human rights	Charity law	Criminal record checking & barring
Equality & non-discrimination laws	Family law	Health & safety law	Public and regulatory law	Data protection and information sharing laws

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### COMMON LAW DUTY OF CARE

All organisation owe a duty of care to employees, volunteers, service users and others they come into contact with.

General duty to not be negligent and to avoid causing harm or injury. This duty will depend on:

- whether the harm was foreseeable
- your relationship with the individual(s)
- whether the duty was fair & reasonable

Caparo Industries plc v Dickman (1990)



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### CHARITY COMMISSION GUIDANCE

**Updated June 22**

Guidance  
**Safeguarding and protecting people for charities and trustees**

What to do to protect people who come into contact with your charity through its work from abuse or mistreatment of any kind.

From: [The Charity Commission](#)  
Published 6 December 2017  
Last updated 1 June 2022 — [See all updates](#)


Issued by the key Charity regulator for England & Wales

Significantly updated in 2018, 2019, 2021 & 2022

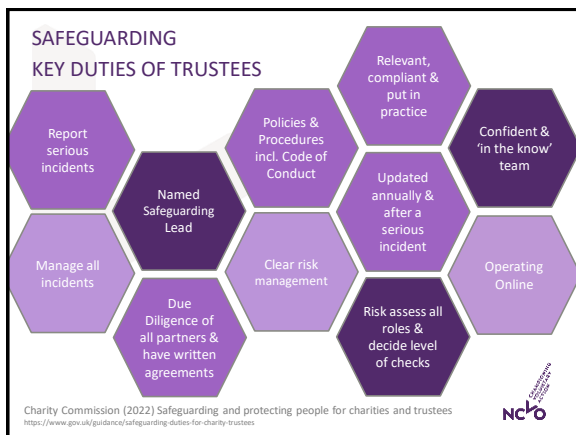
Broadens duties of trustees

Focus on risk and proportionality

Charity Commission (2022) Safeguarding and protecting people for charities and trustees  
<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>



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**CHARITY COMMISSION DUTIES OF TRUSTEES**

The Charity Commission will hold trustees to account if things go wrong and will check that trustees followed this guidance and the law. Trustees are expected to take responsibility for putting things right.

Charity Commission (2022) Safeguarding and protecting people for charities and trustees  
<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

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**FUNDRAISING & SAFEGUARDING**

Charity Commission expects charities to follow any recognised standards that apply to fundraising

Fundraising Code of Practice includes minimum expectations on keeping children and adults at risk safe.

You must take into account the needs of any possible donor who may be in vulnerable circumstances or need extra care and support to make an informed decision.

Charity Commission (2016) Charity fundraising: a guide to trustee duties (CC20)  
<https://www.gov.uk/government/publications/charities-and-fundraising-cc20>  
Fundraising Regulator (2019) Fundraising Code of Practice  
<http://www.fundraisingregulator.org.uk/code>

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**SAFEGUARDING CHILDREN WORKING TOGETHER TO SAFEGUARD CHILDREN**

"Section 11 Guidance"

All charities with functions relating to children must follow this guidance

New version due in 2023

Working Together to Safeguard Children  
A guide to inter-agency working to safeguard and promote the welfare of children  
July 2018

DfE (2018) Working Together to Safeguard Children  
<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

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**PREVENTING RADICALISATION & TERRORISM PREVENT DUTY**

Duty on a range of public bodies to have "due regard to the need to prevent people from being drawn into terrorism"

This may apply to others (including charities and voluntary organisations) supplying statutory services on behalf of those public bodies

Guidance with specific versions for education institutions and work in Scotland

Charity Commission has wider guidance on issues of terrorism and extremism

Review just published...

Independent Review published Feb 23 and changes expected...

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**DOMESTIC ABUSE ACT 2021**

- Create a statutory definition of domestic abuse
- Establish new Domestic Abuse Local Partnership Boards
- Place a statutory duty on local authorities to provide support to victims of domestic abuse
- Establish the role of the Domestic Abuse Commissioner in law

Statutory Guidance in force

Published July 2022

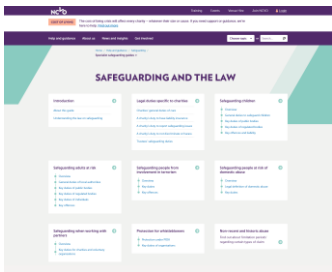
Some elements coming into force soon

<https://www.gov.uk/government/publications/domestic-abuse-act-2021-commencement-schedule/domestic-abuse-act-2021-commencement-schedule>  
<https://www.gov.uk/government/publications/domestic-abuse-act-2021>


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LEARN MORE

Safeguarding and the Law guide  
Produced with BatesWells

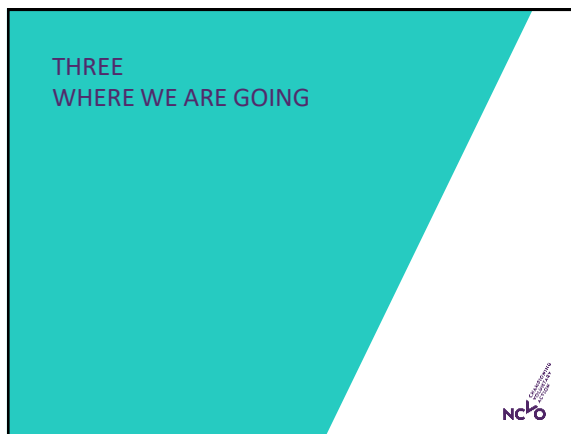



<https://www.ncvo.org.uk/help-and-guidance/safeguarding/specialist-guides/safeguarding-law>



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THREE  
WHERE WE ARE GOING

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SIGNIFICANT CHANGES IN CHILD PROTECTION DUE

**INDEPENDENT INQUIRY  
CHILD SEXUAL ABUSE**

The Report of the Independent Inquiry into Child Sexual Abuse

Final report published Oct 22.

Final report recommends creation of a new national Child Protection Authority

<https://www.iicsa.org.uk>


**The independent review  
of children's social care**

Final report published May 2022

Suggests major changes to children's social care

Government has issued a Strategy response - Feb 2023

<https://childrensocialcare.independent-review.uk/>

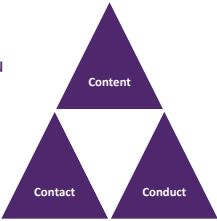


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MANAGING RISKS ONLINE

Charity Commission expects you to manage safeguarding risks online.

You must make sure these are managed and reflected in your policies and practices.




Charity Commission (2022) Safeguarding and protecting people for charities and trustees  
<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

Going through Parliament...

Online Safety Bill published

Charities with user-to-user generated content **may** be impacted

<https://bills.parliament.uk/bills/3137>




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WORKER PROTECTION (AMENDMENT OF EQUALITY ACT 2010) BILL

Working through Parliament atm

- New duty on employers to “take all reasonable steps to prevent **sexual harassment**” of their employees.
- Liability of employer for **harassment** of employees by third parties (including volunteers) when they fail to “take all reasonable steps to prevent the third party from doing so”
- Enforcement is from Equality & Human Rights Commission

<https://bills.parliament.uk/bills/3205/publications>  
<https://www.gov.uk/government/consultations/consultation-on-sexual-harassment-in-the-workplace/outcome/consultation-on-sexual-harassment-in-the-workplace-government-response>



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PROTECT DUTY  
‘MARTYN’S LAW’ IN TRIBUTE OF MARTYN HETT



Awaiting introduction

Place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

**A standard tier:** Qualifying locations with a maximum capacity of over 100 and all places of worship. Larger retail stores, bars, or restaurants. Must provide information to staff and set a preparedness plan.

**An enhanced tier:** locations with a capacity of over 800 people at any time. Must produce a risk assessment and security plan, considered to a ‘reasonably practicable’ standard.

<https://homeofficemedia.blog.gov.uk/2022/12/19/martyns-law-factsheet/>

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### WIDER SAFEGUARDING SYSTEM UNDER STRAIN

Initial contact with children's services up 26% 2015 to 2022

Adult safeguarding concerns up 48% 2015-16 to 2017-18

Central government grants to local authorities fell by 9% between 2016-17 and 2021-22

ADCS (2022) Safeguarding Pressure 6  
 NHS Digital (2022) Safeguarding Adults Collection  
 DLUHC (2022) Local Government Financial Statistics England No 32 (Table 2.1.a)

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### SAFEGUARDING LEADS UNDER PRESSURE

Law, regulation and guidance raises the bar on what is expected

Fewer services to signpost to

Local authorities thresholds rising

People at risk of harm clearly need of support but not entitled to statutory protection

People 'held' by organisations

Fear of regulatory action & harm to individuals if not managed right

Public & trustees/Board expect action

Team more aware & orgs are putting in place greater safeguarding arrangements

More complex needs being presented

DSLs understanding of harm has evolved

DSLs in charities

Burke, T. (2021) *Keeping Young People in Sight: Designated Safeguarding Leads in the Youth Sector*

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### PROTECTING THE PROTECTORS

Increasing recognition of pressure on Designated Safeguarding Leads

Lack of professional pathways and appropriate training

Lack of structured peer support

Range of training providers – variable content & quality with no clear standards

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### THINGS YOU CAN DO

- Designated Safeguarding Lead
- A board-level champion
- Safer recruitment
- Clear role descriptions
- DBS checks
- Code of Conduct & safer working practices
- Induction & training
- Supervision & appraisals
- Competent practitioners
- Publicising right to be safe & how to feedback
- Accurate HR files
- Offer comprehensive references
- Safeguarding incident log
- Active 'case management' system for concerns
- Arrangement for information sharing
- Assessed IT infrastructure & blocked websites
- Annual assurance process
- Staff & Vol surveys
- Peer support

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### FOUR HOW WE CAN HELP

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### WHERE TO GET FURTHER SUPPORT

[WWW.NCVO.ORG.UK/HELP-AND-GUIDANCE/SAFEGUARDING](http://WWW.NCVO.ORG.UK/HELP-AND-GUIDANCE/SAFEGUARDING)

Free resources on safeguarding and whistleblowing


- Designated Safeguarding Leads Handbook
- Guides for CEOs... trustees... fundraising... comms... volunteer managers...

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### WHERE TO GET FURTHER SUPPORT

[WWW.NCVO.ORG.UK/TRAINING-EVENTS](http://WWW.NCVO.ORG.UK/TRAINING-EVENTS)

Safeguarding Essentials for Charities	Safeguarding for Trustees	Designated Safeguarding Leads in Charities
<ul style="list-style-type: none"> <li>• Legal duties of voluntary organisations</li> <li>• Understanding harm</li> <li>• How to identify and respond effectively to people experiencing harm</li> <li>• How to actively prevent harm</li> </ul>	<ul style="list-style-type: none"> <li>• Duties of Trustees</li> <li>• Governance and assurance in building a safeguarding culture</li> <li>• Safer working for individual trustee.</li> </ul>	<ul style="list-style-type: none"> <li>• Role of the DSL</li> <li>• Statutory and multi-agency safeguarding mechanisms</li> <li>• Policies and procedures</li> <li>• Manage safeguarding concerns incl. information sharing, referral and signposting</li> <li>• Safer working practices</li> </ul>



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### NCVO SERVICES

[WWW.NCVO.ORG.UK/ABOUT-US/OUR-SERVICES](http://WWW.NCVO.ORG.UK/ABOUT-US/OUR-SERVICES)



**Training**

Delivered online  
 Can be tailored to your organisation

- Data protection
- Equity, Diversity & Inclusion
- Financial sustainability
- Funding and income
- Governance
- Impact and evaluation
- Planning and strategy
- Volunteer management



**Consultancy**

Bespoke consultancy with a team of experienced Associates

- Evaluation and impact
- Governance and trusteeship
- Strategy and organisational development
- Strategic volunteering



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### NCVO SERVICES

[WWW.NCVO.ORG.UK/ABOUT-US/OUR-SERVICES](http://WWW.NCVO.ORG.UK/ABOUT-US/OUR-SERVICES)

How we can help your organisation

 Small Charity Helpdesk	 Free webinars and recordings on our YouTube Page
 Venue hire in Central London	 Free help & guidance online full of practical information
 Trusted suppliers	 Research & data






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### NCVO MEMBERSHIP

[WWW.NCVO.ORG.UK/GET-INVOLVED/JOIN/](http://WWW.NCVO.ORG.UK/GET-INVOLVED/JOIN/)

Join our community of 17,500 members

 Info, research, templates, tools and downloads	 Free networking events, webinars and assemblies
 Big discounts on training, events and venue hire	 Updates that keep you informed and support your planning
 Discounts with trusted suppliers	 Influence our advocacy & campaigns

Save time, money & resources when you join NCVO  
 Cost tiered by membership



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