

Important Additional Responsibilities for Safeguarding and Protecting People affecting all UK Brotherhood Charities and all Ecclesias assisted by them

July 2019

Introduction

Guidelines issued by the Charity Commission in 2018 now require all charities, including all Brotherhood and ecclesial charities (“the Relevant Charity”), to have in place safeguarding policies that protect all who come into contact with the charity, not just vulnerable adults and children who benefit from the charity’s work, as was formerly the case.

Due Diligence Checks

Of particular relevance is an extended requirement for the Relevant Charity, when either working with or making grants to another organisation, to carry out proper due diligence checks (“DDC”) to ensure the organisation providing partnership or receiving donations (“the Partner or Beneficiary”) is suitable. (Note that the term Partner or Beneficiary includes all Brotherhood organisations including ecclesias, whether or not charities). This DDC includes checking that the Partner or Beneficiary has in place appropriate safeguarding and protection policies and that clear lines of communication exist between the Relevant Charity and the Partner or Beneficiary.

Background

In the wake of abuses by Oxfam workers in Haiti, as reported by the press in early 2018, the Charity Commission has been working to tighten the safeguarding and protection duties of all charities, both large and small, towards all persons who come into contact with those charities.

Actions required

The new duty of care to safeguard all who come into contact with the Relevant Charity is wide-reaching. In addition to safeguarding children and vulnerable adults, as previously, charity trustees’ responsibilities are widened to protect staff, volunteers and all others coming into contact with the charity from risk.

These risks including sexual harassment, abuse and exploitation; negligent treatment; physical or emotional abuse; bullying or harassment – matters formerly required only in relation to children and vulnerable adults. Matters requiring safeguarding and protection for all are now also specifically extended to include commercial exploitation; extremism and radicalisation; discrimination; any of the grounds in the Equality Act 2010 and a number of other matters listed in “Safeguarding and protecting people for charities and trustees” (issued by the Charity Commission on 5 October 2018).

The Equality Act 2010 helpfully provides an exemption for “religious or belief organisations” which permits restriction of ecclesial membership, participation in ecclesial activities or use of ecclesial premises on the grounds of religion or belief or sexual orientation. There are qualifying conditions which must be met but it seems likely that ecclesias should be able to meet these.

The requirement to carry out DDC now affects all charities even though working relationships with or donations to various Brotherhood organisations and/or other ecclesias may have taken place over many years.

The DDC process requires the Relevant Charity to obtain a full copy of the Partner’s or Beneficiary’s safeguarding and protection policy or policies and review these for adequacy, asking such questions

and, in that process, seeking such modifications as may be appropriate. As all charities are already required to make public their safeguarding policies, if these policies are not already published on a website, this should be considered.

Preparation to Respond to Enquiries

All Brotherhood organisations including ecclesias (whether or not charities) therefore need to be prepared to respond to DDC enquiries from any Relevant Charity which makes donations to them, whether regularly or occasionally, to ensure continuity of donation income.

It is recommended that Brotherhood organisations, in particular, should note the names and dates on which safeguarding and protection policy information is passed to a donating charity so that as and when any changes in safeguarding policy are made, these changes can be notified to each donating charity by email as well as being published on the receiving organisation's own website. This would then help to minimise repeat enquiries from ecclesial charities for safeguarding information. Reciprocally, ecclesial charities should keep careful records of the DDC enquiries they have made together with any updates notified to them by Partners or Beneficiaries.

Further information on Safeguarding and protecting people for charities and trustees can be found online at <https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>.

For DDC requirements, see the particular section on "Working with and making grants to other organisations".

Transitioning to the new requirements

These new requirements have been in place for over a year but appear to have been largely unnoticed by the UK Brotherhood. The Charity Commission, a relatively small organisation, is probably preoccupied with ensuring that larger charities comply with the latest safeguarding approach. However, over time smaller charities may become of interest to the Commission, especially if a reportable serious safeguarding incident arises.

The burden of these new requirements on small charities is significant, not least because small charities often lack the skills to undertake a meaningful review of the safeguarding and protection policies of another organisation. The larger Brotherhood organisations should therefore do their best to make the ecclesial charity DDC process as manageable as possible.

Given the relatively large number of Brotherhood organisations to which donations are made by ecclesial charities, ecclesial charity trustees may consider it impracticable to undertake DDC on all Partners or Beneficiaries at the same time; indeed, the Brotherhood organisations themselves may well lack the resources to respond promptly to a spate of ecclesial charity DDC enquiries.

An ecclesial charity may therefore decide it is more realistic to plan a programme of DDC enquiries that will encompass all relevant Partners or Beneficiaries over a sensible period of time, whilst continuing to make planned donations unless or until inadequacies in a Partner's or Beneficiary's notified safeguarding and protection policies suggest otherwise. Whilst such an approach is not sanctioned by the Charity Commission, trustees of ecclesial charities may consider this to be the only practicable way to transition to the new requirements.

Donations to overseas ecclesias or other overseas organisations are made doubly difficult by the possible (if not probable) lack of any local safeguarding laws. However, this does not remove the responsibility for undertaking DDC from the Relevant Charity. Consequently, where there is a supervising Brotherhood charity ("Supervising Charity"), like the Christadelphian Bible Mission or the Australian Christadelphian Bible Mission, it may be possible (following consultation on a case by case

basis) to make a restricted donation to an intended Beneficiary through the Supervising Charity on the basis that it has undertaken, or is undertaking, its own DDC on the overseas ecclesia or organisation relative to its own safeguarding duties.

Liability Insurers Policy Condition

Please note that Liability insurers now apply a Safeguarding Condition in their standard policy terms and conditions, and this should be checked by each ecclesia to ensure compliance in practice.

Suggested further reading

On 24 May 2018 Charity Commission News:

Issue 60 <https://www.gov.uk/government/publications/charity-commission-news-issue-60> was published and circulated to all trustees, reiterating safeguarding duties in the following terms:

“In April 2018 we [i.e. the Charity Commission] sent out an email to remind all charities and trustees of the importance of trustee responsibilities in relation to safeguarding.

Safeguarding is a key governance priority for all charities, not just those working with groups traditionally considered at risk.

We have four clear expectations of trustees:

- a) provide a safe and trusted environment. Safeguarding involves a duty of care to everyone who comes into contact with your charity, not just vulnerable beneficiaries like children and young people*
- b) set an organisational culture that prioritises safeguarding, so it is safe for people to report incidents and concerns in the knowledge they will be dealt with appropriately*
- c) have adequate safeguarding policies, procedures and measures to protect people and make sure these are made public, reviewed regularly and kept up to date*
- d) handle incidents as they arise. Report them to the relevant authorities including the police and the Charity Commission. Learn from these mistakes and put in place the relevant mechanisms to stop them happening again*

Our advice is that you should now:

- a) carry out a thorough review of your charity’s safeguarding governance and management arrangements and performance if you haven’t done so within the last 12 months*
- b) contact us about any safeguarding issues, or serious safeguarding incidents, complaints or allegations which have not previously been disclosed to the charity regulator”.*

For wider reading see: Strategy for Dealing with Safeguarding issues in charities update 6th December 2017 <https://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities/strategy-for-dealing-with-safeguarding-issues-in-charities>

Templates Available

Templates for a Safeguarding Policy and Vulnerable Adults Policy for the Ecclesia are available from the Christadelphian Support Network: <https://www.chsn.org.uk/working-with-children-and-vulnerable-adults>

West Birmingham Christadelphian Ecclesia, itself a registered charity, has produced a document entitled, *“Safeguarding and Protecting People Coming into Contact with the Charity”*. This four-page document has been designed to work alongside its discrete *“Safeguarding and Child Protection*

Policy” and is sub-titled, “*A policy document and guidance for members and other people coming into contact with the charity*”.

The document widens the scope of the ecclesia’s former policy document on vulnerable adults to include all people, whilst retaining its fully-developed, stand-alone safeguarding and child protection policy. It does so by seeking to enlist the support of all members and visitors in identifying any case of abuse or inadequate protection that might be witnessed in an ecclesial context and, if so, setting out guidance on what to do.

For Further Information

It may be that this document, which is available by post or email from Bro David Gouldingay at the address set out in the CALS Diary (BI.42) (david.gouldingay@blueyonder.co.uk) would be of help to other UK ecclesias or Brotherhood charities which are also seeking to broaden their safeguarding and protection policies to meet current Charity Commission requirements. In return, West Birmingham Ecclesia invites any constructive suggestions for improvement of this policy from any Brotherhood organisation or ecclesial charity which may already operate a more advanced policy.

A suggested questionnaire is available below.

Suggested questionnaire for use in carrying out DDC on proposed beneficiaries.

1. Protecting all who come into contact with the charity	
A. Has your ecclesia or organisation been properly informed about what safeguarding means and the specific risks that need to be guarded against?	YES/NO
B. Have members of your ecclesia or organisation been given proper guidance about what to do if an apparent safeguarding breach is observed in relation to any person coming into contact with the ecclesia or organisation?	YES/NO
C. Does your ecclesial charity or organisation own or rent premises for providing its services?	YES/NO
If YES , please confirm that the following procedures are in place, adequate and being followed for protecting all people who come into contact with the ecclesia or organisation:	
a. Fire safety policy.	YES/NO
b. Policy for addressing other Health and Safety Risks, including slips, trips and other hazards such as the safe use of electrical and other appliances.	YES/NO
c. First aid procedures.	YES/NO
d. Protection of personal data under GDPR.	YES/NO
e. Protection of individuals whilst using any of the charity’s electronic data facilities.	YES/NO
2. Safeguarding and protecting vulnerable groups	
A. Do any members of your ecclesia, charity or organisation or any of your volunteers, employees or professional suppliers work unsupervised with children or vulnerable adults, or have unsupervised access to children or vulnerable adults? <i>(This does not apply to adults supervising their own children).</i> <i>A professional supplier is any third party, individual, company or organisation that organises, runs, or supervises activities as a business and provides such activities for you, with or without a fee being charged.</i>	YES/NO
B. Does this unsupervised access/work relate to children “C”, vulnerable adults “V” or both “B”?	C /V/ B
If the answer to 2A. is YES please confirm that you have:	
a. prepared and implemented a written safeguarding policy for these vulnerable people that is regularly reviewed (at least annually), and	YES/NO

b. a designated safeguarding officer or named person(s) responsible for safeguarding, and	YES/NO
c. implemented safe recruitment or appointment procedures for your volunteers and professional suppliers (where relevant), and	YES/NO
d. provided suitable safeguarding training and information for all of your members and volunteers, and	YES/NO
e. suitable arrangements in place for incident reporting and investigation, and	YES/NO
f. undertaken Disclosure and Barring Service (DBS) or equivalent checks at the appropriate level on all eligible persons working with children or vulnerable adults, and	YES/NO
g. retained securely or will retain securely:	
i) a copy of your safeguarding policy and any revisions of it, and	YES/NO
ii) evidence that training has been given and received by all relevant persons, and	YES/NO
iii) employment and engagement applications, references, identity verifications, DBS checks or equivalent reference numbers (for as long as is legally permitted), and	YES/NO
iv) records of any abuse allegations, incidents, notifications and any action taken; and	YES/NO
h) suitable procedures in place to address the general risks set out under Section 1. above in relation to Fire Safety, general Health and Safety, first aid, protection of personal data, and protection of individuals whilst using the charity's electronic data facilities.	YES/NO
<p>Please provide copies of any written safeguarding and protection policies you may have. We are required by the Charity Commission to review critically your safeguarding and protection policies and should be grateful for your support and co-operation in dealing with any questions that may arise.</p> <p>Thank you for your assistance</p> <p>July 2019</p>	