

SAFEGUARDING FOR FOUNDATIONS



THINKING THROUGH YOUR APPROACH

INTRODUCTION

Conducting robust due diligence assessments of applicants is a central part of the work of trusts and foundations. This includes forming a rounded judgement on the potential risks and vulnerabilities, whether they are financial, reputational, or related to governance.

Safeguarding is a core part of this process. Trusts and foundations will want to ensure that applicants are addressing the safeguarding needs of those working for and with funding beneficiaries. Regulators across the UK¹ have asked charity trustees to review how they assess and address safeguarding risks. In response, this framework is designed to help foundations think about safeguarding as part of their overall approach to funding. Recognising that foundations are charities in their own right and have their own responsibilities to keep people safe, this framework also gives consideration to foundations' internal practices. It poses a series of questions to prompt discussion within trusts and foundations aimed to help them decide what is appropriate and proportionate for their organisation.

DEFINING SAFEGUARDING

In this framework, we interpret safeguarding as the responsibility to protect beneficiaries and others who come into contact with your organisation, which aligns to the approach taken by the Charity Commission for England and Wales. Regulators in other jurisdictions refer to safeguarding in the legal and legislative basis – children and vulnerable adults – the detail of which is beyond the scope of this framework.

¹ [The Charity Commission for England and Wales](#), [the Charity Commission for Northern Ireland](#) and [the Scottish Charity Regulator](#).

The framework is divided in to six sections:

- **Section 1** is designed to help foundations consider both their role and approach to safeguarding in light of their mission and the nature of their funding.
- **Sections 2, 3 and 4** focus on the funding process: assessing applications; monitoring and reporting; and responding to allegations or incidents.
- **Section 5** suggests ways that foundations could support and strengthen safeguarding in the charity sector.
- **Section 6** explores keeping people safe within trusts and foundations, and how to ensure that staff, volunteers and others do not come to harm.

The resource was informed by a roundtable discussion with ACF members held in March 2018 and a series of one-to-one interviews. We are very grateful to all those who took the time to talk to us. We would welcome feedback based on your experience of safeguarding and using this resource.

“FOUNDATIONS ARE LOOKING AT HOW THEY MIGHT BEST CONTRIBUTE TO THE ENHANCEMENT OF SAFEGUARDING BY BEING RIGOROUS, DILIGENT, TRANSPARENT, AND CRUCIALLY – SOLUTION-LED.”

Carol Mack, 2018, [Foundations and Safeguarding: Emerging thoughts and next steps](#)

1. CONSIDERING YOUR APPROACH

All three UK charity regulators have emphasised that trustees have a legal duty to act with care and diligence, which means taking issues like safeguarding seriously and implementing the policies and procedures necessary to enact this.

“Trustees should proactively promote and safeguard the welfare of the charity’s beneficiaries. They must take reasonable steps to ensure that their beneficiaries and others who come into contact with their charity do not, as a result, come to harm. This should be a key governance priority for trustees”

- Charity Commission for England and Wales, 2017
[Strategy for Dealing with Safeguarding Issues in Charities](#)

“The legal duty of all charity trustees is to act in the interests of their charity and in particular to act with care and diligence. Charities should have the appropriate mechanisms in place to make sure that a safe environment is created for staff, beneficiaries and volunteers. Charity trustees have a collective responsibility for safeguarding even if certain aspects of the work are delegated to staff.”

- Scottish Charity Regulator, 2018
[Interim Safeguarding Guidance: Keeping vulnerable beneficiaries safe](#)

“The Commission has told charity trustees they are required to have appropriate policies in place for working with vulnerable beneficiaries, and robust controls to ensure these policies are effective.”

- Charity Commission of Northern Ireland, 2018
[Alert for trustees of charities working with vulnerable beneficiaries](#)

Trusts and foundations must proactively consider and respond to safeguarding requirements, but how they conceive of and implement their individual approach will depend on a number of factors, such as the scale and nature of the activities funded.

QUESTIONS FOR TRUSTS AND FOUNDATIONS:

- Do you have a specific approach or policy in relation to assessing applicant and beneficiary safeguarding policies and practice?
- Have you reviewed this within the last year? Do you have a rationale for how regularly it will be reviewed in the future?
- How is it communicated to staff?
- Have you considered benchmarking your approach against other foundations of similar size and scope?

- Are you confident that, if called upon, your board and staff can readily explain your approach to assessing safeguarding?
- What additional considerations do you need to include in your approach for funding organisations based outside of the UK, given the different political, social and regulatory contexts across the world?
- Have you taken steps to ensure your approach to safeguarding is compliant with data protection regulations?

2. ASSESSING APPLICANTS

When assessing safeguarding in funding applications, the level of interrogation and analysis is likely to depend on a range of factors, such as the perceived vulnerability of a charity's beneficiaries, and a consideration of proportionality relative to the size and scope of the funding awarded.

"Charities that fund other organisations ... 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."

- Charity Commission for England and Wales, 2017,
[Strategy for Dealing with Safeguarding Issues in Charities](#)

"Charity Trustees should take these practical safeguarding steps:

- ...5. *Have adequate safeguarding policies and procedures appropriate for your charity's activities that reflect both the law and best practice. For example, charities working with children should have a child protection policy in place. Review and assess safeguarding risks and policies regularly, particularly where there are changes in circumstances or activities."*

- Scottish Charity Regulator, 2018
[Interim Safeguarding Guidance: Keeping vulnerable beneficiaries safe](#)

Deciding whether to seek additional assurance of an applicant's approach to safeguarding will depend on a number of factors, such as:

- the size and scope of the funding, and in some cases the location (e.g. if outside of the UK);
- the vulnerability of beneficiaries and service recipients;
- the nature of the activities being funded and awareness of situations that may increase risk;
- your charitable objectives and what you are trying to achieve as a funder;

- the applicant's track-record (this may include consideration of external information, such as inspection reports of an applicant if it provides a regulated service such as a nursery or a statutory service through a contract with a local authority).

QUESTIONS FOR TRUSTS AND FOUNDATIONS:

- Do foundation staff have sufficient knowledge of safeguarding (what to look for or what questions to ask) in order to be assured that an applicant's approach to safeguarding is adequate?
- Is your current assessment process adequate and proportionate to the nature of safeguarding risk in the organisations you support?
- What is the process for reviewing and amending your approach if required?
- How would you respond if you had concerns about an applicant's safeguarding policy, process or implementation?
- Does your board you have expertise and capacity to adequately consider safeguarding risks?

As applicants are likely to be funded by several trusts and foundations at one time:

- Have you considered working with other foundations to develop common due diligence assessment, particularly when match-funding?

3. MONITORING

Setting out your grant conditions and actively monitoring the delivery of the grant are key opportunities to ensure that the approaches to safeguarding that you assessed as part of the application are now being properly implemented.

However, foundations are not a proxy regulator or investigative authority. They need to be clear about why they have chosen to monitor the implementation of safeguarding policies of a funding beneficiary, and what they will do with information they have acquired.

“Trustees need to be satisfied that there are clear lines of responsibility and accountability for safeguarding, in particular when working with other organisations to deliver services to their beneficiaries. Trustees should be satisfied that any partner organisation has in place adequate safeguarding arrangements, including appropriate policies and mechanisms to provide assurance on compliance. This is particularly relevant for charities which undertake overseas humanitarian or development work with affiliates or in a confederated structure.”

- **Charity Commission for England and Wales, 2017**
[How to report a serious incident in your charity](#)

“Charity Trustees should take these practical safeguarding steps:

... 6. 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”*

- **Scottish Charity Regulator, 2018**
[Interim Safeguarding Guidance: Keeping vulnerable beneficiaries safe](#)

Some funding beneficiaries may be reluctant to report incidents to a funder for fear of jeopardising their funding. A charity never having raised a safeguarding concern is not necessarily a sign of good practice, as a robust safeguarding system could mean that more cases come to attention.

QUESTIONS FOR TRUSTS AND FOUNDATIONS:

- Do you set out your expectations on standards (e.g. core principles, a code of conduct) to new grantees? How do you monitor compliance with this during the grant?
- Do you ask that specific safeguarding risk factors are reported on in your monitoring procedures?

- Are you clear about the information you require, why you are asking for it, and what you will do with it?
- Do you consider your approach to be adequate and proportionate?
- What steps might you take to encourage grantees or beneficiaries to alert you to concerns that could be resolved before becoming serious incidents? What support might you offer to help resolves those concerns?
- Do you ask funded beneficiaries to inform you of allegations or incidents of abuse, either at the time or as part of your monitoring process?
- How and who in your organisation will respond to concerns that are raised?
- Do you have provisions in your grant agreement that would allow you to take action, for example withdraw funding, if necessary?

“AS BOTH FUNDERS AND AS CHARITIES THEMSELVES, FOUNDATIONS HAVE AN IMPORTANT ROLE TO PLAY IN RECOGNISING RISK AND VULNERABILITY AND IN THINKING THROUGH HOW TO OPTIMISE THEIR DECISION-MAKING, MONITORING AND RELATIONSHIP MANAGEMENT IN THE SERVICE OF THOSE ORGANISATIONS AND INDIVIDUALS THEY WORK WITH.”

Carol Mack, 2018, [Foundations and Safeguarding: Emerging thoughts and next steps](#)

4. RESPONDING AND ESCALATING

The appropriate response to an applicant or beneficiary organisation that reports an incident will depend on a range of factors and circumstances, but foundations should determine the process by which they would evaluate these, and the process by which they would escalate concerns to their own board or to the relevant authorities. Reporting may occur through a formal whistleblowing process, or through other informants on a less formal basis.

Charities are required or expected to report a range of incidents, including where beneficiaries may have come to harm, under the charity regulators' regimes. Your local regulator will be able to advise when and how often they expect to be informed, and about what kinds of incidents. Reporting to the relevant regulator is additional to reporting to any other relevant authority, such as the police.

"Trustees ... must react responsibly to reports of safeguarding risks and incidents of abuse and take steps to make sure they and the people working in the charity know how to deal with these. This includes having adequate systems in place to:

- *Manage initial reports*
- *Identify and manage risks, including where necessary making reports to and liaising with the police, social services and other agencies, including the Charity Commission as a serious incident report ..."*

- **Charity Commission for England and Wales, 2017**
[Strategy for Dealing with Safeguarding in Charities](#)

"You should make a report if any of the following things occur:

- *beneficiaries of your charity (adults or children) have been, or alleged to have been, abused or mistreated while under the care of the charity, or by someone connected with the charity, for example a trustee, staff member or volunteer*
- *there has been an incident where someone has been abused or mistreated (alleged or actual) and this is connected with the activities of the charity*
- *there has been a breach of procedures or policies at the charity which has put beneficiaries at risk, including failure to carry out checks which would have identified that a person is disqualified in law, under safeguarding legislation, from working with children or adults."*

- **Charity Commission for England and Wales, 2017**
[How to report a serious incident in your charity](#)

"Trustees must inform the Commission annually through their monitoring return that they are satisfied that effective safeguarding is in place. To do this, charity trustees must be properly acquainted with what is happening in their charity".

- **Charity Commission for Northern Ireland, 2018**
[Alert for Trustees of Charities working with vulnerable beneficiaries](#)

"OSCR's notifiable events scheme requires charity trustees to report events that are likely to have a significant impact on their charity. When there has been a significant incident involving a child or a vulnerable adult, then this should be reported to us."

- **Scottish Charity Regulator, 2018**
[Interim Safeguarding Guidance: Keeping vulnerable beneficiaries safe](#)

QUESTIONS FOR TRUSTS AND FOUNDATIONS:

- Are there mechanisms for beneficiaries to report concerns or incidents to staff, either about the specific activity being funded or where it affects the organisation more generally, and are these made clear when funding is awarded?
- How do trust and foundation staff alert senior colleagues to reports of safeguarding concerns or incidents?
- How would you respond if you believed that a beneficiary was not dealing adequately with allegations or incidents of abuse?
- Under what circumstances would you report a safeguarding incident directly to the relevant authorities, whether that is the police, charity regulator, or other authority?
- Who in the trust or foundation would lead on an initial response to the beneficiary/authorities?
- At what stage would trustees be involved, and how?
- If your foundation works in an overseas context, have you considered how you would respond to a serious incident involving a British national and how you would determine whether there is a duty or need to report to UK authorities?

“THROUGH THE RELATIONSHIPS THEY BUILD AND MAINTAIN, FOUNDATIONS ARE WELL-PLACED TO BE A PART OF RAISING STANDARDS THROUGH HONEST, OPEN DIALOGUE AND WORKING WITH GRANTEES TO BUILD CAPACITIES, CAPABILITIES AND CULTURES IN WHICH THE NEEDS OF BENEFICIARIES ARE PARAMOUNT.”

Carol Mack, 2018, [Foundations and Safeguarding: Emerging thoughts and next steps](#)

5. STRENGTHENING AND SUPPORTING SAFEGUARDING

Some charitable foundations may want to take on a more proactive role to support and strengthen safeguarding practices in the charities they fund.

QUESTIONS FOR TRUSTS AND FOUNDATIONS:

- What level of support are you willing and able to give to applicants or organisations that have already been funded, e.g.:
 - signposting to resources (such as those provided by the [NSPCC](#) or the [Social Care Institute for Excellence](#))?
 - offering or funding training?
 - engaging with beneficiaries to share good practice and strengthen safeguarding within their organisation?

- What steps could you take to promote trust and transparency around safeguarding?
 - Do staff and trustees have sufficient understanding of safeguarding to ask questions sensitively and in a way that is constructive and supportive?
 - Do they have sufficient capacity and expertise to respond appropriately to issues raised?
 - Do you invest in capacity-building internally to enhance the support you are able to offer beneficiaries?

6. WITHIN YOUR OWN ORGANISATION

As well as considering safeguarding and keeping people safe in relation to a foundation's external funding processes and relationships with beneficiaries, it is also important to ensure a safe environment for trustees, staff, volunteers, and anyone else who may come into direct contact with the foundation.

"Trustees have responsibilities towards their staff and volunteers and should ensure that:

- *people are clear about what they are supposed to do*
- *people are aware of the rules and the boundaries within which they must work*
- *people work safely*
- *people know what to do if there is a problem*
- *people know what they need to report and who they report to"*

- Charity Commission for England and Wales, 2018
[The Essential Trustee](#)

"The legal duty of all charity trustees is to act in the interests of their charity and in particular to act with care and diligence. Charities should have the appropriate mechanisms in place to make sure that a safe environment is created for staff, beneficiaries and volunteers."

- Scottish Charity Regulator, 2018
[Interim Safeguarding Guidance: Keeping vulnerable beneficiaries safe](#)

QUESTIONS FOR TRUSTS AND FOUNDATIONS:

- Do you have internal policies and procedures to protect staff and volunteers in your organisation, (e.g. an equality policy, anti-bullying policy, grievance procedures)?
- Do you have a code of conduct for trustees, staff and volunteers (as recommended in the [Charity Governance Code](#))?
- Do staff make site visits to applicants or beneficiaries and/or engage with end service users?
If so:
 - Do you have additional safeguards in place to protect your staff and those they come into contact with?
 - Is training provided to staff on their role in contributing to a safe environment and working practices?
- How regularly do you review these policies and procedures, and are your staff and volunteers engaged in this review?

CONCLUSION AND NEXT STEPS

Safeguarding is rightly an area of concern for trusts and foundations, both as charities in their own right and as funders of others. As part of good due diligence practice, they should develop a robust and proportionate approach to assessing safeguarding risks, the nature of which will be shaped by the context of how, who and what they are funding.

By considering the questions in this framework (at both board and staff level), all foundations will be able to identify areas where they are already delivering good practice, as well as areas that may need adjustment or enhancement. This is not a static issue, and practice will evolve over time. We hope that members will help us develop this resource further in the future.

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