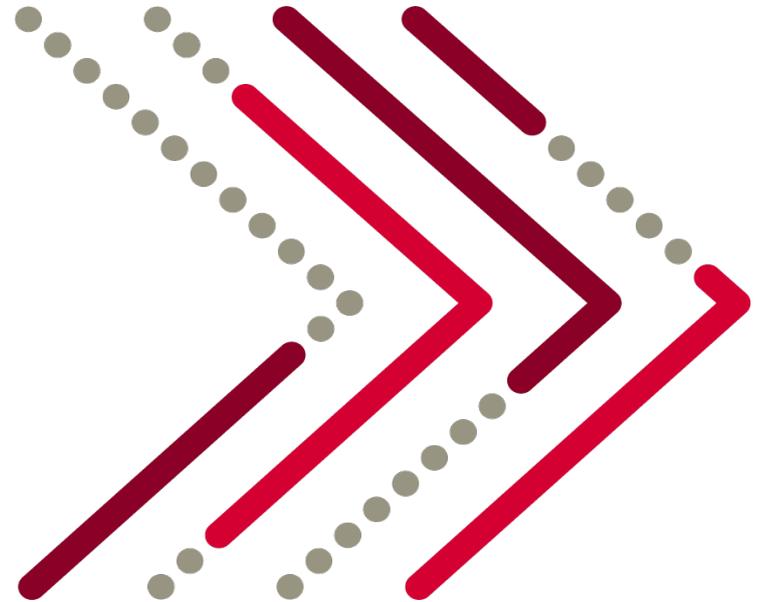


Good Practice Guide for trustees on safeguarding

Consultation draft

October 2018



Introduction

This guidance is intended for the boards of international NGOs registered as charities in the UK (UK NGOs). It will be relevant to all NGOs.

The Charity Governance Code sets out some core principles for good governance. Charities that adopt and give effect to these principles should already have general good practice in place. These principles apply to all organisations regardless of size. In addition, the Code sets out recommended practice, which acknowledges the differing needs in practice between larger and smaller organisations. There is a version of the code specifically for smaller charities (see Resources).

This Good Practice Guide supplements the Charity Governance Code on the specific area of safeguarding governance for UK NGOs.

This is a consultation draft and feedback is welcomed. The draft consists of:

- Governance Good Practice for UK NGOs – the format of this section follows the format of the Charity Governance Code so that charities using that code can easily integrate it into governance processes, such as board effectiveness reviews.
- Glossary
- Resources

Notes for trustees to help them implement the good practice and reach these standards are being prepared. We welcome case studies to illustrate how other NGOs have secured good practice.

Principles of the Charity Governance Code

1. The board is clear about the charity's aims and ensures that these are being delivered effectively and sustainably.
2. Every charity is headed by an effective board that provides strategic leadership in line with the charity's aims and values.
3. The board acts with integrity, adopting values and creating a culture which helps achieve the organisation's charitable purposes. The board is aware of the importance of the public's confidence and trust in charities, and trustees undertake their duties accordingly.
4. The board makes sure that its decision-making processes are informed, rigorous and timely, and that effective delegation, control and risk-assessment, and management systems are set up and monitored.
5. The board works as an effective team, using the appropriate balance of skills, experience, backgrounds and knowledge to make informed decisions.
6. The board's approach to diversity supports its effectiveness, leadership and decision making.
7. The board leads the organisation in being transparent and accountable. The charity is open in its work, unless there is a good reason for it not to be.

Background

What do we mean by safeguarding?

In its guidance, the Charity Commission for England and Wales (the Commission) states that safeguarding should be a key governance priority for all charities. It states the duties of trustees include taking reasonable steps to protect those connected with the charity from harm. This includes people who benefit from the charity's work, staff of all descriptions, volunteers and other people who come into contact with the charity.

The Commission and the Department for International Development (DfID) refer to the fulfilment of these collective duties of care as 'safeguarding' – a definition that is much broader than the conventional use of the term to relate specifically to the protection and promotion of wellbeing of children and vulnerable adults. It includes, but is not limited to, protection from sexual exploitation and abuse (SEA) and sexual harassment. SEA is a societal issue across the globe; however, NGOs working in international development and humanitarian response have recognised that they face particular risks due to the contexts in which they work. Such contextual challenges include working in countries where the statutory framework is missing or weak, all forms of inequality is significant, including gender, and the people the NGO is there to assist are vulnerable.

In addition, the Commission and the Parliamentary Select Committee on International Development (IDC) have said that, because of the trust put in charities by donors and beneficiaries alike, and in view of the principle that they should do no harm in carrying out their work, charities and those who work within them are effectively held to a higher standard of conduct than in other sectors.

UK NGOs operate in a variety of ways ranging from direct implementation of programmes via the deployment of the charity's staff through to delivery via partner organisations (often local NGOs) that they fund, either directly or indirectly. Given this context, trustees ought properly to have sufficient oversight of the NGO's operations, and those of the organisations that they fund or otherwise support, to ensure that appropriate systems are in place to avoid reasonably foreseeable harm to beneficiaries, staff and those who come into contact with the NGO and its projects. Furthermore, if and when such incidents do arise, that systems are in place to ensure that they are dealt with appropriately and lessons are learned to avoid their recurrence.

Governance Good Practice for UK NGOs

Principle

The board provides leadership and oversight for safeguarding matters, approving policies and receiving regular reports and acting upon them to improve safeguarding practice.

Rationale

The board collectively has ultimate responsibility for all the activities of the NGO, even if it delegates detailed operational matters to an executive team and staff. The board has various duties of care to those involved in or affected by the NGO's activities, which require it to take reasonable steps to manage the risk of causing harm. The board influences the culture, behaviour and priorities of the organisation through its leadership in respect of this key governance priority. Good practice is required by all NGOs, regardless of size.

Key outcomes

1. The board ensures that when developing its strategy the charity considers how it can provide, as far as reasonably possible in all the circumstances, a safe and trusted environment in which harm is not caused to beneficiaries, staff, volunteers and those the organisation comes into contact with.
2. The board sets an organisational culture that prioritises safeguarding, so that it is safe for those affected to come forward, and to report incidents and concerns with the assurance that they will be handled sensitively, confidentially and properly.
3. The board ensures that the organisation has adequate policies, procedures and measures in place to safeguard those to whom they owe a duty of care and these are shared and understood.
4. The board is clear how incidents and allegations will be handled should they arise, prioritising the safety and dignity of the victims and survivors.
5. The board ensures that the organisation reports to relevant authorities where appropriate following adequate risk assessment to prevent further harm, disrespect or indignity to the victim/survivor or others who may be affected.
6. The board ensures that the organisation is committed to appropriately transparent public reporting, even if that may have consequences for funding or reputation, and at all times having regard and respect for the safety, rights and dignity of victims, survivors and others who may be affected by that reporting.

Recommended practice



Provide oversight

- ✓ Boards of UK NGOs should have adequate safeguarding knowledge and training to understand the issues, receive regular reports and ask informed and appropriate questions.
- ✓ Every NGO should consider appointing a Safeguarding Trustee, who is knowledgeable, adequately trained and supported to help the whole board in understanding the issues.
- ✓ Boards should have oversight of the organisation's approach to safeguarding. Where improvements are needed, boards should approve an action plan which can then be monitored regularly through reports to board meetings.

1. Set the right tone

- 1.1 Boards should require and communicate a zero tolerance policy, making it clear that perpetrators should expect stringent enforcement action in respect of breaches of codes of conduct and policies, to the greatest extent permitted by the applicable law.
- 1.2 Boards should assess the current organisational culture, identify where shifts in attitudes or behaviour may be needed and establish a programme of activities across the whole organisation to achieve the change needed.
- 1.3 All key stakeholders should have a code of conduct that makes clear the behaviour expected.

2. Reduce risk

- 2.1 Boards should ensure that all recruitment processes incorporate sufficient checks to reduce the likelihood of appointing someone who may do harm.
- 2.2 Boards should ensure that before delivery partners are appointed, there should be appropriate checks that they have appropriate processes in place to manage the risks of harm.
- 2.3 Boards should ensure that adequate policies and processes are in place to integrate safeguarding considerations into all planning, programming, delivery, employment, people management, sub-contracting, collaboration, reporting, evaluation and other processes.
- 2.4 Boards should ensure that individuals delivering services to the NGO's beneficiaries on its behalf receive safeguarding training appropriate to their role.
- 2.5 Boards should ensure that operational procedures reflect careful and context-specific risk assessment, mitigation strategies and contingency arrangements.

3. Encourage speaking up

- 3.1 Boards should ensure that there are appropriate mechanisms in place to enable victims, survivors and witnesses to feel confident to report actual or potential harm, abuse, exploitation, harassment or bullying, with adequate protection for complainants.
- 3.2 The organisation's codes of conduct should make it the duty of all those working with or for the organisation to speak up if they witness misconduct.
- 3.3 An appropriate senior member of staff should be the designated safeguarding lead and oversee the handling of all reports.

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4. Investigate complaints

- 4.1 Boards should ensure that appropriate processes are in place to handle complaints with suitably qualified staff, to undertake investigations where necessary. There should be clarity over the roles and responsibilities for different types of complaints.
- 4.2 The Safeguarding Trustee or equivalent should be authorised to make decisions on behalf of the board in urgent cases, informing the Chair promptly of all such situations.
- 4.3 Boards should ensure adequate records are maintained so that complaints receive a prompt and adequate response, and enabling analysis, review and reporting to the board.
- 4.4 The board needs to ensure that external authorities receive reports in a timely manner where appropriate.

5. Support survivors

- 5.1 The board should ensure that when someone makes a complaint, there are appropriate procedures in place to assist those affected, including securing their safety if necessary.
- 5.2 The board should ensure that the organisation has appropriate policies for providing support or taking remedial action promptly as necessary.

6. Transparent reporting

- 6.1 Annually, the board should explain in a public document how it provides oversight for all aspects of safeguarding governance.
- 6.2 The board should explain that it has adopted this good practice guide, how it ensures it is followed and explain any aspects where the organisation is not following the guide, as well as how it seeks to improve its practices.
- 6.3 The board should provide a summary of complaints to enable a reader of the report to understand the type and number of complaints, and how these were followed up, including lessons learned and changes made as a result.

Glossary

These terms are used in this consultation draft with the following meanings:

NGO

Non-governmental organisation. Here we are referring to NGOs working in international development and humanitarian response

Partner or delivery partner or partner organisations

NGOs often work in collaboration with other organisations to deliver programmes, so retaining responsibility for the programme and conduct on the programme

Safeguarding

Meaning the protection of those connected with the NGO from harm, including beneficiaries, staff and volunteers.

Complaint

A matter raised with the NGO referring to an incident of harm or potential harm. A complaint may be raised by the individual affected or by a witness, and may be made directly to a representative of the NGO, another organisation or through the whistle-blowing procedure.

Allegation

Describes a complaint that refers to actions by a perpetrator that have caused harm

Incident

Describes a wide range of events that may cause harm and may include accidents as well as abuse

Resources

Charity Governance Code

<https://www.charitygovernancecode.org/en/front-page>

Charity Governance Code for smaller charities

<https://www.charitygovernancecode.org/en/pdf>

Charity Commission guidance on safeguarding

<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

DFID's requirements for assurance from funded entities Feb 2018

<https://www.gov.uk/government/publications/update-on-safeguarding-in-the-aid-sector>

Core Humanitarian Standards – published by CHS Alliance

<https://corehumanitarianstandard.org/the-standard>

Sphere Standards

<http://www.spherestandards.org/>

Keeping Children Safe – operate accreditation

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

International Federation of the Red Cross has specific standards and guidance – *Stay Safe*

<https://www.ifrc.org/Global/Documents/Secretariat/201402/Stay-Safe-manual-EN.pdf>

Consultation on this guidance

Bond will be coordinating a consultation with its members on this guidance, and other safeguarding resources and tools. Further details of the consultation will be available by 30 November.

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Connect

