

NSPCC

DSC

**Safeguarding
The New
Environment**

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EVERY CHILDHOOD IS WORTH FIGHTING FOR

Welcome and introductions

Your name



Your role



Your hopes for today



Briefing Outline

- Safeguarding in light of recent high profile media events
- Charity commission guidance and obligatory requirements of charities to report serious incidents
- Safer recruitment practices
- Safeguarding culture – policies, procedures, management of staff, volunteers and complaints
- Vicarious liability – responsibilities out of hours

Oxfam

- Abuse of positions of power and authority
- Abuse and sexual exploitation of poorest, Haiti survivors and in vulnerable humanitarian communities
- Serious misconduct- out of hours
- Withholding of all the facts and the extent of the seriousness of the allegations and abuse
- Moving to work with other aid charities following allegations
- Lack of management of poor practice and behaviour
- Poor HR culture, governance, strategic oversight and scrutiny

Charity Commission- statutory enquiry into Oxfam

Charity Commission Alerts and updates

These concerns about safeguarding in charities pre date the Oxfam scandal

Save the Children

Statutory Inquiry

Which will examine, among other matters, whether trustees have:

- Adequately discharged their duties in handling the allegations at the time, and in fulfilling their duty of care towards their employees
- Ensured the charity has implemented measures about operating to appropriate standards of work place conduct and staff safeguarding - including testing staffing misconduct allegations, complaints or incidents received by the charity since 1 January 2016
- Made decisions around public handling and reputation management on the historic allegations appropriately
- Disclosed fully, frankly and accurately, serious incidents relating to staffing matters to the Commission

Steps taken by Oxfam

- Strengthening the vetting and recruitment of staff
- Widening the current review of our practice to ensure we revisit improvements already made and learn additional lessons from Haiti 2011
- An overhaul of staff induction to ensure staff learn more about our values and code of conduct and mandatory safeguarding training
- Strengthen management oversight to ensure compliance with our policies and learn from our mistakes.
- Establishment of a new, independent, external whistleblowing helpline
- Work with our sector in an attempt to overcome the legal difficulties which have so far prevented us from sharing intelligence among NGOs
- Recommit to report to the appropriate authorities in full

Key Question

**How Safe is
Your
Organisation?**



Organisational Culture

What do we mean by Safeguarding Culture?

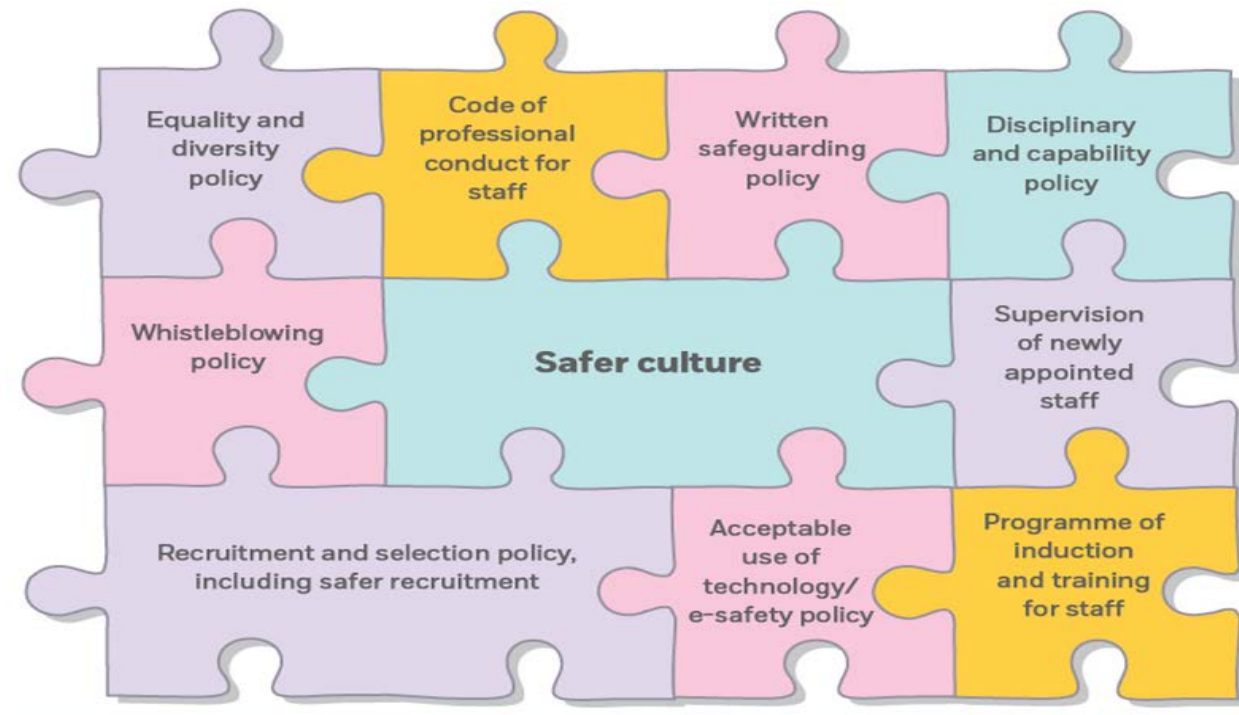
What does good safeguarding Culture look like?

Safer culture



Creating a safer culture- Group Exercise

- What is it about your beneficiaries that makes them vulnerable to abuse?
- What is it about the way in which your organisation operates that makes it vulnerable to abuse?



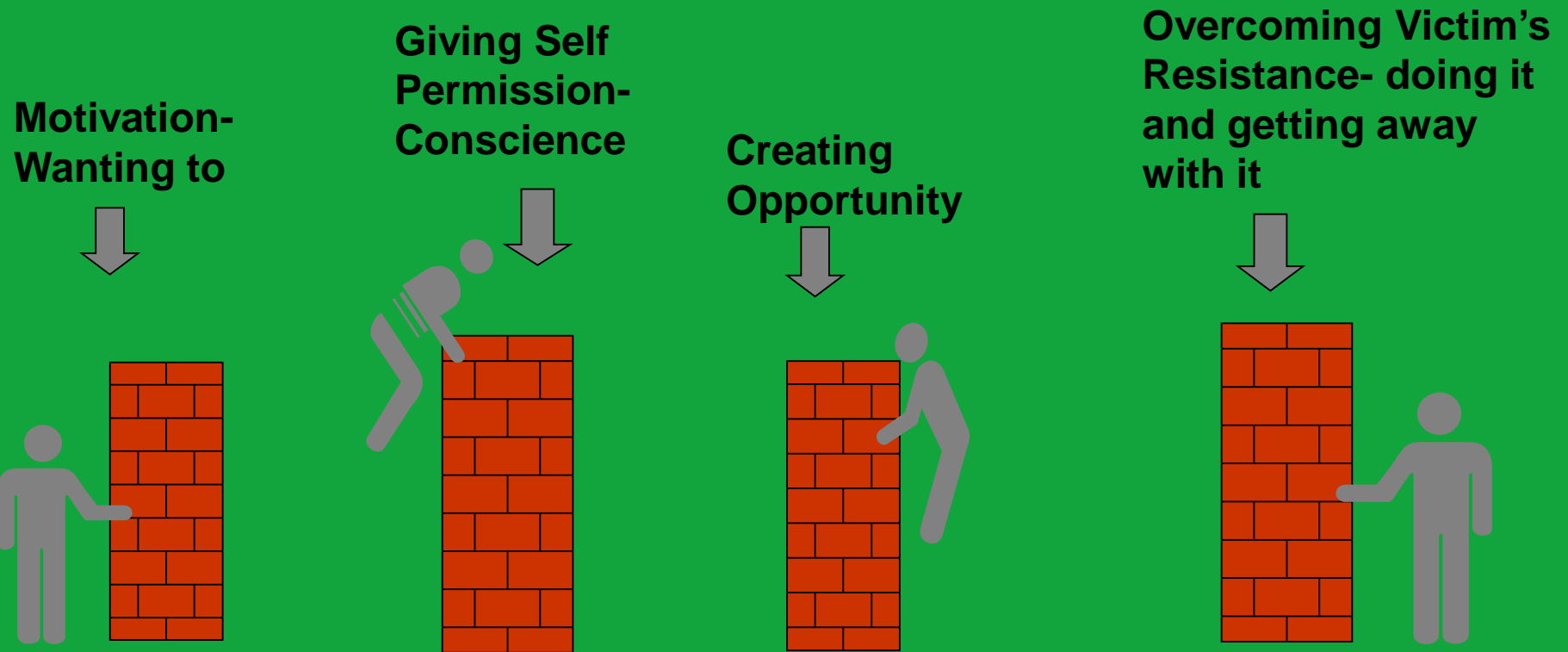
Why 'safer' recruitment?

- Warner Report 1992
- Bichard Inquiry 2005
- NSPCC develops Value Based Interviewing
- Subsequent serious case reviews

“The harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no-one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed...”

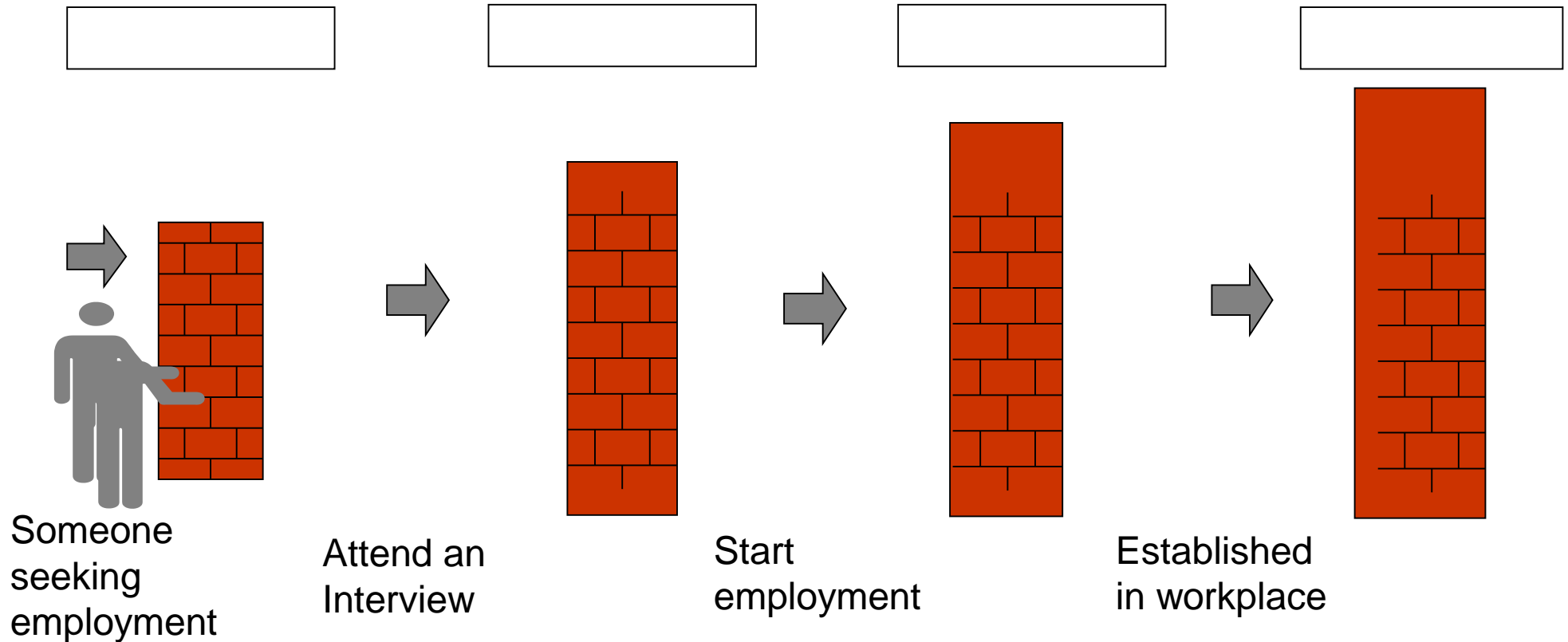
Sir Michael Bichard

FINKLEHOR'S FOUR STAGES TO SEXUAL ABUSE



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Safer Recruitment and Safe Culture



Five Stages of Safer Recruitment

1. **Preparing to recruit**, to enable you to plan and prepare for a safer recruitment process that can help to deter unsuitable people from applying

Advertising

JD/PS

Application Packs

Self-disclosure

Safeguarding statements

2. **Selecting the right people**, this will enable you to assess information supplied during the application stage in order to be able to shortlist candidates for interview and identify any concerns that need following up

Checking applications

Shortlisting Process

Defined criteria

Follow-up questions

3. **Choosing wisely** will enable you to conduct an effective interview and selection process

Selection Tools

Interview Preparation

Interview Skills

Scoring

Decision Making

4. **Checking thoroughly** will enable you to complete all pre-employment checks and to risk assess information arising from that process

Referencing

ID & Right to Work

Criminal Record Checks

Health Check

Self-Disclosure

5. **Remaining vigilant** will enable you to maintain a culture of ongoing vigilance once candidates are in post

Good Induction

Training

Probation Period

Supervision

Appraisal

Safer Culture

Stage 1: Preparing to recruit

- Planning your recruitment process
- Applicant information pack
- Job advertisement
- Safeguarding statement
- Defining the role
- Self-disclosure
- Referencing



Stage 2: Selecting the right person

- Checking applications
- Shortlisting
- Points for follow-up
- Referencing



Stage 3 – Choosing wisely

- Selection process
- Interviewing
- Causes for concern
- Recording
- Making a decision



Causes for concern

Examples of indications that may cause a concern and require further probing to determine the candidates suitability to work with children:

Implication that adults and children are equal

Lack of recognition of the vulnerability of children

Idealisation of children

Inadequate boundaries between adults and children

Identification with children



Stage 4 – Checking thoroughly

- Pre-employment safeguarding checks
- Risk assessing disclosures
- Recruiting through 3rd parties
- Record keeping



Appointing through third parties

- Should follow the same pre-employment checking procedures as used for direct recruitment
- If checks are done on your behalf, ensure that they are aware of the requirements and processes to follow

If sourcing through an agency, you don't need to do the checks yourself – make sure you receive written confirmation to state they have completed satisfactory checks



Remember to still check ID on day one to verify that they are the person sent by the agency!

Stage 5 – Remaining vigilant

- Safer culture
- Induction
- Dealing with concerns
- Managing allegations
- Case example
- Learning from past mistakes
- Helpful resources



Learning from past mistakes



Cultures that support abuse:

- Complacent culture
- Silent culture
- We are good culture
- OK to look culture

Follow these key tips for maintaining safe culture in your organisation:

- **Never think you have done enough in terms of safe culture**
- **Always believe 'it could happen here'**
- **Keep safeguarding high on everyone's agenda**
- **Never rely on any one process to keep children safe**

Your Charity's Policy and Procedures

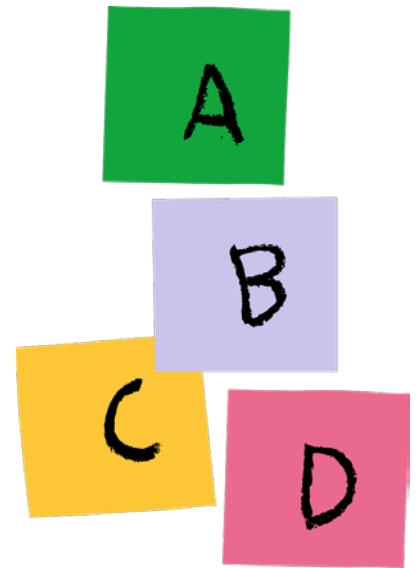
Safeguarding and protecting people for charities and trustees

Charity Commission Guidance Update

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

- Manage the risk
- Policies and procedures you need to have
- Get checks on trustees, staff and volunteers
- Protect volunteers and staff
- Safeguarding children or adults at risk
- Working overseas
- Handle and report incidents and allegations
- Working with or making grants to other organisations
- Terrorism and the Prevent duty

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



Safeguarding and protecting people for charities and trustees

“Safeguarding is non-negotiable. Charities are widely trusted and we need to ensure an environment exists where everyone feels safe - from service-users to the employees and volunteers who dedicate their time and skills to benefit communities across the country.

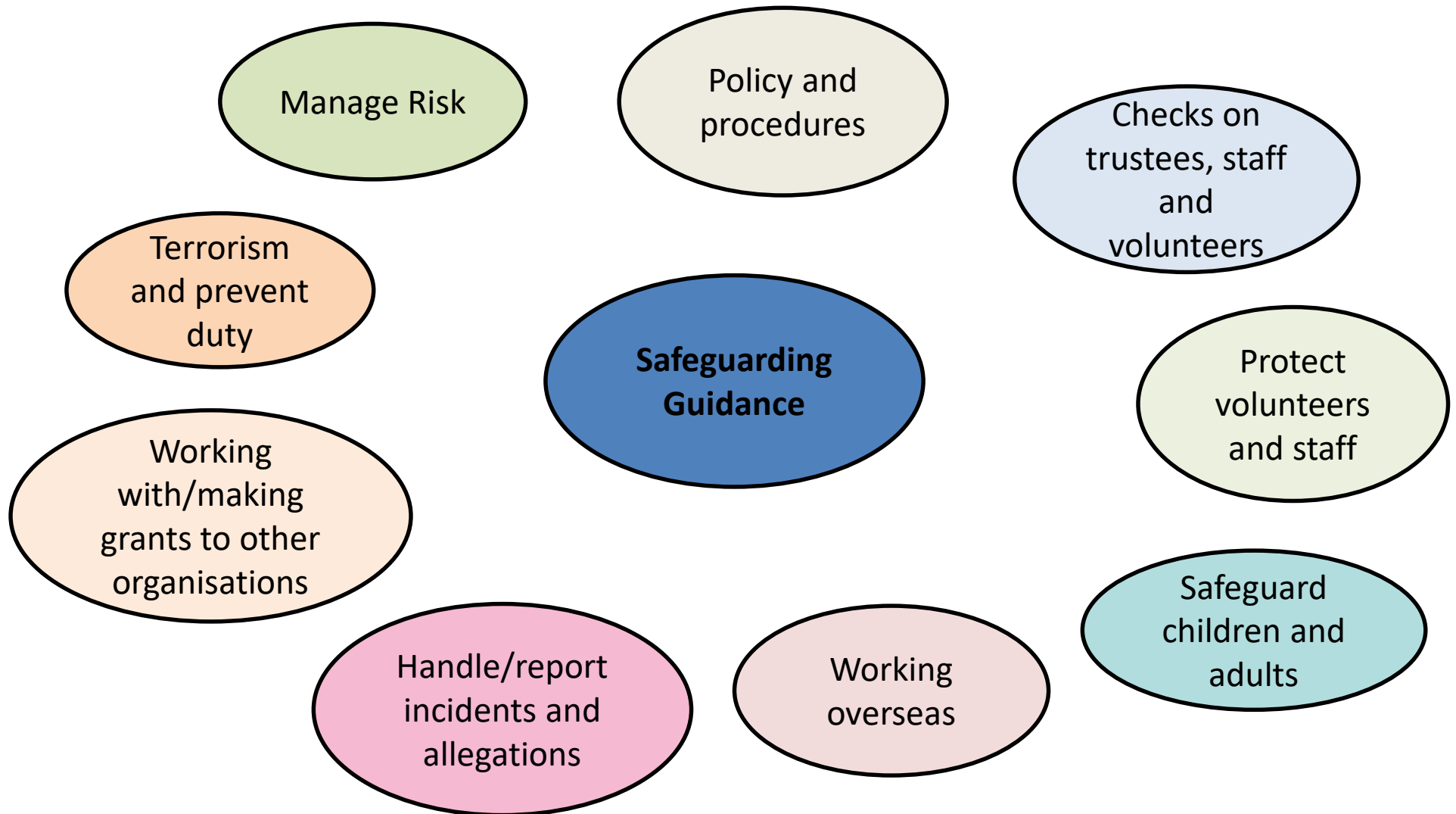
We want to instil fundamental changes to help restore the reputation of the sector. These measures will help protect and empower people to speak up and ensure charity leaders tackle poor behaviour head-on.”

Tracey Crouch, Minister for Sport and Civil

Society



Safeguarding and protecting people for charities and trustees



Policy, Procedures and Guidance

Policy

Overarching commitment that makes it clear what you will do to keep children and adults safe

Procedures

Specific instructions/a series of actions for staff and volunteers about what to do given certain situations:

- safeguarding of a child or adult
- allegations made about a member of staff, volunteer, trustee etc

Guidance

Key features/information which will guide you with interpretation of the policy and procedures to support its implementation

Codes of Conduct

Expectations of Behaviours and boundaries

Responding and Referring Concerns

1. Risk of harm relating to a child or adult

- **Recognise** concerns that a child or adult at risk is being harmed or might be at risk of harm
- **Respond appropriately** to a child or adult or adult at risk who is telling you what is happening to them
- **Refer** the concerns, if appropriate, to Children's or Adults Social Care or the Police
- **Record** the concerns appropriately and any subsequent action taken; ensure there is no delay in passing on concerns
- **Resolution** and escalation

2. Allegation relating to a member of staff or volunteer (all inclusive)

where a person has:

- **Behaved in a way that has harmed** a child or adults at risk, may have harmed a child or adults at risk or might lead to a child or adults at risk being harmed
- Possibly **committed or is planning to commit a criminal offence** against a child or adults at risk or related to a child or adults
- Behaved towards a child or adults at risk in a way that indicates s/he is or would be **unsuitable to work with children or adults at risk**

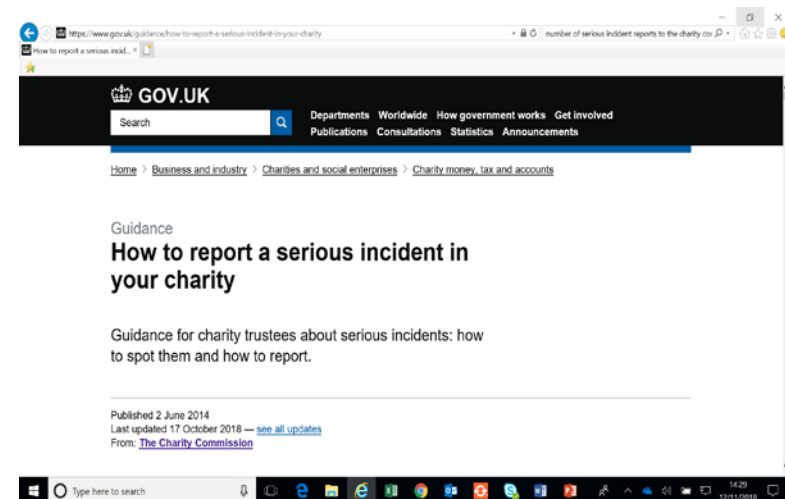
Safeguarding - Serious Incident

Serious Incident - A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

Report:

- Incidents of abuse or mistreatment of beneficiaries
- Other incidents of abuse or mistreatment of people who come into contact with the charity through its work
- breaches of procedures or policies at the, including failure to carry out relevant vetting checks

The above may include incidents in the workplace that have resulted in or risk significant harm to trustees, staff or volunteers



NSPCC

Safeguarding Standards and Guidance

For the Voluntary and
Community Sector

Working with children, young
people and young adults
aged 0-25

2017 edition (England)

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Vicarious Liability

Liability for Employees

Key Question-whether the employee was acting in a personal capacity, or in the course of their employment - can often be difficult to determine and for such liability to apply

The act of the employee must be so closely connected with what the employee was authorised to do that it would be fair and just to regard it as a mode, even if an improper one, of doing it.

Recent case Law- Mohamud V Morrisons

1. What function or field of activities has been entrusted by the employer to the employee (i.e. the nature of his job). This is to be viewed quite broadly
2. Was there a sufficient connection between the position in which he was employed and his wrongful conduct to make it right for the employer to be held liable.

Mitigate Risk

- It is helpful if an employer has a code of conduct and code of ethics setting out guidelines for the kind of behaviour it expects from its employees
- Consult your insurance company
- Take legal advice

Equality Act 2010

Whilst standard vicarious liability is generally limited to employees, vicariously liability for **discrimination** covers other individuals who are contracted to provide services in a personal capacity (such as a contractor or consultant)

A Statutory Defence will apply

If a business can show it took all reasonable steps to prevent it, this will likely involve implementing an equality policy, providing training and dealing effectively with complaints

Safeguarding Implementation Plan

	Key Tasks	Action Required and by Whom	Target Date for Completion	Date of Completion	Notes
1	Safeguarding policy and procedure - policy approval and sign off process				
2	Safeguarding policy and procedures –integration into induction processes for staff				
3	Safeguarding policy and procedures - integration into induction processes for volunteers				
4	Safeguarding training strategy - based on role and responsibilities – Including briefings for Trustees				
5	Updating and/or cross referencing within related procedures: Disciplinary Safer Recruitment Other?				
6	Implications for third parties/supplies/partners				
7	Communication strategy for informing: Staff, Volunteers, Partners, Hirers				
8	Monitoring and evaluation of whether policies are being used and effective?				
9	Visual prompts- News letters, posters etc.				

Final questions?

Support and Resources

NSPCC Learning

Website: www.learning.nspcc.org.uk/safeguarding-child-protection

Email: learning@nspcc.org.uk

NSPCC Helpline

Free 24/7 helpline for adults needing personal advice and support or worried about a child

Tel: **0808 800 5000** Email: help@nspcc.org.uk Website: www.nspcc.org.uk

Whistleblowing Advice Line

Support for professionals who are worried about children in the workplace

Tel: **0800 028 0285** Email: help@nspcc.org.uk Website: www.nspcc.org.uk

Childline

Free 24/7 service for children and young people

Tel: **0800 1111** Website: www.childline.org.uk App: For Me



Thank you

