

Information received by Delyth Parkinson, Chairman, HHCOS, from OSCR

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From: OSCR Online <oscronline@oscr.org.uk>

To: oscronline@oscr.org.uk

Sent: Wednesday, 14 February 2018, 11:57

Subject: [OSCR Online] - Keeping vulnerable beneficiaries, volunteers and staff safe

The recent reports of abuses connected to some charities working in the international aid sector are deeply troubling and as a regulator we take such matters extremely seriously.

There are two key points that we would like to remind charities of in light of the reports.

- Safeguarding (keeping vulnerable beneficiaries, volunteers and staff safe)
- Notifiable Events

Due to the importance of them both, we are asking charity trustees to make sure that these topics are Agenda Items at the next meeting.

Safeguarding - Keeping vulnerable beneficiaries, volunteers and staff safe

The public is right to expect the highest standards of governance from charity trustees – charity law also requires it. We work very closely with Police Scotland and the justice system where we consider there is any criminal activity or risk to vulnerable people. Charities working with vulnerable beneficiaries or volunteers need a heightened focus on possible abuses of power that might lead to bullying, harassment, or sexual misconduct.

The legal duty of all charity trustees is to act in the best interests of their charity and, in particular, to act with due care and diligence. For all charities, this means trustees should make sure that they create a safe environment for staff, beneficiaries and volunteers. Charities should have the appropriate policies, procedures and practices in place to make sure that everyone is kept safe. It is important to develop a culture that enables anyone to report concerns, whilst making sure that those concerns are dealt with appropriately and in a sensitive manner. They should also ensure that everyone in the organisation understands these policies and that they are reviewed and kept up to date as organisations grow and change.

Remember, charity trustees are the ones who are ultimately accountable when something goes wrong in a charity, and it is up to them to take appropriate action when it is required. If you are a charity trustee, please review your safeguarding policies – and if they are not comprehensive enough, work with your fellow trustees to get them where they need to be as soon as possible.

Here are some key actions for charity trustees to take:

- Know what you have to do – trustees must follow charity law but there may be other specific statutory duties because of the type of work your charity does (for instance, your staff and volunteers may need to be members of the Protection of Vulnerable Groups –[PVG](#) –scheme depending on the type of work your charity carries out)
- Assess your safeguarding risks and address them where necessary
- Be confident that the steps you put in place are relevant to the size and work of your charity

- Make sure your charity's policies and procedures are effectively applied in practice throughout the organisation, and you are confident that they will continue to be followed in the future
- Review your safeguarding policies and procedures at least once every 12 months. If there are gaps, make sure that any new policies or procedures are in line with the charity's purposes and the law
- Encourage a safe environment so that volunteers, staff and beneficiaries feel that they can speak up when they think something is going wrong
- Be decisive with any action you have to take, procrastinating can be viewed as complacency
- Be transparent when incidents do occur, and learn if things go wrong
- Ensure that serious incidents are reported to OSCR and other relevant bodies.

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 Later this year, we will be publishing new guidance on safeguarding. If there is anything you would like to see us cover in this guidance, please email info@oscr.org.uk and we will consider your suggestions.

Notifiable events

When problems occur, it is important for trustees to address them vigorously and transparently – we have a Notifiable Events system which should be used in circumstances like this.

This system was started in April 2016 and it gives us an opportunity to provide guidance to charities when serious incidents occur.

A Notifiable Event could be:

- fraud and theft
- significant financial loss
- incidents of abuse or mistreatment of vulnerable beneficiaries
- a lack of charity trustees required to make a legal decision
- when a charity has been subject to a criminal investigation or an investigation by another regulator or agency; sanctions have been imposed, or concerns raised by another regulator or agency
- when significant sums of money or other property have been donated to the charity from an unknown or unverified source
- suspicions that the charity and/or its assets are being used to fund criminal activity (including terrorism)
- charity trustees acting improperly or whilst disqualified.

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 There is no legal requirement to report a Notifiable Event. However, it is an important way for charities to reassure us, and other interested parties, that they are on top of the issues they are facing. Ultimately, we may become concerned if there has been a matter that has not been reported to us; especially if it goes on to have a negative impact on the individual charity or the wider charity sector.

For more information, please read the news item we published in November 2017 encouraging charities to report significant incidents when they occur.

Regards,

David Robb

Chief Executive, OSCR Online,

Tel: 01382 220 446 Email: oscronline@oscr.org.uk OSCR, 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee, DD1 4NY