

# How to bring your safeguarding up to scratch

*The Oxfam crisis earlier this year has shaken the sector. Here David Smellie and Adele Eastman outline how abuse can occur and how to prevent it.*

RECENT MONTHS have been deeply bruising for the whole voluntary sector as it is struck by the reverberations from the Oxfam crisis. Media furore and parliamentary scrutiny have been on a scale even greater than during the fundraising scandal of three years ago. Then it was anxious and vulnerable old people being pursued by intrusive and pressured donation requests. This time it is the abuse of beneficiaries and junior staff by charity workers or executives who were entrusted with their welfare.

But it is not just those abuses. There has been a seemingly institutional failure to report criminal acts or serious incidents to statutory authorities or regulators in a timely or transparent fashion, if at all; a failure to act robustly and transparently in response to concerns from beneficiaries or staff when raised; the movement of adults suspected of misconduct from one job to the next; a failure of governance to hold executives to account not only for the implementation of robust safeguarding systems but for their own conduct; and above all, a lack of moral leadership which puts culture first, and proper treatment of people at the heart of the organisation's culture. The charge sheet makes for sobering reading.

## CRISIS IN CONTEXT

It is important to put this crisis and these allegations in context. The last 20 years have seen sector after sector hit by safeguarding scandals. Churches, schools, children's homes, care homes, young offenders' institutions, the armed forces and sports – most

recently football – have all woken up to their past or present in terms of child abuse. More recently Parliament, Hollywood and the legal profession (even the Independent Inquiry into Child Sexual Abuse) have been beset by reports of sexual harassment of those working or seeking to work in those professions. Now the charity sector has been hit by both at the same time. It should not come as a surprise to anyone as it was never likely that any one sector would have a monopoly of virtue in this area. But all of this begs some important questions.

“It is important to put the crisis and allegations in context”

## WHAT IS AN ENVIRONMENT IN WHICH ABUSE CAN OCCUR?

For anyone wanting to better understand the types of environment in which institutional abuse (ie abuse within an institutional setting) has been found to occur, just read the work of Marcus Erooga in two NSPCC publications from 2009 and 2012, aptly named *Towards Safer Organisations* and *Towards Safer Organisations II*.

Erooga, and in the 2012 study also his co-authors Allnock and Telford, make important points. Most abusers do not have criminal records – so while criminal checks are important, never regard them as a panacea. Similarly, organisations should not make the mistake of pigeon-holing

“IF SAFEGUARDING IS A CLEAR PRIORITY AT TRUSTEE LEVEL, IT WILL BECOME A PRIORITY OF SENIOR EXECUTIVES, AND SO ON DOWN THE LINE”



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offenders. Whilst “preferential” offenders like Jimmy Savile exist who have a predisposition to abuse and seek out roles which provide access to children or vulnerable adults, they are thankfully relatively rare. Erooga's research, which has involved interviews with institutional child sex offenders, highlights the more common risk of the “situational offender” – someone with no conscious or subconscious sexual attraction to children but who has reacted to their environment and gone on to offend against a child.

As Erooga puts it: “The motivation for crime is supplied by the situation, and the offence may represent an aberration in an otherwise law-abiding life. Situational offenders generally have no other criminal involvement and their offending will be a relatively isolated event, often committed as a reaction to cues”.

Erooga illustrates this via a quote from an offender whose sense of isolation contributed to the environment in which she offended: “To me I think the main factor in my offending was the sense of isolation I had in that school... Partly because of how the department was and how people didn't seem to interact ... and also ... physically it was sort of on the corner of the site ... But any issues that arose ... I didn't know who to speak to about them – I didn't feel I could talk to my head of department.”

A safer environment must therefore involve creating systems which not only limit the chances of preferential offenders securing or remaining in work but also reduce the likelihood

of situational offending.

Equally any charity looking to create a safe organisation also requires an understanding of how to identify the traits of grooming and of the type of environment in which grooming behaviours can occur. Every charity trustee and senior executive should ask themselves whether the following factors could exist in their charity:

- An individual who, relative to the victim, is in a position of power and may be hard to challenge, and who might be willing or able to abuse that position for gratification by grooming and/or coercing a victim to engage in some form of sexual activity;
- The possibility of favour exists for cooperation and/or where the loss of favour exists in the absence of cooperation, and the fear of retribution or embarrassment exists for raising the alarm;
- A culture in which rules can be broken, and rule breakers (especially the more senior ones) are not held to account, with the result that concerns are not raised and the conduct remains unchecked and underground.

### WHAT SOLUTIONS HAVE BEEN FOUND?

Erooga illustrates with another quote just how much impact an organisation's culture and systems can have on reducing the risk of abuse. This quote comes from an offender who was known to have offended in two separate organisations but not in a residential children's home where he had worked: "I think they just had good staff and good rotas, there was always lots of people about ... I just can't imagine looking back at it that you would ever have asked if you could (take kids out) – it wouldn't have been part of the norm ... you know it's all the same things – there were boundaries, professionalism..."

“Creating a safe environment involves more than procedures”

As Erooga notes: "Having been through a treatment process during a lengthy custodial sentence, he was

able to reflect on his own behaviour and attributed the change to his pattern of offending in the home to a positive child-centred organisational culture and adherence to expectations of staff behaviour."

Creating or simply maintaining this safe environment is not easy and it involves a great deal more than introducing policies and procedures. The types of solutions which have been applied across sectors include:

- A code of conduct which establishes clear boundaries that all individuals working in an organisation, from most senior to most junior, are expected to comply;
- An open culture where victims, their colleagues, witnesses – or anyone who just senses something is wrong – feel able to share concerns of inappropriate conduct, from the most serious allegations to lower – level concerns;
- Policies and procedures which entrench all of the above;
- A system and culture of governance which ensures management fully implements safeguarding systems and no one is left unaccountable;

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**WHAT CAN THE SECTOR LEARN FROM ELSEWHERE?**

It does not follow that regulation plus inspection equals safe – nor the converse. But one only has to look at the transformation of safeguarding in schools over the last 20 years to realise that regulation and inspection can help to lift an entire sector to a new level. In the past, school governors did not discuss safeguarding at their meetings; there were no safeguarding governors or designated safeguarding leads; staff had no safeguarding induction, training or code of conduct; low-level concerns about staff were not addressed; and serious allegations all too often ended in a settlement agreement and an agreed reference enabling staff to pick up their careers – and abuse – elsewhere. None of this is possible from a regulatory perspective now due to the *Keeping Children Safe in Education (KCSIE)* statutory guidance, which quite simply gives schools no option but to comply or fail their Ofsted inspection.

Certainly, it is not foolproof, and a poorly governed and led school

will still be an unsafe place for children. But if statutory guidance for the UK education sector has been so transformational, there is a case for saying that it could be equally transformational for the charity sector. The table below shows just some examples of how statutory guidance in the education sector has solved safeguarding problems which had previously been perennial issues.

“ The goal in charities should be to go beyond compliance ”

**WHAT NEXT FOR THE SECTOR?**

In their statement published on 20 March, NGOs and government pledged to improve safeguarding standards. That pledge makes five commitments:

- Demonstrate accountability to beneficiaries and survivors;
- Demonstrate a step change in shifting organisational culture to tackle power imbalances and gender inequality;
- Ensure that safeguards are integrated throughout the employment cycle;
- Ensure full accountability through rigorous reporting and complaints mechanisms;
- Ensure that concerns are heard and acted on.

Five working groups have been established with the objective of proposing implementable solutions by the autumn.

The goal in charities should not just be to comply with whatever emerges from the process but to go beyond compliance. There is no substitute for safeguarding being scrutinised at an organisational level. Every board of trustees should be asking themselves a series of questions:

- What are the safeguarding risks faced by beneficiaries and others coming into contact with the charity?
- Of those risks, which are the most serious and which are the most probable?
- What mitigation measures has the charity put in place to reduce those risks and have those measures been properly implemented?
- Are there other measures the charity can be taking to reduce risks of harm and if so when can they be implemented?
- Are there emerging risks which the charity should be planning for? If so, how will they be managed?
- What can the charity do to go beyond management of risk? What more can be done to promote welfare?

If safeguarding is a clear priority at trustee level, it will become a priority of senior executives, and so on down the line. If within an organisation a strong culture is established by the actions and decisions of those at the top, then the organisation will be a safer one for beneficiaries, staff, volunteers and all who interact with it.

The Charity Commission has issued numerous pieces of safeguarding guidance in the last year including a regulatory alert to charities on safeguarding. Under this, trustees are advised to undertake a thorough review of their charity’s safeguarding governance and performance if one has not been done in the last 12 months. They are also advised to disclose any serious safeguarding incidents, complaints or allegations which have not previously been reported. The date of this regulatory alert was 19 December – two months before the Oxfam story broke. The Commission has some justification for now saying to trustees: “You have been warned.” ●

**EXAMPLES OF HOW SAFEGUARDING PROBLEMS HAVE BEEN TACKLED IN THE EDUCATION SECTOR**

Issue	Statutory guidance (KCSIE) requirement
Obtaining frank references	Must both ask for and provide details in references of any safeguarding concerns.
Timely reporting to authorities	Must report all allegations to their local authority within 24 hours and all historic allegations to the police.
Use of settlement agreements	Must not be used whenever there has been a safeguarding allegation.
Moving perpetrators on	Must report the dismissal (or resignation when dismissal is contemplated) of teachers for safeguarding reasons to the National College for Teaching and Leadership, which has the power to bar from teaching (and publishes its decisions online). This is on top of Disclosure and Barring Service reporting obligations.
Training	Must train all staff annually. Staff and governors with specific safeguarding responsibilities must be trained to a higher level.
Governance	Must appoint a safeguarding governor, and governors as a whole must take steps to ensure full implementation of all safeguarding duties under the guidance.