

Safeguarding Policy

Last updated:	October 2023
Approved by:	The Trustee Board at their October 2023 meeting, as recorded in the Minutes
Review:	The policy must be reviewed annually and updated as necessary

Introduction

The Sir Halley Stewart Trust (hereafter “Trust”) is a grant-making charity with general charitable objects. The Trust’s grant-making falls into three main areas: religious, social and medical with education as a theme that runs across all three grant-making areas.

In furtherance of its charitable objects and the above-mentioned grant making policy, the majority of the Trust’s grants are made to other UK charities with a small minority being made to individuals.

As a means of maintaining contact with grantees and monitoring the outcomes of the Trust’s grant giving, the Trustees and the Trust’s Grant Assessor visit funded projects and attend grantee events where possible. In addition, from time to time they meet with grantees before Trustee board meetings.

Through adherence to this policy the Trustees demonstrate the Trust’s commitment to safeguarding individuals from harm, including beneficiaries, staff, volunteers and other people who come into contact with the Trust and ensuring that no one is harmed in any way through their contact or relationship with the Trust.

The fundamental principle that underpins this policy is that all individuals without exception have the right to be free from harm and the right to protection from any such harm. All Trust representatives (including Trustees, contracted staff and volunteers) must ensure they not only understand but also act in line with this policy.

Definitions

Safeguarding is a broader term than protection, as it also includes prevention. The promotion of welfare is paramount. For the purposes of this policy, safeguarding includes Trust representatives taking all reasonable measures to ensure that the risk of harm is minimised and, where there are concerns or specific incidents disclosed or observed, taking appropriate actions as necessary.

Further to definitions provided in the [Department of Health “No Secrets: guidance on protecting vulnerable adults in care” publication](#), this policy has the following focus and scope:

- **Harm**, which “*should be taken to include not only ill treatment (including sexual abuse and forms of ill treatment which are not physical), but also the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, intellectual, emotional, social or behavioural development*”.
- **Abuse**, i.e. “*a violation of an individual’s human and civil rights by any other person or persons.*”

Harm and abuse can be physical, verbal or psychological in nature, and inflicted through a single act or repeated acts. They can be planned or reactive, intentional or unintentional, and via an act of neglect or an omission to act. They may occur when a person is persuaded to do something to which they have not consented or cannot consent. “*Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.*”

The term “**vulnerable beneficiaries**” includes children and young people; people with physical or learning disabilities; people with a physical or mental illness (chronic or otherwise, including addiction to alcohol or drugs); older people; and those with a reduction in physical or mental capacity.

Scope

By virtue of its work as a grant-making organisation, rather than a service delivery organisation, on a day-to-day basis the Trust has very little interaction with vulnerable beneficiaries and indeed with beneficiaries in general. Its contact with any such individual or group is usually via visits to one of its grantee organisations or funded projects, which should have their own safeguarding policies and practices in effect. (See the section below headed “Grant-making”: it is a condition precedent of initial and continued grant-funding that a grantee organisation has safeguarding policies and procedures in place that comply with Charity Commission requirements and best practice recommendations or those of any equivalent regulator).

However, as per the Charity Commission guidance on safeguarding (the latest version as at the date of adoption of this policy is 1 June 2022, entitled “Safeguarding and protecting people for charities and trustees” “Safeguarding Guidance” – link below) safeguarding is a priority for all Trustees and their responsibilities are not confined to vulnerable beneficiaries:

“Protecting people and safeguarding responsibilities should be a governance priority for all charities.

As part of fulfilling your trustee duties, you must take reasonable steps to protect people who come into contact with your charity.”

Consequently, this policy applies equally (as appropriate) to Trustees, contracted staff and volunteers and all who come into contact with the Trust including, for example, grantees and their representatives who may from time to time attend meetings with the Trustees and other representatives of the Trust before Trustee board meetings.

In its Safeguarding Guidance the Charity Commission expects trustees to make sure their charity:-

- *has appropriate policies and procedures in place, which are followed by all trustees, staff volunteers and beneficiaries*
- *checks that people are suitable to act in their roles*
- *knows how to spot and handle concerns in a full and open manner*
- *has a clear system of referring or reporting to relevant organisations as soon as concerns are suspected or identified*
- *sets out risks and how they will be managed in a risk register which is regularly reviewed*
- *follows statutory guidance, good practice guidance and legislation relevant to their charity*
[see the guidance referred to in the main body of this policy and the additional guidance referred to at the end of this policy]
- *is quick to respond to concerns and carry out investigations*
- *does not ignore or downplay failures*
- *has a balanced trustee board and does not let one trustee dominate its work – trustees should work together*
- *makes sure protecting people from harm is central to its culture*
- *has enough resources, including trained staff/volunteers for safeguarding and protecting people*
- *conducts periodic reviews of safeguarding policies, procedures and practice*

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

Procedures

The procedures outlined below have been prepared with a view to ensuring that the Trustees comply with the above-mentioned expectations of the Charity Commission as set out in its Safeguarding Guidance.

Designated responsibility

All Trustees of the Trust are collectively responsible for ensuring that the Trust meets its safeguarding obligations. However, responsibility for taking the lead on safeguarding issues and reporting accordingly to the board shall be delegated to a Designated Safeguarding Trustee (Mr James Bunn as of 6 October 2022).

The Trust's Clerk for the time being shall be the Trust's Designated Safeguarding Officer. Save in his / her absence or if felt to be more appropriate in the circumstances, he / she shall be responsible for reporting any concerns, queries or reports relating to safeguarding to the Designated Safeguarding Trustee (or in the absence of the Designated Safeguarding Trustee, or if felt to be more appropriate in the circumstances, to the Chair of Trustees or Vice Chair of Trustees).

Assessing risks

The Trust's safeguarding risks shall be assessed in the light of its activities.

All risks should be identified in a risk register which is reviewed and updated accordingly (a) if a safeguarding incident occurs and (b) each time this policy is reviewed (as per the section below).

Recruitment of Trustees, staff and volunteers

The Trustees will ensure that robust procedures are in place when recruiting, selecting new Trustees, staff and volunteers to ensure that they are suitable and legally able to act in their positions. These include:-

- Ensuring that any prospective new Trustee is eligible to act as a charity trustee by asking he / she to complete and sign the Charity Commission Trustee eligibility declaration ("Eligibility Declaration")— see the link below:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820778/Trustee_Declaration_Form.pdf
- Obtaining references;
- Checking, as deemed necessary / appropriate, any gaps in work history;
- Obtaining the appropriate checks and certifications from the Disclosure and Barring Service in England and Wales or Disclosure Scotland ("DBS") where suitable for new Trustees, staff members or volunteers who require such checks for the nature of their roles with the Trust, and obtaining DBS certificates on a yearly basis for those individuals:
<https://www.gov.uk/guidance/basic-dbs-checks-guidance>
- Asking existing Trustees to complete and sign the Eligibility Declaration each year (or at such other intervals as the Trustee board considers appropriate) to ensure that they are still eligible to act as charity trustees; and
- Ensuring that any staff from overseas have a right to work in the UK – see the link below:

<https://www.gov.uk/check-job-applicant-right-to-work>

Direct Contact

Code of Conduct

As mentioned above, as a grant-making charity the Trust has limited contact with individuals and beneficiaries outside the Trust. However, it is important that safeguarding procedures are in place governing the conduct of representatives of the Trust when they visit grantees and / or grantees from time to time meet the Trustee board to provide a report on project which the Trust has funded. Safeguarding procedures also apply to any relevant contact or references on social media that involve the Trust or Trust representatives.

It is also important that safeguarding procedures are in place governing the conduct and inter-relationship of Trustees, staff and volunteers.

The Trust's Code of Conduct covers, amongst other things, the above scenarios and it should be read in conjunction with this policy.

Lone Worker Policy

The Trust also has in place a Lone Worker Policy, the purpose of which is to protect Trustees, staff, volunteers and any other individuals undertaking activities on behalf of the Trust from risks associated with working alone at external venues, meeting other contacts as the sole representative of the Trust, or travelling alone on Trust activities.

Grant-Making

When assessing applications for potential suitability for grant awards, and vetting grantees prior to the release of grant funding, the Trust assesses whether they have appropriate systems of control including adequate safeguarding policies and/or guidance on how to implement safeguarding in practice. As of October 2021, this will include:

- Asking the following safeguarding questions in the Trust's application form:

"Do you have a specific Safeguarding Policy that details your organisation's policy and practices regarding safeguarding and complies with sector obligations? If so, please upload a copy of the policy here and provide additional details of how this is put into practice, including additional guidance documentation you may have.

(Maximum number of characters including spaces: 2,000 characters)

"Please provide examples of how your safeguarding policies and procedures might apply to the specific project outlined in this application.

"Please provide details of any safeguarding incidents involving your organisation to date and how they have been resolved."

If concerns arise from the answers provided, which are from applications that would otherwise be good prospects for the Trust to consider further, the Grant Assessor should review the relevant safeguarding policies at that point in order to determine whether those applications should be short-listed for Trustee consideration or not.

- For all proposals that are short-listed for Board meeting Agendas, prior to the meeting in question the Grant Assessor should assess the safeguarding policies and also send them to the Lead Trustee / relevant Sub-Committee as appropriate. Any queries or concerns should be raised with the applicant prior to the Board meeting, and projects should be removed from the Agenda if the issues raised are not dealt with satisfactorily by the applicant.
- Requesting confirmation of grantee commitments to safeguarding before releasing grant funding, via a specific declaration in the Grant Conditions Agreement (which is signed by each grantee as part of their grant acceptance paperwork):

"I confirm that my organisation has a Safeguarding Policy and that I have provided a copy of this policy to the Trust. I confirm that my organisation has robust safeguarding procedures that comply with Charity Commission requirements or those of my equivalent regulator (i.e. if an exempt charity rather than a charity registered with the Charity Commission). I undertake to inform the Trust of any safeguarding incidents that arise during the project, and understand that if in the opinion of the Trust any such safeguarding concerns are not adequately dealt with, the Trust reserves the right to withdraw and / or reclaim all or part of the grant."

- Adding a specific safeguarding question to the Trust's Reporting Guidance:

"Have there been any instances of safeguarding incidents or concerns during the project? If so, how have they been resolved?"

During assessments, safeguarding processes must be found to be robust and compliant with current law and best practice; proportionate and appropriate for the vulnerability of the beneficiaries in question; and suitable for the context within which the applicant / grantee is working (e.g. UK or overseas, and any particular environments with special requirements, for example prisons).

For research projects, evidence of ethical approval is required where appropriate before grant funds are released. An existing question on the Trust's application form elicits information on this, and can also provide relevant information impacting on safeguarding, for example data protection and GDPR compliance is often identified through the following question: *"How will ethical and governance issues be addressed on your project?"*

If a grantee's safeguarding policy and / or procedures are felt to be inadequate at any stage of the grant-making process, the Trust should require the grantee to amend its safeguarding policy and practices before releasing grant funds. If funds have already been released then, subject to the terms of the Grant Conditions Agreement, it may be necessary / appropriate to terminate the Agreement and / or request repayment of all or some of the grant funds already released. Please see the section below headed "Handling and reporting safeguarding incidents and concerns".

Handling and reporting safeguarding incidents and concerns

All Trust representatives (including Trustees, staff and volunteers) should take seriously and respond quickly to any suspected, disclosed or observed breach of the Code of Conduct and / or any incidents of harm or abuse to any individuals connected with the Trust including Trustees, staff, volunteers and vulnerable beneficiaries (and beneficiaries in general).

All concerns, queries or reports of potential or actual breaches of the Code of Conduct and / or harm or abuse to individuals must be reported as soon as is reasonably practical to the Designated Safeguarding Officer (or the Designated Safeguarding Trustee or such other Trustees, if appropriate – as per the section above headed "Designated Responsibility"), including as much information as possible regarding the incident(s).

Upon receipt of an incident report as referred to above, the Trustees will then:

- assess the concern, allegation or incident;

- notify the relevant authorities as appropriate, for example Social Services, the Police and the Charity Commission, as necessary appropriate;
- subject to, as relevant / appropriate, (a) the law, (b) the terms of the Trust's governing document, (c) any relevant grievance or disciplinary procedures; (d) the terms of a Grant Conditions Agreement, (e) the terms of any other agreement in place with a third party and / or (f) the consideration of any expert advice obtained take such other action as deemed necessary / appropriate including, but not limited to, terminating trusteeship; terminating a contract of employment, terminating an arrangement with a volunteer; terminating a Grant Conditions Agreement and / or requesting repayment of grant funds already released; and / or terminating such other arrangement with a third party;
- fully document the incident and make a record of the Trust's actions in response;
- put in place any new measures required to prevent similar instances in the future.

Confidentiality & Data Protection

Please see the Trust's Data Protection Policy and Confidential Information Policy.

Reviewing this policy

This policy shall be reviewed by the Trustee board at least once per year. In reviewing the policy the Trustees shall consider, amongst other things:-

- the risk register and whether the risks have changed since the policy was last reviewed;
- any actual or alleged safeguarding incidents that have occurred since this policy was last reviewed; and
- whether this policy and the safeguarding procedures set out herein should be amended in any way in the light of (a) Charity Commission safeguarding guidance in place at the date of review, (b) any other relevant sector safeguarding guidance, (c) the risks identified in the risk register and (d) any actual or alleged safeguarding incidents referred to in the above bullet point.

Training

Awareness and update training will be arranged and provided as necessary / appropriate to ensure that all who work with the Trust are clear about their safeguarding duties and responsibilities. Any Trustees, staff or volunteers who feel they require training regarding safeguarding should contact the Trust Clerk to arrange participation on a suitable course.

Related Policies

This Safeguarding Policy should be read in conjunction with the Trust's:-

- Risk Register
- Code of Conduct;
- Lone Worker Policy;
- Data Protection Policy; and
- Any other relevant policy documents.

Publication of this policy

This policy shall be posted on the Trust's website and a hard copy shall be provided free of charge as requested by any individual or organisation.

Declaration

This policy and any of the Trust's related policies as specifically referred to in this policy shall be brought to the attention of each Trustee, staff member and volunteers and he / she will be asked to sign the declaration at the end of this policy by way of indicating that he / she has read and understood this policy, its related policies and the guidance referred to herein.

Useful further reading resources

Charity Governance Code:

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

NCVO:

<https://www.ncvo.org.uk/policy-and-research/ethics/ethical-principles>

<https://www.ncvo.org.uk/help-and-guidance/safeguarding/specialist-guides/specific-activities/grant-making/safeguarding-in-grant-making-process/grant-applications/#!/>

<https://www.ncvo.org.uk/help-and-guidance/safeguarding/specialist-guides/specific-activities/grant-making/safeguarding-in-grant-making-process/grantholders/#!/>

Charity Commission guidance CC30 entitled - *Finding new trustees*:

<https://www.gov.uk/government/publications/finding-new-trustees-cc30>

Charity Commission Safeguarding for Charities and Trustees (5-minute You Tube):

https://www.youtube.com/watch?v=-6V_-JcbKZA

Charity Commission Safeguarding and Protecting People and Trustees June 2022:

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

Charity Commission compliance toolkit – entitled *Protecting charities from harm – Chapter 2: Due diligence, monitoring and verifying end use of charitable funds*:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677252/Chapter2new.pdf

Charity Commission guidance entitled - *How to report a serious incident in your charity*:

<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

Association of Charitable Foundations (ACF) - *Safeguarding Framework*:

ACF's new [framework](#) to help foundations think through their approach to safeguarding.

<https://www.acf.org.uk/news/acf-launches-new-framework-on-safeguarding-for-foundations>

ADOPTED BY THE TRUSTEES OF THE TRUST ON 12th OCTOBER 2023

ACKNOWLEDGEMENT AND SIGNATURE OF TRUSTEE, EMPLOYEE, VOLUNTEER OR OTHER PERSON OR ORGANISATION TO WHICH THIS POLICY APPLIES:

I CONFIRM THAT I HAVE READ AND UNDERSTAND THIS POLICY AND THAT I WILL FULLY
ADHERE TO ITS PROVISIONS (SO FAR AS THEY ARE RELEVANT TO ME/MY ORGANISATION)

NAME

SIGNATURE

DATE