

Safeguarding Policy - Bates Wells Foundation

1. Purpose of this policy

- 1.1 This policy applies to the Bates Wells Foundation, a charitable incorporated organisation registered in England and Wales, with charity registration number 1150321 (the “**Charity**”).
- 1.2 The Charity has developed this policy to promote protection for all those people it encounters, as well as volunteers and staff within the Charity itself and the partners with which it has relationships. This policy relates to the Charity’s commitments to safeguarding (as defined by the Charity Commission) and protecting children and vulnerable adults.¹

2. What is safeguarding?

- 2.1 The Charity takes **safeguarding** to mean *“the range of measures in place to protect people working in or for the Charity, or those it comes into contact with, from abuse and maltreatment of any kind.”*
- 2.2 The Charity is committed to proactively safeguarding and promoting the welfare of its beneficiaries, staff, trustees, and volunteers, and to taking reasonable steps to ensure that anyone who comes into contact with the Charity, or the Charity’s funded, promoted or associated activities (including those carried out by the Charity’s partners) do not, as a result, come to any harm.
- 2.3 Safeguarding is everyone’s responsibility. The Charity believes that everyone it comes into contact with, regardless of age, gender identity, disability, sexual orientation, or ethnic origin has the right to be protected from all forms of harm, abuse, neglect, and exploitation. The Charity will not tolerate abuse and exploitation by its volunteers, staff or partners.
- 2.4 Safeguarding is about embedding practices throughout the organisation to ensure the protection of people wherever possible and dealing sensitively and appropriately with the situation should any incident arise which places a person, including a child or vulnerable adult, at risk or in which a person has suffered abuse.
- 2.5 A **child** is anyone under the age of 18 years.
- 2.6 A **vulnerable adult** refers to a person, 18 and above, who by reason of: disability, age or illness; the context they are in; or as a result of social and other inequalities; is or may be unable to take care of or to protect themselves against significant harm or exploitation. Whether someone is a vulnerable adult or not is something which can change with their circumstances and is not fixed. A vulnerable adult may have a mental illness, a learning disability, a physical disability, be frail or be otherwise in need of additional assistance to protect themselves from harm or exploitation, for example, due to social factors such as poverty, displacement or lack of services or support, or domestic abuse.

¹ The Charity Commission has published guidance, “Safeguarding and protecting people for charities and trustees”, which is updated from time to time and available at: <https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>.

- 2.7 Vulnerable persons can be harmed, or put at risk of harm, by organisations and institutions, and abuse of vulnerable groups can happen in all types of organisations. Such harm may result from unintentional acts or deliberate actions.
- 2.8 Unintentional acts may lead to harm due to a lack of 'due diligence' or competence or through organisational negligence, such as inadequate care and supervision, lack of policies, procedures, and guidance to inform practice, or lack of compliance with legal requirements. Also, deliberate actions may be taken by people with intent to abuse vulnerable people.
- 2.9 Abuse can be caused by those inflicting harm or those who fail to act to prevent harm. Abuse is not restricted to any socio-economic group, gender, or culture.
- 2.10 Abuse can take a variety of forms, for example:
- (a) Physical abuse
 - (b) Sexual abuse
 - (c) Emotional abuse
 - (d) Psychological abuse
 - (e) Neglect
 - (f) Radicalisation
 - (g) Financial abuse

3. Charity's activities which may encounter children and vulnerable adults

- 3.1 The Charity has general charitable purposes, which it furthers by running the Stephen Lloyd Awards. The Awards are an annual event which aims to find and nurture innovative ideas and projects that can lead to practical, sustainable social change – the Charity supports Award winners and finalists by providing grants and connecting them with the support they need, including philanthropists, social investors, lawyers, accountants, governance and management specialists. The Charity also provides grants to charities through its matched employee fundraising initiatives.
- 3.2 The current nature of the Charity's work means that the Charity is not directly engaged in activities that are specifically aimed at children or vulnerable adults. However, the Charity recognises that it funds organisations who do work directly with beneficiaries including children and vulnerable adults.
- 3.3 If the Charity were to commence activities in which its staff will work directly with beneficiaries, the trustees shall consider what steps need to be taken by the Charity to ensure it is ready to run such activities in a way which promotes the safety and wellbeing of beneficiaries (including children and vulnerable adults).

4. **Scope of this policy**

For the Charity's staff and volunteers

- 4.1 Compliance with this policy is mandatory for all the Charity's staff including volunteers. For the purposes of this policy "staff" is defined as anyone who works for, or is engaged by the Charity, either in a paid or unpaid, full time or part time capacity. This includes any directly employed staff, staff or partners of Bates Wells who provide their time to the Charity, contractors, agency staff, consultants, volunteers, interns, and equivalents.

For trustees

- 4.2 The trustees of the Charity have ultimate responsibility for ensuring that the Charity protects from harm all those who come into contact with it. The trustees have oversight of the Charity's safeguarding and linked policies and oversee the Charity's handling of safeguarding reports. The trustees also have responsibility for deciding whether any serious incident reports need to be made to the Charity Commission in relation to safeguarding incidents.

For partners

- 4.3 "Partner" means any organisation which receives funding from the Charity, which collaborates with the Charity to deliver any of its activities, or which is otherwise associated with the Charity's name and brand. Partners, as independent organisations, are ultimately responsible for internally dealing with their own safeguarding concerns. This policy is intended to work alongside the equivalent policies of the Charity's partners, where appropriate. The Charity expects that the principles and approaches already shared with partners mean that they will fully support the values and commitments set out in this policy and compliance will be a condition of the grant terms used with the Charity's grant recipients.

Relationship with Bates Wells

- 4.4 Any employee or partner of Bates Wells who volunteers or otherwise works with the Bates Wells Foundation and/or any of the Foundation's Partner organisations is also expected to comply with Bates Wells' own safeguarding policy in as far as it is relevant.

Reporting obligation

- 4.5 Any individual who becomes aware of any suspicions or allegations regarding harm to children or vulnerable adults is required to report this immediately to the Bates Wells Foundation Project Manager (Mona Rahman) [m.rahman@bateswells.co.uk], who will discuss the concerns with the trustees. If the Bates Wells Foundation Project Manager is not available, reports can be made directly to the Chair of Trustees (Stephanie Biden): s.biden@bateswells.co.uk.

Consequences of breaches of this policy

- 4.6 Breaches of this policy by staff or volunteers will be treated seriously and will be treated as a potential cause for disciplinary action (in the case of employees of the Charity) or termination of the relationship by other means. Breaches by trustees may result in the termination of their trusteeship. Breaches by partners may result in the termination of the relationship in accordance with the relevant partnership or framework agreement.

5. **Standards and commitments**

5.1 The Charity commits to taking all reasonable measures to ensure all individuals (including children and vulnerable adults) impacted by projects and programmes delivered and/or supported by the Charity are protected as far as possible from harm, including exploitation, neglect, and abuse of all kinds.

5.2 The Charity commits to:

- (a) Developing a zero tolerance 'safety culture' within the Charity that creates and enables protective environments.
- (b) Placing safeguarding at the heart of recruitment practices by preventing the employment/deployment of unsuitable individuals. Currently the Charity is not eligible to carry out Standard or Enhanced DBS checks, but should these or similar checks become available, the trustees intend to carry out the highest level of criminal records check to which the Charity is entitled.
- (c) Ensuring everyone understands their roles and responsibilities in respect of safeguarding.
- (d) Taking appropriate and proportionate action if the policy is not complied with.
- (e) Maintaining adequate insurance in relation to the Charity's activities and the people involved, to the extent that it is reasonably available.
- (f) Carrying out appropriate due diligence on any partners, which may include ensuring they have appropriate controls and safeguarding measures in place, or where possible supporting them to put such policies in place, meet any applicable standards in carrying out their activities, and integrating safeguarding and onward reporting requirements in the Charity's partnership agreements, taking account of the Charity Commission's relevant guidance.²
- (g) Ensuring that safeguarding concerns are addressed promptly and through the appropriate channels.
- (h) Reporting safeguarding incidents, allegations or concerns to external authorities and regulators, as appropriate, and in accordance with best practice. The Charity will risk assess such reporting to ensure that reporting is not likely to cause further harm to the individual(s) to whom harm has (actually, allegedly or potentially) been caused.

6. **Reporting and responding to concerns**

6.1 Where any safeguarding concern arises, whether because of an occurrence during an activity or arising from a complaint or otherwise, the concern will be treated seriously and dealt with in accordance with this policy.

² The Charity Commission has published guidance "Charities: due diligence, monitoring and verifying the end use of charitable funds" which is updated from time to time and available at:

<https://www.gov.uk/government/publications/charities-due-diligence-checks-and-monitoring-end-use-of-funds>.

6.2 When dealing with a complaint, accusation, or whistleblowing, whether it is from a child, vulnerable adult or a concerned adult, the approach is the same:

- (a) Stay calm and listen carefully to what is said.
- (b) Reassure the person that to tell is the right thing to do.
- (c) Find an appropriate and early opportunity to explain that it is very likely that the information will be shared with others. Do not promise to keep secrets.
- (d) Allow the person to dictate the pace.
- (e) Ask questions only to seek clarification and make sure they are not leading questions.
- (f) Explain what will happen next, who will be told.
- (g) As soon as possible record in writing what was said using the person's own words whenever possible. Include any dates, times, names, the name of the person making the record and with whom information will be shared - ensure it is dated and signed.
- (h) Report to the Bates Wells Foundation Project Manager (or if appropriate, to the Chair of Trustees) as soon as possible.

6.3 **It is not the responsibility of anyone in the Charity to decide whether a child or vulnerable adult has been abused. It is however everyone's responsibility to report concerns and comply with this policy.**

6.4 The concern must be reported to the trustees, who will consider the circumstances and decide whether further investigation is needed or what other action to take. The trustees will ensure that all concerns are properly recorded, and records kept securely and confidentially. The trustees will liaise with statutory safeguarding bodies as required.

6.5 If there is a serious or immediate safeguarding concern which places a child or vulnerable person at risk anyone can make a referral to social services or to the police to prevent harm.

7. **Next steps to be taken by the trustees**

7.1 On notification of a safeguarding concern, the trustees shall consider the circumstances and decide whether further information gathering is required or what other action to take. The trustees will ensure that all concerns are properly recorded, and records kept securely and confidentially in accordance with the Charity's Data Sharing Policy. The trustees shall liaise with statutory safeguarding bodies as required.

7.2 The trustees shall take steps to ensure that the individual who made the disclosure has access to appropriate ongoing support. They should also offer support to the Charity representative who heard the initial disclosure.

8. **Reporting serious incidents to the Charity Commission and other external bodies**

- 8.1 The Charity is committed to reporting all relevant incidents to the Charity Commission for England and Wales via a serious incident report in accordance with its guidance.³
- 8.1 The Charity will also report incidents to other regulatory bodies and government departments or funding bodies, where appropriate. Where there is evidence that criminal activity may have taken place, or concerns have been raised in relation to a child or vulnerable adult, the Charity will report to the relevant police and/or safeguarding authorities as appropriate (for example to the relevant Local Authority Adult Safeguarding Board), taking appropriate account of the Charity Commission's guidance in this respect.⁴
- 8.2 Decisions to report to external authorities will be fully risk assessed and anonymisation/pseudonymisation considered when necessary.
- 8.3 Reporting will not be avoided on the basis that it may harm the Charity's reputation or give rise to litigation and any concerns in relation to data protection will not act as a barrier to reporting, although they will be carefully considered to ensure that the disclosure is made within the legal framework for so doing.

9. **Linked policies**

9.1 This Safeguarding Policy should be read alongside the following linked policies:

- (a) Volunteering Policy;
- (b) Complaints Policy;
- (c) Data Sharing Policy;
- (d) Conflicts of Interest Policy;
- (e) Risk Management Policy; and
- (f) Serious Incident Reporting Policy.

10. **Publishing this policy**

10.1 The Charity will ensure that this policy is always publicly accessible on its website.

11. **Review**

11.1 The Charity is committed to reviewing this policy and good practice regularly. This policy will be reviewed by the trustees at least annually or when an incident occurs that highlights a need for change – whichever occurs first.

³ The Charity Commission has published guidance as to what constitutes a serious incident and how to make a report, which is updated from time to time and available at <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>.

⁴ The Charity Commission has published guidance on the criminal reporting of safeguarding offences (including overseas), which is updated from time to time and available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/780835/Criminal_reporting_of_safeguarding_offences_including_overseas_v3.pdf.

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