Protecting young people and vulnerable beneficiaries

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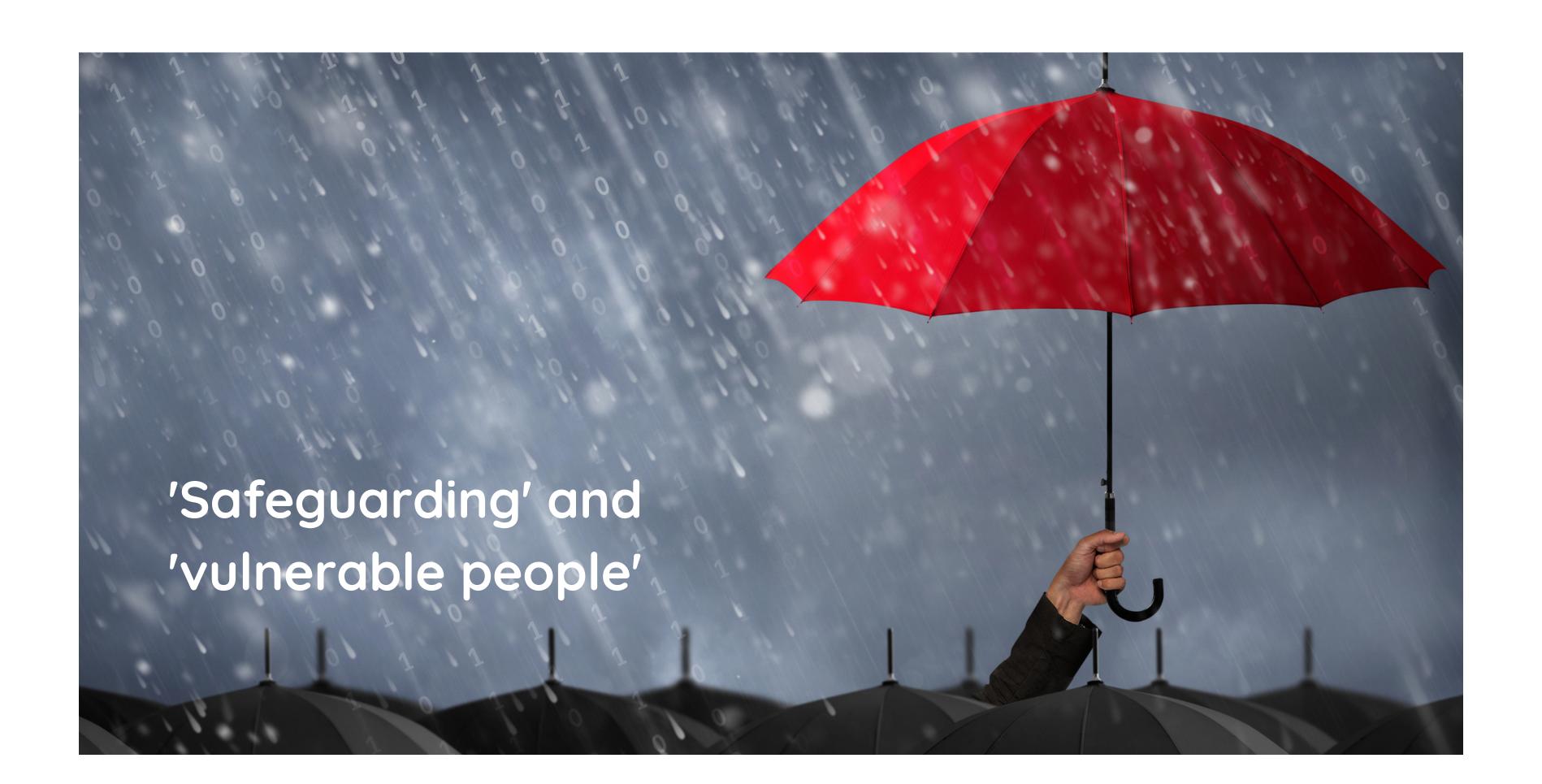
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AGENDA

- 'Safeguarding', 'vulnerable people' and your charity's obligations.

- Addressing the issues and managing the risks.

- Policy, practice and internal controls.

- Case studies and examples.

'Safeguarding' and 'vulnerable people'

Safeguarding

'Safeguarding' is a term meaning to protect the welfare and human rights of people that are connected with your charity or its work.

Safeguarding is part of a charity's primary duty of care.

Vulnerable people or beneficiaries

While all people must be protected from harm, there are additional legislative and ethical considerations for protecting vulnerable people.

Vulnerable people or beneficiaries

It is important to understand that 'vulnerable people' are not limited to a charity's beneficiaries or the users of its services.
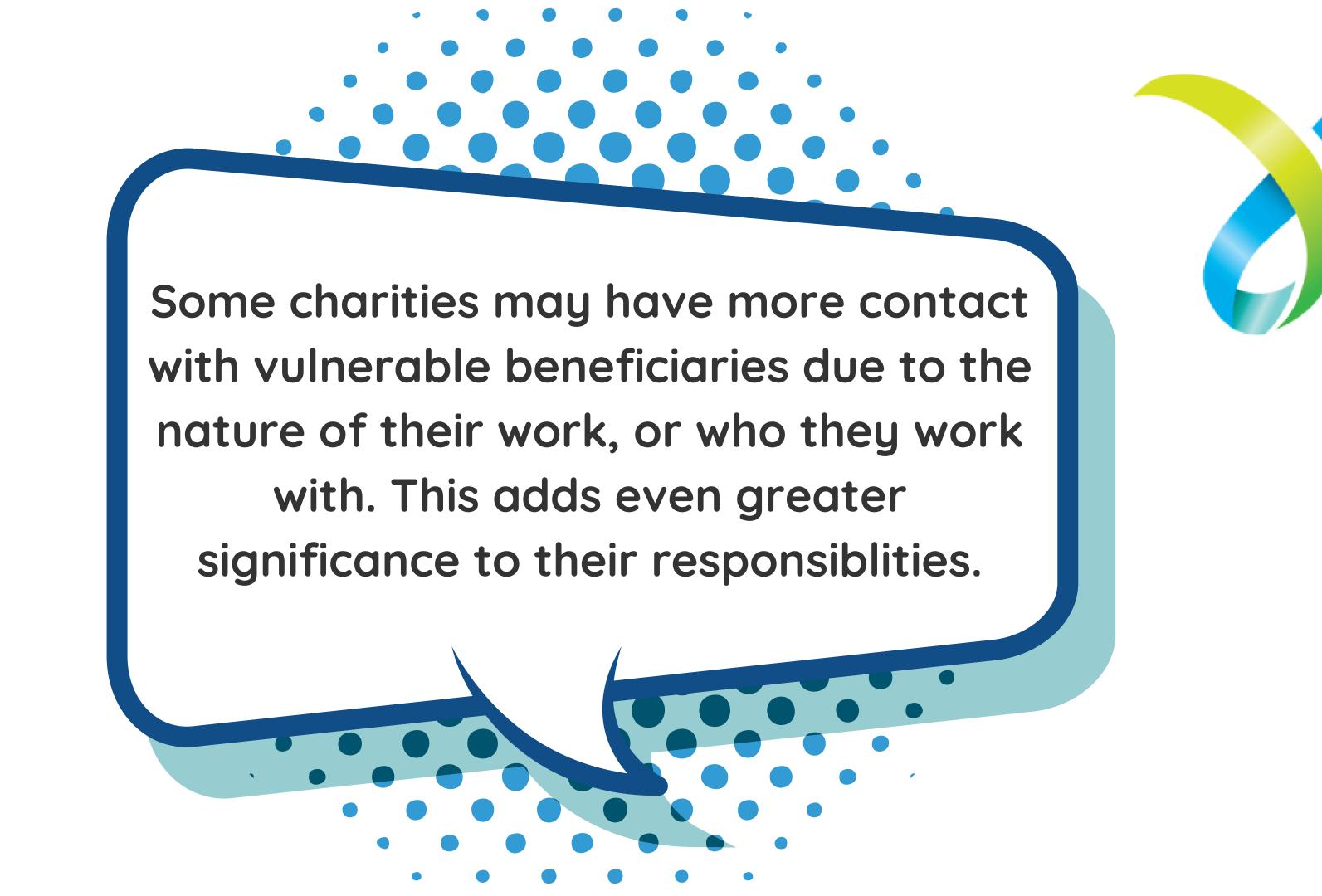
They can include a charity's staff, volunteers, and people in third parties, such as partners.

Vulnerable people or beneficiaries

It is also important to remember that a person's vulnerability may be permanent and ongoing, or it may be temporary.

Some charities may have more contact with vulnerable beneficiaries due to the nature of their work, or who they work with. This adds even greater significance to their responsiblities.

STANDARDS

ACNC Governance Standards

The Governance Standards do not specifically refer to obligations for safeguarding.

However they do:
- require charities to comply with the law.
- set duties for Responsible People.

External Conduct Standards

For charities that operate overseas – including charities that just send funds overseas – the **ACNC External Conduct Standards** establish explicit requirements for charities to protect vulnerable people.
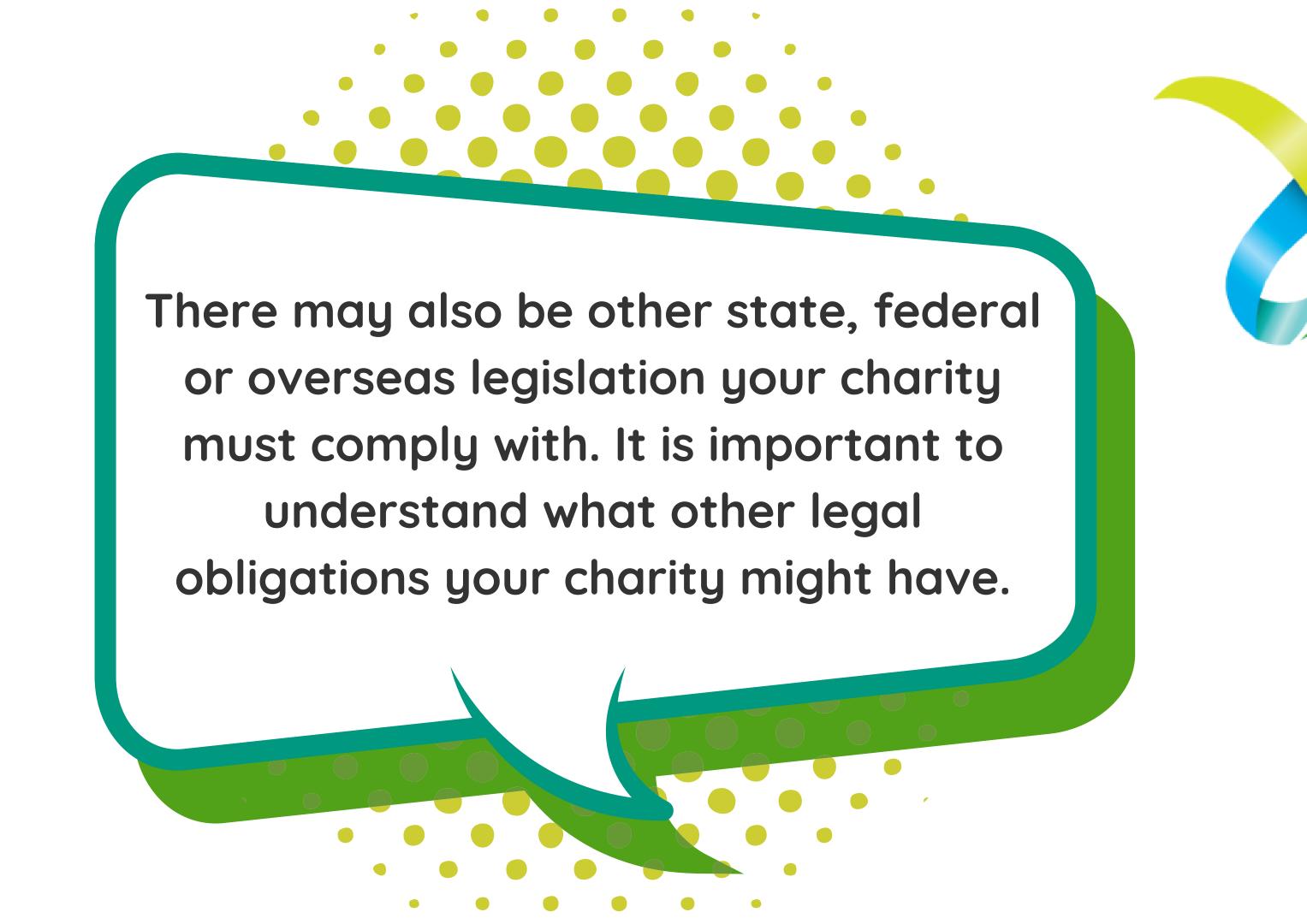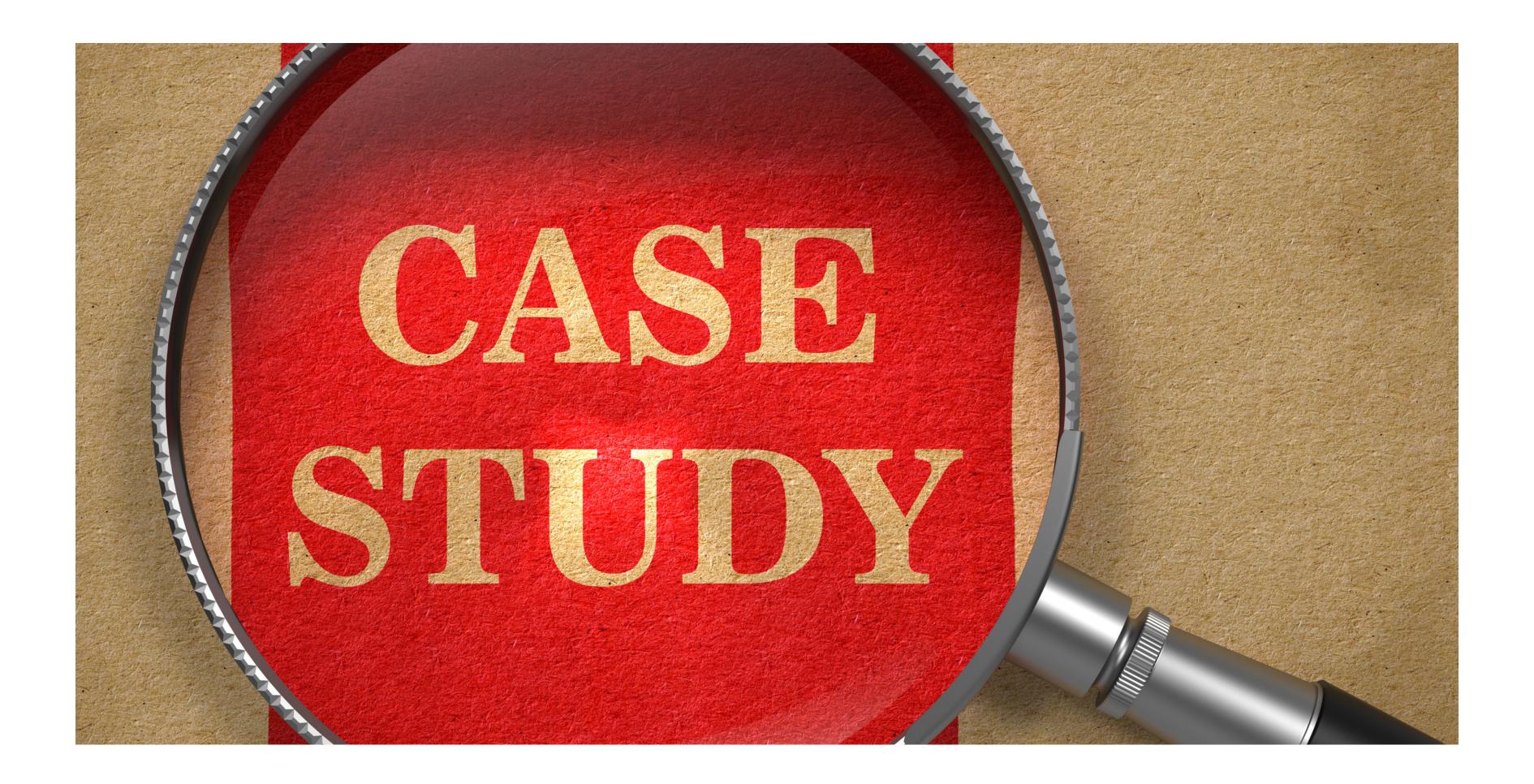
External Conduct Standards

External Conduct Standard 4 compels charities to 'take reasonable steps to ensure the safety of vulnerable individuals overseas'.

This also includes charities that only send funds overseas.

There may also be other state, federal or overseas legislation your charity must comply with. It is important to understand what other legal obligations your charity might have.

Addressing the issues
and managing the risks

Identifying and assessing risks

Your charity should:

- Understand the risks.
- Understand its obligations.
- Determine the policies, procedures and systems it needs to manage both.

This is part of the work towards developing a risk assessment.

Risk assessment

A risk assessment:

- Helps identify risks that come with a charity's work.
- Prioritises each risk according to its likelihood and consequences.
- Identifies the policies, procedures and systems that will deal with the risks.

Risk assessment framework

Think about:

- The people your charity affects or works with.
- How common these types of incidents are.
- The consequences an incident might produce.

Risk assessment framework

Your charity should:

- Seek information to understand the risks.
- Know its legal obligations.
- Keep a register that lists legislation affecting its work.
- Review obligations regularly and record what it does.

Safeguarding policy

A safeguarding policy should:

- Refer to your charity's legal obligations.
- Outline identified risks.
- Define key terms.
- Clearly state your charity's expectations.
- Outline your charity's risk-management processes.

Safeguarding policy
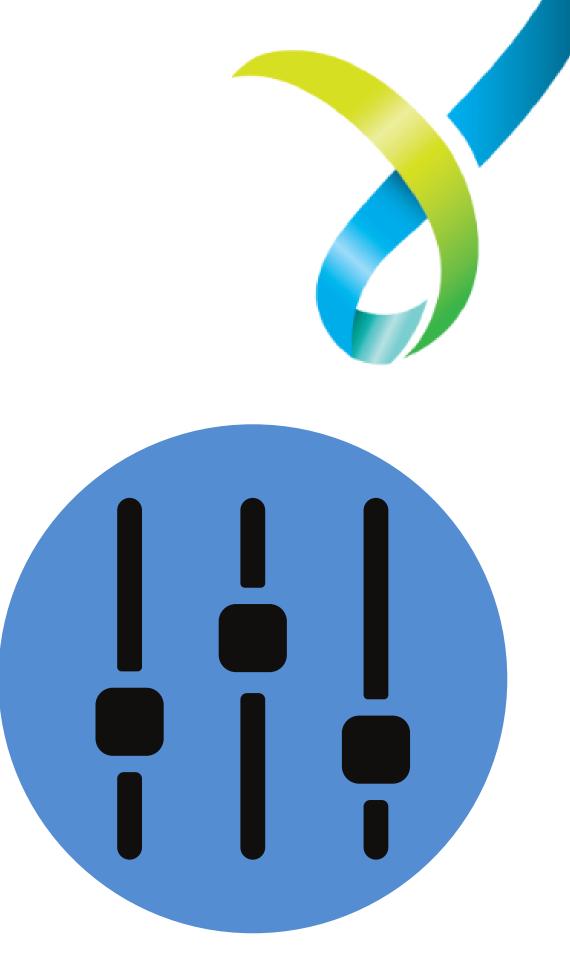
A safeguarding policy should:

- Identify who in your charity manages safeguarding.

- Define roles and responsibilities.

- Extend obligations to your charity's partners and contractors

- Contain supporting resources.

- Be endorsed by your charity's board.

Internal controls

Internal controls provide your charity with an early warning system, as well as a way to mitigate the extent of an incident.

It's important they are appropriate for your charity and address its specific risks.
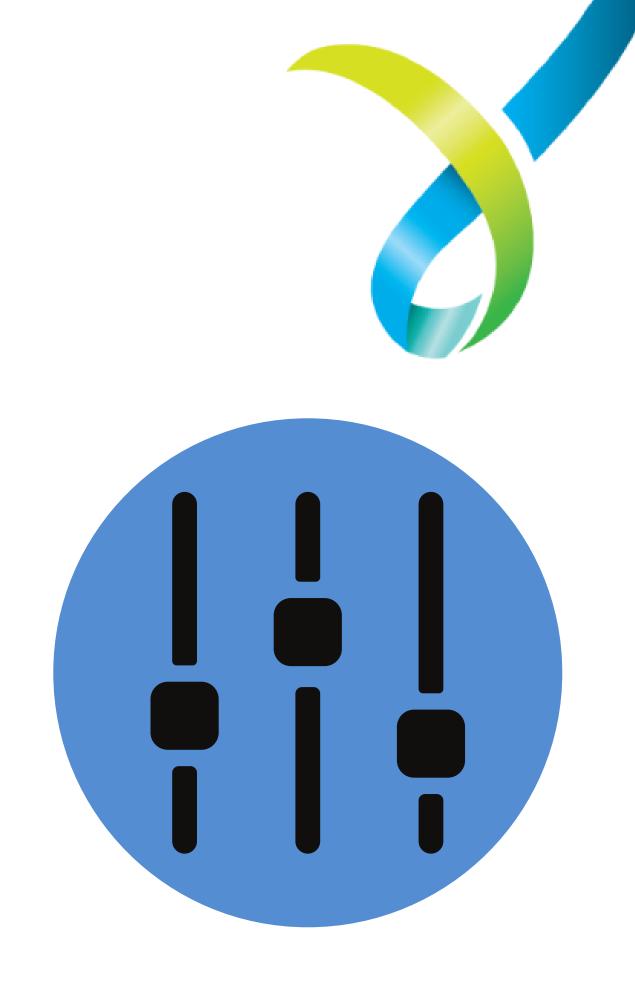
Internal controls

Examples of internal controls:

- Due diligence checks.
- Segregating duties and providing supervision.
- Managing third parties.

A code of conduct is also an option.

Engaging people and building the culture

Your charity and its leaders should communicate charity expectations - both formally and informally.

In addition, your charity should develop and maintain a culture that values safeguarding.

Detecting and reporting issues

To help your charity detect issues of harm or non-compliance, it should ensure:

- There are ways for people to provide feedback, raise grievances and report issues.
- People who report concerns or incidents of harm are protected.

The need for confidence

Your charity:
- Should ensure there is a clear and transparent system for investigating and responding to concerns.
- Might consider training staff in safeguarding so they can identify incidents and know how to respond.

Taking action

It helps to have a plan in place to guide your charity's response. Think about:

- Who is responsible for responding.
- What is required.
- When matters should be reported to an external party.

Reviewing the plan, assuring the board

Your charity can:

- Schedule regular reviews of safeguarding policies, procedures and systems.
- Review policies after any incident to 'gather the lessons'.

REVIEW

Remember!

Things to remember

1 Safeguarding is a primary part of a charity's duty of care.

2 ACNC obligations set out implicit and explicit responsibilities for charities to protect vulnerable people.

Things to remember

3 A risk assessment doesn't just identify possible risks, but prioritises them and looks at systems to deal with them.

4 Policy, communication and leadership help develop a charity culture that values safeguarding.

Things to remember

5 Charities must ensure concerns can be reported anonymously, and that there is a clear system to investigate them.

6 Safeguarding policies and procedures should be reviewed regularly.

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