

Safeguarding Aide Memoire

Effective from: 23 April 2018

Last updated: 23 February 2022

This Safeguarding Aide Memoire highlights the importance placed upon Cobseo Members to ensure their safeguarding arrangements for all those that come into contact with the charity are consistent, and in line with public and regulatory expectations.

The Aide Memoire details:

- [An Introduction to Safeguarding](#) with a short explanation of how it is defined, who it covers, and a summary of Trustees' safeguarding responsibilities.
- [A Collective Approach to Safeguarding Policy](#) which sets out the elements of recognised good safeguarding practice, and offers guidance to Members on the measures that should be included within their own safeguarding policy and procedures.
- [A Summary of Assistance](#) including details of the policy advice, templates, and other guidance available to Members to help ensure the highest operational safeguarding standards are maintained within their organisation.
- As a responsibility for all, safeguarding should be considered in all areas and roles of an organisation. Embedding safeguarding practices and understanding within the culture will be addressed within this Aide Memoire.

This Aide Memoire is particularly applicable to Member organisations who work with adults at risk and/or children as an element of their activities and operations. It also applies to Members who fund other organisations to provide the delivery of services to adults at risk and/or children. However, the Charity Commission's guiding principle on safeguarding details that trustees must protect 'anyone that comes into contact with their charity from harm', which includes charity employees and volunteers; [read more here](#). This Aide Memoire also includes guidance on how to protect charity staff.

To support the Membership, and to sustain its advocacy for the integrity of the Service charity sector, Cobseo will continue to update this Aide Memoire, as required, to align with changes in the regulatory requirements, and to reflect best practice.

An Introduction to Safeguarding

What is it?

[The Charity Commission advises that safeguarding adults at risk](#) means protecting their right to live in safety and free from abuse and neglect. Your charity may have trustees, staff, volunteers, beneficiaries or other connections who are classed as adults at risk, and a safeguarding duty of care applies to any charity working with anyone aged 18 or over who: or other connections who are classed as adults at risk, and a safeguarding duty of care applies to any charity working with anyone aged 18 or over who:

- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing, or is at risk of, abuse or neglect and;
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

An adult at risk of abuse may:

- have an illness affecting their mental or physical health;
- have a learning disability;
- suffer from drug or alcohol problems;
- be frail.

In England follow the guidance set in the [Care Act 2014](#).

In Scotland refer to the guidance from the Office of the Scottish Regulator: [Safeguarding Guidance](#).

In Wales guidance is available from [The Social Services and Well-Being \(Wales\) Act 2014](#) and [Social Care Wales](#).

Members in Northern Ireland should refer to the guidance on [child safeguarding produced by the Charity Commission for Northern Ireland](#).

Safeguarding children duties apply to any charity working with, or coming into contact with, anyone under the age of 18. This means:

- protecting children from abuse and maltreatment;
- preventing harm to children's health or development;
- ensuring children grow up with the provision of safe and effective care;

- taking action to enable all children and young people to have the best outcomes.

[Use resources](#) and [follow standards](#) from the NSPCC for safeguarding children. For further information follow [Working Together to Safeguard Children 2018](#).

Who does it apply to?

Safeguarding encompasses a broad range of ‘regulated activities’ undertaken by charitable organisations to ensure children, youths below the age of 18 and vulnerable adults, with whom they are assisting, are protected in an effective way from harm, abuse or neglect. Member organisations should recognise it is likely there will be scrutiny of their approach to safeguarding by regulators and interested third parties, particularly for those activities that can be reasonably regarded as a ‘regulated activity’ (please see Annex 1). Safeguarding policies and the operational procedures followed also apply for the protection of charity staff and anyone else who comes into contact with the organisation.

How is it implemented?

Charity trustees are ultimately accountable for ensuring good safeguarding governance within their organisation. The Charity Commission have set out ten actions for Trustee Boards that represent good safeguarding governance. These are summarised below:

1. Ensure the charity has an adequate safeguarding policy and supporting documentation.
2. Identify, and regularly review, possible safeguarding risks and the required mitigation action.
3. Consider how to improve and embed a safeguarding culture within the organisation.
4. Be assured that the charity knows how to recognise, report, and where necessary escalate a safeguarding concern.
5. Be assured that charity staff and those who come into contact with the organisation) know how to raise a safeguarding concern.
6. Evaluate and regularly review safeguarding training within the organisation.
7. Review which charity posts require a DBS check. To assist, there is a short tool to check what level is required [here](#).
8. Define a risk assessment for DBS checks, and consider what happens when information is disclosed as a result of the check; and what if a post does not qualify for a DBS check.
9. Review safeguarding policy and procedures regularly.
10. Check what International due diligence is required, if any. This could include ensuring that the relevant checks are made on individuals who are delivering services outside of the UK, or for recruitment from overseas into the UK.

These safeguarding action points by the Charity Commission can be found in full [here](#).

A Collective Approach to Policy

Every Member organisation should set out, in writing, their own safeguarding policy to embed good safeguarding practices and demonstrate how they have been incorporated into the everyday work of the organisation. This policy should be made available either online or in relevant publications. It should be reviewed regularly (i.e. at least once a year to reflect any changes in regulatory and/or guidance), and always following a serious incident.

Trustees should be satisfied that their policy achieves an appropriate level of safeguarding proportionate to the level of risk inherent in the activities to be undertaken with adults at risk and/or children and charity staff. This assessment of risk is necessarily a subjective judgement and will need to be made on a case-by-case basis by each organisation.

The following section sets out what should be included within a good safeguarding policy to encapsulate all groups that should be protected; ensure any funded activities are safeguarded appropriately; report safeguarding incidents; and map out who governs the policy.

Safeguarding adults at risk and/or children

- Each Member organisation must have clear and comprehensive safeguarding procedures within its policy to protect adults at risk and/or children.
 - a. The [NSPCC has guidance on preparing a safeguarding policy](#) for children and young persons and the procedures that should be in place.
 - b. An example of a safeguarding policy for adults at risk from a local Adult Safeguarding Board and further informative guidance on safeguarding practices is available from the [NCVO](#).
 - c. SSAFA's safeguarding policy, as a sector example, is available [here](#).

Protecting Volunteers and Staff

- Member organisations also have a safeguarding responsibility for their employees and volunteers or staff, and should have clear policies and procedures in place, including to address bullying and harassment, and on whistleblowing.
- Organisations will also need to have [adequate insurance](#) to cover the individuals and the activities involved

Funding activities

Member organisations who allocate funds and/or partner with other organisations to deliver services should, as part of their due diligence approach, take steps to reassure themselves that

the recipient organisation has appropriate safeguarding policies and practices in place, and that they are being implemented effectively. These measures should include:

- An appraisal process, which requires receipt and review of the safeguarding policy of the applicant or potential partner, together with evidence of the working procedures followed to ensure it is complied with consistently.
- The process for conducting DBS checks at the recipient organisation, including their approach on determining when Standard and Enhanced DBS checks are required; how they are recorded; and their review process.
- The recipient organisation's approach on how their safeguarding policy is embedded into working practices, including the level of training undertaken by staff, volunteers, and contractors likely to be involved in delivering funded services. Funding organisations should consider whether the standards set match those within their own organisation.
- Where funds are approved, the funding body should specify what it regards as a 'reportable' incident to a recipient organisation, and request safeguarding updates as part of interim and end of project reporting.
- Where a safeguarding incident involving a recipient organisation occurs, it should be a requirement to report this promptly to the funding body, together with the course of action taken, or to be taken, by the leadership of the recipient organisation.

Incident Reporting

When an incident arises the measures taken should be as follows:

- For all safeguarding incidents, the key facts should be promptly gathered by the management of the Member organisation.
- Where an incident is found to raise safeguarding concerns, it should be reported promptly to the relevant authorities (e.g. police, regulators, local safeguarding bodies), together with details of the of the action taken, or being undertaken, by the Member organisation. Serious incidents (e.g. criminal action) should be reported to the relevant authorities immediately.
- Where there is a contractual obligation to a funding body to report an incident, it should be reported promptly, together with the course of action taken, or to be taken, by the Member organisation.
- The Member organisation might also wish to inform Cobseo who, if requested, can offer guidance on the restoration and communications aspects of such an incident. Care should be taken by the Member organisation to ensure that confidential personal details are not inadvertently shared, and that the anonymity of individuals is protected.

Policy governance and audit

- It is recommended that Member organisations assign a trustee to have specific responsibility for the senior oversight and conduct of the implementation of their safeguarding policy. This responsibility should be clearly set out in the trustees' role and job description, together with an assessment of the relevant training requirement. This oversight role might require the appointed trustee, and possibly Board colleagues, to undergo DBS (or equivalent) checks. Further guidance on vetting potential trustees is available [here](#).
- All charity staff and employees should undergo recognised safeguarding training relevant to children or adults at risk or both, depending on the nature of the Member organisation's present and intended future activities.
- Each Member organisation should have clear, written, and well understood training, checking, and information gathering arrangements for all involved in regulated activities. This includes field work and services delivered in the community or office/centre, assessment, and case management.
 - a. Members should have record-keeping arrangements in place to demonstrate good safeguarding practices, which will include, but is not limited to:
 - Records of recruitment and assessment of new staff, volunteers, and contractors.
 - Clear and relevant role descriptions for both paid and volunteer roles.
 - Records of induction and refresher training.
 - Maintenance of valid DBS checks.
 - Records of the handling, access, and use of information collected by caseworkers.
 - Safeguarding incident records.

Trustees of Member organisations (or for Charities without a Trustee Board, those who serve on its governing body), will have regard to UK and, where relevant, home nation guidance and regulations overseeing safeguarding activities.

Summary of Assistance

Regulatory Guidance

The Charity Commission offers advice and guidance on safeguarding of children and young persons for all registered charities. Its principal documents on the subject are: [‘Safeguarding Children and Young People’ \(2014\)](#) and [‘Strategy for Dealing with Safeguarding Issues in Charities’ \(2017\)](#).

Regional Guidance

Member organisations operating in Northern Ireland should be aware of the guidance on [child safeguarding produced by the Charity Commission for Northern Ireland](#), in conjunction with the Northern Ireland Commissioner for Children and Young People.

In Wales guidance is available from [The Social Services and Well-Being \(Wales\) Act 2014](#) and [Social Care Wales](#).

Member organisations operating in Scotland should refer to the independent public regulator responsible for the care and welfare of children and vulnerable adults, the Office of the Scottish Regulator, the [Social Care and Social Work Improvement Scotland](#).

Safeguarding Templates and Example Policies

[NHS England has a published safeguarding policy](#) for children and adults at risk.

[Ofsted's safeguarding policy](#) is also a useful document when looking at approaches to safeguarding children and adults at risk, particularly for those organisations that have temporary employees or contractors working for them.

...for adults

NHS England has also produced a pocket guide on [safeguarding adults](#) which covers why it matters and the responsibilities of organisations working with adults at risk.

...for children

The National Society for the Prevention of Cruelty to Children (NSPCC) has a [wide range of policies and practical advice](#) on implementing safeguarding arrangements involving children that Member organisations might find helpful.

The Children and Family Court Advisory and Support Service (Cafcass) is an executive non-departmental public body that, in 2014, was brought closer to the family court system as a key safeguarding organisation. Cafcass have various [resources and templates](#) for those directly working with children.

... for charity staff

Organisations are required to consider how to protect staff and volunteers within their safeguarding policies and procedures. The Charity Commission's guidance of safeguarding includes advice on protecting employees and volunteers - [Safeguarding and protecting people for charities and trustees - GOV.UK \(www.gov.uk\)](#)

Safeguarding in the Charity Sector

The National Council for Voluntary Organisations (NCVO) has produced a [variety of comprehensive resources to safeguarding for voluntary organisations](#). Their page on [Getting Started with Safeguarding](#) lists the key areas which should be included in a safeguarding policy.

The [Social Care Institute for Excellence](#) is a source of additional guidance. They also offer training.

Cobseo is a Confederation that actively shares knowledge and activities for the benefit of the Armed Forces Community. Cobseo sponsored training events, supplemented by Members' events, are made available for the Cobseo Membership. These events are shared in the Cobseo Weekly Newsletter, and on Social Media Channels.

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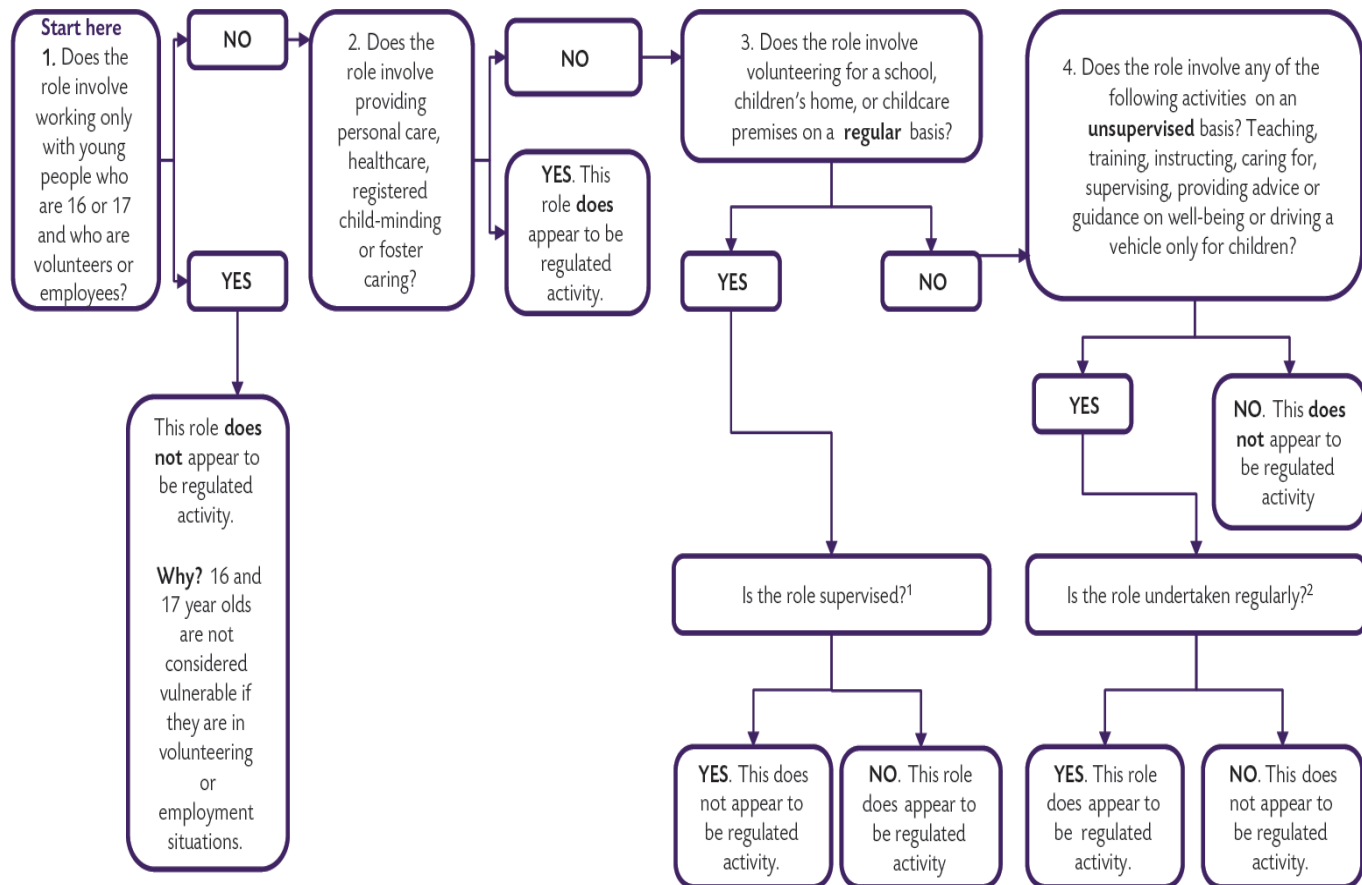
Annex 1 – Identification of Regulated Activities Relating to Safeguarding (Source; NCVO)

The following charts **do not** apply to family arrangements or personal non-commercial arrangements (these are not covered by the DBS system) and should be read in conjunction with guidance from the [Department for Education](#).

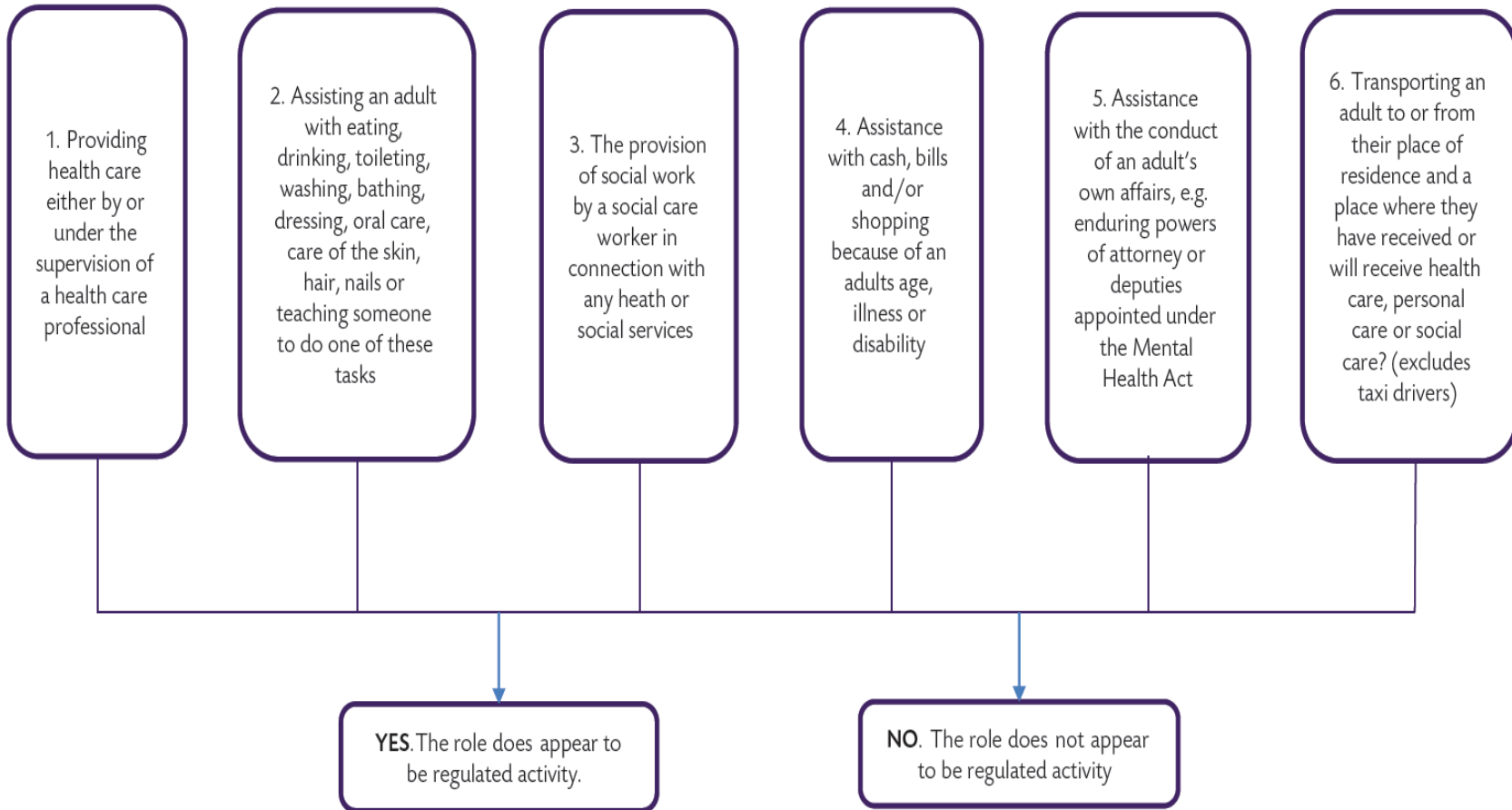
Regulated Activity Relating to children and young people:

Notes

- Supervised means regular supervision by someone who themselves is in Regulated Activity. See the [Department for Education's guidance on supervision](#).
- Regular means carried out by the same person frequently (once a week or more) or on four or more days in a 30-day period (or in some cases overnight).



Regulated Activities:



Notes

1. Anyone who provides day-to-day management or supervision of persons involved in these activities are in Regulated Activity.

Annex 2 – Points to Include in a Safeguarding Policy (Source; NCVO)

Commitment, personnel and working arrangements:

- State an organisation's commitment to protecting its clients, employees, contractors and volunteers from all forms of abuse, including physical, emotional and sexual harm.
- State the 'safe' recruitment and selection actions used (e.g. clear job descriptions, in-depth interviewing, robust references, job shadowing, induction and likely future training) to identify suitable staff and volunteers to be involved in safeguarding situations.
- State the operational supervision and senior oversight arrangements followed within an organisation.
- Outline the circumstances when the organisation's activities may involve a safeguarding requirement that is a regulated activity and the working arrangements and record-keeping expected to be followed.
- Commitment to provide information to staff, contractors and volunteers on the required procedures involving safeguarding to be followed within the organisation.
- Identify the actions the organisation would determine as poor practice or forbidden.
- Describe a commitment to ensure the awareness of the safeguarding policy throughout the organisation and how the principles of safeguarding are to be embedded in the working culture.

Incident recording:

- Provide clear guidelines on what to do in the event of an allegation or incident, or if concerns are raised about the welfare of children and/or adults at risk.
- Identify who adults at risk and children can contact in the event of an incident.
- Clearly define what constitutes emotional, physical or psychological abuse, harm and neglect.
- Provide details of the complaints and disciplinary procedures to manage concerns about the behaviour of staff or volunteers.
- Outline the procedures for recording allegations and incidents, and the disciplinary mechanisms that result in the event of any transgressions.
- Specify organisational responsibilities for recording and reporting abuse or harm.