

# GOOD GOVERNANCE & SAFEGUARDING

A guide for trustees

# Introduction

This guide for trustees of voluntary organisations and charities looks at how the **Scottish Governance Code for the Third Sector** and **SCVO's Good Governance Checklist** can be used to help develop a strong safeguarding culture in your organisation.

Organisations that work with children and vulnerable groups have **legal and regulatory responsibilities** in relation to safeguarding, but keeping people safe is an essential part of any voluntary sector organisation's governance framework. Beneficiaries, staff, volunteers, and everyone in contact with your organisation, should all be treated with dignity and respect, and feel that they are in a safe, supportive and inclusive environment. If you get it right, safeguarding and good governance should ensure that there are measures in place to protect people from harm. It will also provide public reassurance about your organisation and contribute to the positive reputation of the voluntary sector in general.

Safeguarding and protecting people from harm goes beyond implementing policies and processes. It means going over and above your legal responsibilities to make sure the culture within your organisation is to respect and protect the people there. It should be a key governance priority for all voluntary sector organisations and is a fundamental collective responsibility for trustees, even if day to day operational matters are delegated to staff or volunteers.

This Guide focuses on the oversight and governance role of trustees and looks at how you can demonstrate and implement each of the **five core principles of the Scottish Governance Code for the Third Sector** with specific regard to safeguarding. Like the Code, the guidance should be used proportionately depending on what your organisation does and who it works with. If you are a trustee of a voluntary sector organisation operating internationally, your responsibilities can be even more complex, with different legal jurisdictions and cultural expectations to consider. You can access more help from **Scotland's International Development Alliance**.

# Organisational Purpose



**A well-run board is clear about the purpose and values of the organisation and how it will achieve its aims.**

**As the board we have ultimate responsibility for directing the activity of our organisation and delivering its stated purpose.**

Trustees can demonstrate good governance and ensure a safe culture for everyone in their organisation by understanding their organisational purpose and values and committing to them to make sure that their organisation delivers what it was set up to do.

## Action points

- Identify and map your all your activities against your organisational purpose and the needs of your beneficiaries to ensure they are consistent. Voluntary sector organisations should never lose sight of why they exist, and trustees should be able to demonstrate how their organisational purpose drives everything they do. This is particularly important when responding if things go wrong.
- Develop and agree a written statement outlining your **mission, values and objectives** ensuring that these underpin all your work, activities and culture, and all **board decisions**. This will increase the confidence of donors, stakeholders and the wider public that your organisation acts with integrity and delivers on its organisational purpose.

# Leadership



**A well-run board is clear about its role and responsibilities and provides strategic direction in line with the organisation's purpose, vision and values.**

**As the board we are here to lead our organisation, and we are individually and collectively responsible for our decisions. We need to make sure our organisation has a clear strategy to achieve our purpose.**

Trustees can demonstrate good governance and ensure a safe culture for everyone in their organisation by having a clear understanding of their individual and collective roles and responsibilities, and by setting the tone through their leadership, behaviour, culture and overall performance.

## Action points

- Your trustees should have clear **role descriptions** and an understanding of their legal responsibilities and powers (charity trustees should understand their **duties and responsibilities** under the Charities and Trustee Investment Act (Scotland) 2005 and company directors should understand their **duties and responsibilities** under the Companies Act 2006).
- Your trustees should value collective decision making and understand they're all part of the leadership team. They are equally accountable for decisions made and their outcomes. This should be reinforced through **induction**, regular training and performance review.

## Leadership cont.

- Your trustees should understand and be familiar with **The Scottish Governance Code for the Third Sector**.
- Your trustees should sign up to a **Code of Conduct and Register of Interests** that is reviewed regularly to ensure it meets developing ethical standards expected by stakeholders and society. All trustees should be heard equally at meetings, where there is an open culture of support, and a safe space to challenge. Safeguarding should be a standing item on meeting agendas to ensure it stays on trustees' radar.
- You should have a **communications strategy** which details how best to communicate with all your stakeholders about how you're governed, your values, work and achievements in delivering your organisational purpose.
- Actions may be delegated, but responsibility always lies with the trustees. You should develop a **scheme of delegation** consistent with your governing document to help provide clarity around who has authority to make different decisions. This should be regularly reviewed and available to all staff and volunteers, so everyone is clear about their role and responsibilities, and their safeguarding and legal liabilities.

# Board Behaviour



**A well-run board, both collectively and individually, embraces and demonstrates mutual respect, integrity, openness and accountability.**

**As the board we understand that our behaviour can have a far-reaching impact and is fundamental to our organisation's reputation and success. We need to ensure our behaviour is consistent with our organisation's vision and values.**

Trustees can demonstrate good governance and ensure a safe culture for everyone in their organisation by being transparent, open and accountable about how they govern and the decisions they make. They should promote equality and diversity, and embed ethical standards in the policies, practices and culture of their organisation. Trustees should listen to beneficiaries, members, employees, volunteers and stakeholders, and respect the role they each play. Concerns and complaints should be handled transparently, constructively and impartially.

## Action points

- If you are a charity, your trustees need to know when to report a **'Notifiable Event'** to OSCR. This is when something serious has happened that may have a significant impact on your charity or its assets, eg an incident of abuse or mistreatment of vulnerable beneficiaries. Reporting should not be avoided on the basis that this may harm your organisation's reputation, pose issues around data protection, or expose it to a potential claim, an investigation or proceedings by a regulator or state body.

## Board behaviour cont.

- Your organisation should have an easily accessible and transparent complaints process which is communicated widely. The board should receive a regular report on the number and type of complaints received, with complaints investigated promptly, accurate records kept, and complainants provided with support throughout the whole process.
- Your organisation should have an easily accessible **whistleblowing policy** which is a key component of any safeguarding system. Any failures to protect people from harm need to be reported, acted on and learnt from, with appropriate remedial action taken and full disclosure to appropriate authorities, police and regulators.
- Staff should be **recruited and employed** fairly and in accordance with equal opportunities legislation. Trustees should ensure that appropriate due diligence is carried out which may include **Disclosure** checks, taking up references, and checking qualifications and experience. Your organisation should have appropriate policies and procedures, eg Discipline and Grievance, Bullying and Harassment/Respect at Work, IT and social media use.
- You should have an **Equal Opportunities policy** and action plan to promote equality and **diversity on the board** and throughout the organisation. Trustees, staff and volunteers should be trained and understand their responsibilities in this area. Services and information should be accessible to all.
- You should be clear about who your beneficiaries and key stakeholders are and communicate effectively with them, providing opportunities for them to contribute their views on key issues. You should provide public access to your governing document and annual report, and an accessible list of trustees.

# Control



**A well-run board will develop and implement appropriate controls to direct and oversee progress and performance of the organisation.**

**As the board we should put in place appropriate structures, controls and processes to make sure the organisation is run in line with its purposes and values, governing document, and relevant legal and regulatory requirements.**

Trustees can demonstrate good governance and ensure a safe culture for everyone in their organisation by maintaining and regularly reviewing safeguarding policies and procedures and reporting arrangements. By understanding and analysing the internal and external operating environment trustees can create effective strategies and systems for risk management.

## Action points

- Your organisation should have appropriate policies and procedures which are agreed by trustees, regularly updated in line with statutory guidance and best practice, understood by all staff and volunteers, and available to the public. If you work with children or vulnerable adults you have legal **safeguarding** responsibilities. It should be clear to everyone how to report any safeguarding concerns and there should be clear lines of accountability and responsibility to deal with safeguarding issues. Staff should be trained to identify potential harm, know what action to take and clear about how, when and who to report to.

## Control cont.

- Your trustees should ensure your organisation meets its legal, regulatory and contractual obligations and any constitutional requirements, eg by registering with the appropriate regulatory bodies.
- Your trustees should keep up to date on changes in legislation and regulation, and access specialist advice and support if needed.
- Trustees are collectively responsible for their organisation and ultimately accountable for its activities (even if they are delegated to volunteers, staff or contractors). That's why it's vital that trustees understand the risks their organisation faces. They should ensure that risks are analysed and understood with a clear approach to **managing those risks**, due diligence, and a **risk management policy and risk register** (with safeguarding a specific component) which is regularly reviewed.
- Trustees should ensure that any contracts are agreed, carried out and regularly reviewed in line with the interests of your organisation and in line with your values. Contractors should be properly supervised and managed, to safeguard your beneficiaries and stakeholders and protect your organisation's interests.
- Fundraising should be done ethically and in line with your organisation's purpose and values. The board should have a fundraising strategy consistent with regulations and guidance on fundraising, that complies with the **Code of Fundraising Practice**.

# Effectiveness



**A well-run board understands its role, powers and duties, and works collectively and proactively to achieve its organisational purpose.**

**As the board, we should be self-aware and work together as a team, with a diverse and appropriate balance of skills and experience to continually improve the governance of our organisation.**

Trustees can demonstrate good governance and ensure a safe culture for everyone in their organisation by regularly reviewing their performance and the composition and the skills of the board. Communicating with those who have a legitimate interest in your work will provide public reassurance about your organisation and contribute to the positive reputation of the voluntary sector in general.

## Action points

- Trustees should have an annual board review which includes an examination of any safeguarding issues, and an audit of the skills, knowledge and experience of the board, and any training and recruitment plans. This self-review offers an opportunity for trustees to revisit their organisation's mission and refresh their values, helping engender a positive culture of respect and safety.
- Trustee recruitment should be formal, rigorous and transparent, and based on merit and objective criteria to ensure a diverse pool of candidates. All trustees should sign a **Trustee Declaration Form** to confirm they are not disqualified from being a charity trustee or company director, and receive a comprehensive induction that covers their role and safeguarding responsibilities. Organisations working with vulnerable groups should consider making it a requirement that trustees are **Disclosure** checked.
- Key stakeholders should be identified and a strategy developed to openly communicate with them about how your organisation delivers its purpose and how it is governed.

## Further resources

### **'Safer for All' – Safeguarding Support Package**

Scottish Government and Scotland's International Development Alliance

### **Bond Safeguarding Policy Templates**

Bond

### **Good Governance for Safeguarding: A Guide for UK NGO Boards**

Bond

### **Safeguarding Guidance: Keeping vulnerable beneficiaries safe**

OSCR

### **Strategy for dealing with safeguarding issues within charities**

Charity Commission

### **Guidance on writing a safeguarding policy and procedure**

NCVO

### **Keeping Children Safe Resource Library**

Keeping Children Safe



This Good Governance and Safeguarding Guide for Trustees looks at how the **Scottish Governance Code for the Third Sector** and **SCVO's Good Governance Checkup** can be used to help develop a strong safeguarding culture in your organisation.

You can get further governance support from the **SCVO Information Service** by emailing [enquiries@scvo.org.uk](mailto:enquiries@scvo.org.uk). In addition, your local Third Sector Interface (TSI) can offer help and support and you can access more resources at [governancecode.scot](http://governancecode.scot)

The Scottish Council for Voluntary Organisations (SCVO) is a Scottish Charitable Incorporated Organisation. Registration number SC003558.