



## Case Report

# Poverty relief charity

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### About the charity

The charity was registered with the commission in May 1998. Its principal activities are the relief of poverty, the advancement of education and the advancement of the Christian religion in any part of the world. Each Christmas, the charity runs a shoe box appeal, whereby donors fill shoe boxes with gifts for families in need abroad. During this time, the charity relies on the help of school children and young people to pack boxes at its premises.

### Why the Charity Commission got involved

In October 2014, concerns were raised with us about an individual thought to be a volunteer at the charity. We were told that the individual had breached restrictions placed on them following their conviction for sexual offences.

This raised serious concerns about the trustees' oversight of the charity's activities and, specifically, about the processes in place to protect children or vulnerable adults that came into contact with the charity.

### The action we took

We contacted the police, who confirmed that the individual in question had indeed been convicted of sex offences involving children, and had had several restrictions placed on their conduct as a result. One of these restrictions banned the individual from coming within a certain distance of schools. The police also confirmed that the individual had breached this restriction while carrying out work for the charity.

We contacted the charity to establish the details of the incident that led to the breach, what steps the trustees had taken since, and to establish how the charity safeguards children and vulnerable people who come into contact with it.

### What we found

We found that the individual was in fact an employee of the charity and that the incident leading to the breach occurred when they attended a school to collect donated items. The individual was not left alone with any of the pupils; the school was later informed and did not raise any concerns about the individual's conduct.

We established that senior managers were aware of the individual's conviction, which had taken place prior to their employment, and took steps to monitor the individual's work, for example, senior managers were careful not to put the individual in any sort of vulnerable position with children or adults and occasions where this did happen one of them ensured that they were present. However, senior managers were not aware of the specific restrictions that had been placed on the individual. Indeed, no one at the charity was aware of the restrictions or had seen a copy of them.

We also established that senior managers had made a conscious decision to keep details about the individual's conviction confidential and, therefore, had not informed the trustees or other members of staff, including the staff member who accompanied the individual on the collection to the school.

The trustees explained that the charity is Christian, and that they do not consider having a conviction as a bar to working or volunteering for the charity.

The charity did not undertake DBS clearance for staff or volunteers. The trustees told us that they did not think this was necessary, as they did not think staff and volunteers were taking part in 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012), and contact with children and vulnerable people happens only occasionally at the charity's premises.

The charity did not have a safeguarding policy in place and took an informal approach to managing its projects overseas.

The trustees admitted to us that they were poorly prepared to manage the incident and that there was poor decision making with regard to the failure of senior staff and managers to inform the trustees of the matter. They are now aware that it is the trustees who are responsible for the management of the charity and must always be informed of serious issues, such as restrictions on employee's activities.

## The impact of our involvement

We set the charity an action plan, requiring the trustees to address our very serious concerns about the charity's approach to safeguarding. We instructed the trustees to report back to us on their progress within 3 months. The trustees cooperated with us throughout and, as the result of our engagement, have ensured that:

- the charity has put in place a written safeguarding policy, a reporting structure for safeguarding concerns and code of conduct for staff members and volunteers
- the charity has appointed a designated safeguarding officer
- all staff and volunteers have received safeguarding training run by The Churches' Child Protection Advisory Service (CCPAS) a professional safeguarding organisation
- the charity obtained advice from CCPAS, a professional safeguarding organisation, on trustees' statutory responsibilities and advice on introducing policies and procedures
- all new staff and volunteers will have safeguarding included in their induction and sign a code of conduct
- relevant staff and volunteers have been DBS cleared

- all children, vulnerable people their teachers, supervisors and key workers visiting the charity's premises are made aware of the charity's safeguarding policy
- all trustees and senior staff are now aware of the restrictions placed on the individual
- there is greater management supervision of the individual, and the trustees have required that extra staff are in attendance to supervise children and vulnerable people visiting the charity's premises
- a contract has been agreed between the charity and the individual detailing how the individual is expected to behave and be monitored
- the general manager now oversees all groups of children and vulnerable people during the annual shoe box appeal
- all collections and deliveries to donors' homes are done in pairs; only from addresses where there is known to be an adult present
- trustees now meet with staff more frequently and one trustee visits the charity's premises once a week to meet with senior staff
- the charity obtained advice from CCPAS, a professional safeguarding organisation, on trustees' statutory responsibilities and advice on introducing policies and procedures

## Lessons for other trustees

It is legitimate for trustees to delegate the day to day management of a charity to staff and others. However, charity trustees always retain the ultimate responsibility for running their charity and should ensure that robust reporting procedures are in place to enable them to make reasonable decisions. Responsibility for ensuring they have sufficient information and are adequately informed in order to make decisions rests with the charity trustees.

Trustees must be able to devote sufficient time to their duties to effectively monitor the actions of the employees, volunteers or other non-trustee personnel. There should be clear procedures detailing the roles and responsibilities of the trustees and how these relate to the day to day work of senior staff. Where duties are delegated, there should be clear guidance showing the scope and limits of the delegation. Procedures should be in place for reporting back by senior employees to the trustee body.

In order to protect beneficiaries and guard against a charity's reputation, and the good name of 'charity', being brought into disrepute, charities should put in place appropriate and effective controls to monitor their own governance and activities and those of partner organisations, so as to identify areas of concern, should they arise, at an early stage and/or be able to deal with such concerns in an effective manner.

Safeguarding children is vital for charities as charity trustees have a duty of care towards the children with whom they have contact. Having safeguards in place within an organisation not only protects and promotes the welfare of children, but also enhances the confidence of trustees, staff, volunteers, parents/carers and the general public. It also protects a charity's reputation, helps it to effectively meet its objectives, and protects its finances.

Trustees need to consider whether they are legally required or entitled to make DBS checks of volunteers and staff members. The legislation in this area is complex: trustees should take professional advice if necessary.

It is legitimate for charities with a religious ethos to be forgiving towards people who have been in serious trouble in their lives, and to attempt to give them a second chance. However, this must not come at the expense of vulnerable people who come into contact with the charity. Charity trustees have important legal duties and responsibilities, and they must never put themselves in a position of failing to fulfil these duties or responsibilities - including the responsibility to protect vulnerable people.

Where a serious incident arises in a charity, trustees should report it to the commission as soon as possible, explaining how they are responding to the incident and what steps they are taking to prevent a similar issue arising in future. We will then make an assessment to establish whether there is a regulatory role for us.

## Related reading

- [Safeguarding children and young people](#)
- [Charities: how to protect vulnerable groups including children](#)
- [Charities: how to manage risks when working internationally](#)
- [The essential trustee: what you need to know, what you need to do \(CC3\)](#)
- [How to report a serious incident in your charity](#)