Integrating Safeguarding throughout the organisation:
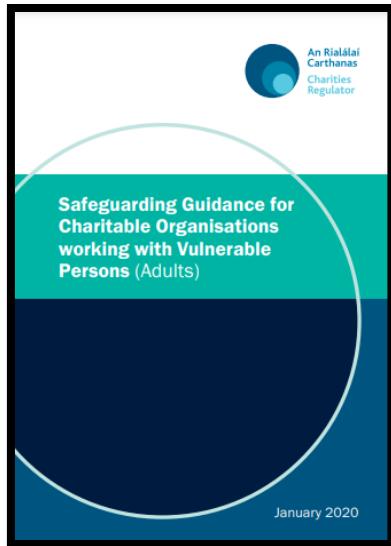
Importance of Good Governance

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Poll: Who is in the room?
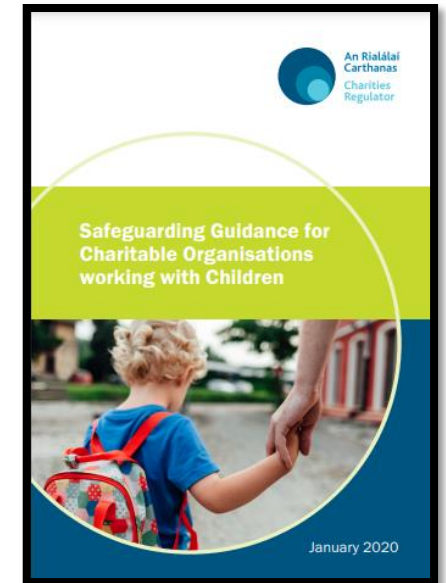
Registration Requirements for Safeguarding

Where the activities of a charitable organisation ("charity") include working with vulnerable persons (adults), it is important that the charity has adequate risk assessment procedures, safety checks and safeguards in place that meet requirements under Irish law and national standards, policies and procedures.

While the Charities Regulator's statutory remit does not extend to the safeguarding of vulnerable people, the issue of risk assessment procedures, safety checks and safeguarding nevertheless arises in the context of applications for registration in the Register of Charities and required standards of governance within registered charities.

Charities Providing Services Overseas

For organisations intending to provide services to vulnerable people overseas, the Charities Regulator will, when considering an application for registration from such an organisation, consider the requirement to specify risk assessment procedures, safety checks and safeguards by reference to national laws and any national guidance, policies and procedures that apply in the Republic of Ireland. Charities must however ensure that they also comply with the requirements regarding the protection of vulnerable people in place in the country in which they are providing or will provide a service. Charities should seek independent advice if they are unsure in relation to their obligations.

An Rialálaí Carthanas
Charities Regulator

Safeguarding Guidance for Charitable Organisations working with Vulnerable Persons (Adults)

January 2020

An Rialálaí Carthanas
Charities Regulator

Safeguarding Guidance for Charitable Organisations working with Children

January 2020

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Grant Agreements

Partners must maintain policies and procedures to keep safe, and prevent harm to, any children or vulnerable people with whom the organisation's staff or associates are, or will be, in contact in the course of implementing the Programme. Partners must ensure that such policies and procedures are implemented effectively, that regular training is provided, and that implementation is monitored and reviewed.

Partners are required to demonstrate how safeguarding systems, which reflect their organisational codes of conduct and international good practice and norms function across their global operations. The wellbeing of the communities with whom Irish Aid and our partners work is paramount. Irish Aid expects all organisations in receipt of funding to promote best practise principles in the delivery of aid and to maintain effective safeguarding procedures in order to prevent, and respond to any form of exploitation or abuse, including sexual exploitation and abuse. This includes identifying and overcoming any disincentives to report issues relating to sexual exploitation and abuse. https://www.irishaid.ie/media/irishaid/whatwedo/respondingtoemergencies/Programme-Grant-II-and-Humanitarian-Programme-Plan-2019-PCM-Guidelines.pdf

Safeguarding broadly means avoiding harm to people or the environment. Since early 2018, the FCDO has been focused on safeguarding against Sexual Exploitation and Abuse and Sexual Harassment (SEAH) in the international aid sector.

Our goal is to ensure all those involved in poverty reduction take all reasonable steps to prevent harm, particularly SEAH, from occurring; listen to those who are affected; respond sensitively but robustly when harm or allegations of harm occur; and learn from every case.

The FCDO's work on SEAH looks at both the FCDO and the partners we fund with Official Development Assistance (ODA) to deliver development and humanitarian programmes around the world, often with vulnerable people.

In September 2020 the FCDO launched a UK Strategy on safeguarding against sexual exploitation and abuse and sexual harassment in the aid sector that applies to all UK Official Development Assistance (ODA) spend. This strategy explains what UK government departments that engage in ODA will do to improve safeguarding standards internally, in partner organisations, and across the whole international aid sector. All UK government ODA spending departments signed up to the strategy.

https://www.gov.uk/guidance/safeguarding-against-sexual-exploitation-and-abuse-and-sexual-harassment-seah-in-the-aid-sector

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Legal Requirements & International Standards

Ireland
National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016
Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012
The Health Act 2007
Assisted Decision Making (Capacity) Act 2015
Proposed Adult Safeguarding Bill 2017

International Standards
Universal Declaration of Human Rights (UDHR, 1948);
UN Convention on the Rights of the Child (UNCRC, 1989);
UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW, 1979)
Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel and the UN Secretary-General's Bulletin on *Special Measures for Protection from Sexual Exploitation and Sexual Abuse (PSEA) (ST/SGB/2003/13)*

Ethical Obligations / Our Duty of Care

Mentimeter

Setting the tone

Dóchas Safeguarding Code

Committing to lead a culture of safeguarding in the Irish humanitarian and development sector

Context

The leaders of Ireland's International development and humanitarian NGOs are committed to creating a world where justice, equality, solidarity and respect for human rights are the norm. This includes ensuring that those who work in and with our organisations,[1] and communities[2] and children with whom we work, are kept safe from all forms of violence, abuse and exploitation. We will do this through robust and effective approaches to safeguarding which, in turn, enable organisations to deliver programmes and activities of the highest standard.

Vision

Dóchas member organisations are committed to delivering the highest standards of good practise and governance. This includes building on the safeguarding policies, practices and standards that have been developed, ensuring that they are continuously strengthened and are being applied across our membership. Our collective learning and collaboration on safeguarding has also prompted us to recognise the importance of leadership within and between NGOs to create, promote and nurture a culture of safeguarding. The attitudes, values and behaviours demonstrated by us as senior leaders are critical to the establishment of a transformative, effective and, lasting culture of safeguarding. Whilst we remain, as Dóchas members, autonomous organisations with our own decision-making processes, priorities and approaches, we are articulating here a Code of Conduct, a commitment to leading change, through common principles and behaviours, to support the creation of stronger safeguarding cultures.

We are committed to continuous learning. This includes sharing learning and experience with one another and with other sector umbrella groups such as BOND and Interaction. We will keep our principles and commitments within this Code under review and will update and adapt as we move forward.

We will also ensure that those who support our work, such as donors, governments and the public understand why we are making these commitments, what they mean for how we work and the changes we are expecting as a result.

1. Staff, volunteers, members of governance structures, consultants and other organisation representatives
2. Communities has been used throughout the document to include adults in communities who are vulnerable or at risk of harm. In certain contexts, all adults in a given community might be considered vulnerable because of their particular circumstances
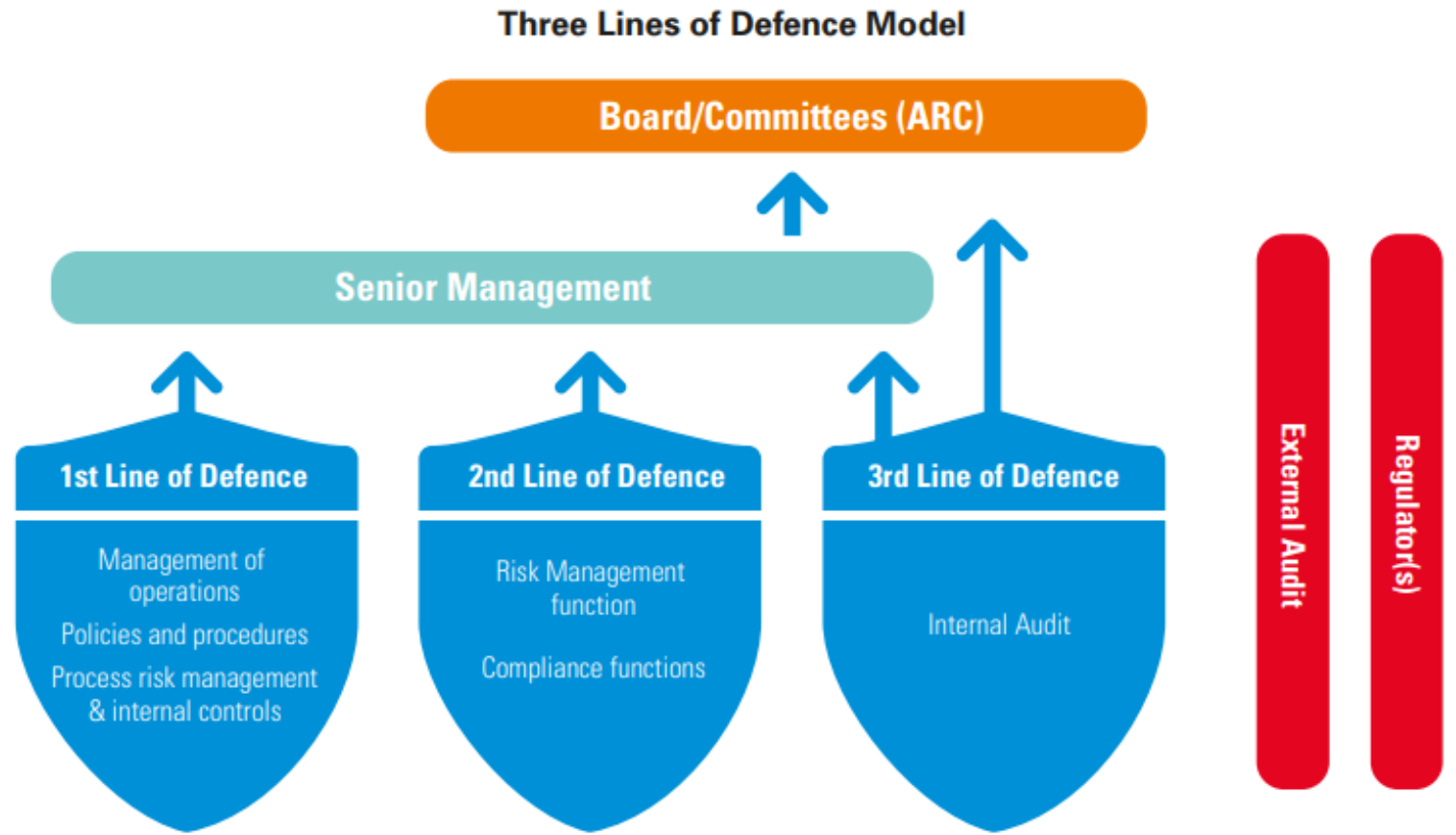
Our principles

1. **Personal Responsibility.** *Be responsible, individually and collectively, for safeguarding our staff and those we work with, communities and children.* We will take responsibility for creating safe organisations and to ensure that all who come into contact with our work is safe.

2. **Do No Harm.** *Take our responsibility to do no harm very seriously.* Our work is built on the foundation of providing relevant assistance and capacity building supports in a way that does not create any new or additional harm. We will ensure that this foundation remains to the fore in the work of our organisation.

3. **Inclusivity.** *Create an inclusive organisational environment which celebrates diversity.* We will foster and promote greater diversity and inclusion within our workplaces so we can be confident that everyone working within, or with, our organisation is safe regardless of their identity.

4. **Identifying power and privilege.** *Recognise the impact of power and privilege* within our organisations and ensure that power is understood and used in a positive way in developing and supporting safe working environments.

5. **Listening.** *Listen to the views and opinions of different groups of staff, vulnerable adults, children, communities and stakeholders.* We need to enhance compliance to include conversation, listening and learning so we can bring about necessary change. We will create open cultures where people can freely express their concerns through clear and accessible channels.

6. **Responsive and survivor-centred.** We will demonstrate through our actions that *every incident or allegation is important,* that every case is promptly investigated with due process, that we encourage people to speak up and our focus is on supporting the survivor as well as seeking justice.

7. **Safeguarding is everyone's responsibility.** While recognising our responsibility as leaders, we also recognise that safeguarding is not the responsibility of any one person or even a group of people; it is a shared responsibility. We will continue to keep safeguarding as a key focus throughout our organisations thus encouraging staff to recognise this shared responsibility.

Clear Framework for Managing Risk

Three Lines of Defence Model

Board/Committees (ARC)

Senior Management

1st Line of Defence

Management of operations

Policies and procedures

Process risk management & internal controls

2nd Line of Defence

Risk Management function

Compliance functions

3rd Line of Defence

Internal Audit

External Audit

Regulator(s)

In the Three Lines of Defence Model, management control is the first line of defence in risk management and internal control, the various risk and compliance oversight functions established by management are the second line of defence, and independent assurance is the third

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Clarifying the Safeguarding Risk & Mitigations

Risk:	Safeguarding people from exploitation and abuse by our staff or others who represent us or as a result of our programmes or activities		
Description:	The risk that our organisational systems and processes fail to protect persons (particularly children and vulnerable adults) from exploitation or abuse by our staff, people working on our behalf, or our partner organisations. The risk that our programmes or activities create opportunities for others to abuse or exploit children or vulnerable adults.		
Committee:	Organisational Human Resources Committee (OHR)		
Lines of Defence	**Key Risk Responses**		
1	Controls	• Dedicated Head of Safeguarding. • Focal persons in country supporting country directors. • Nominated Board member. • Code of conduct. • Policies and procedures. • Mandatory training. • Partner training, minimum requirements, policy advice (focus on partners needing most support). • Safe recruitment and vetting procedures. • Complaint's procedures include channels to report safeguarding concerns. • Case management process. • Work with programming & humanitarian teams on Safe Programming Framework, Core Humanitarian Standards Framework. • Work with Ireland teams on safe activities.	
2	Oversight	• Compliance audits. • Committee / Board oversight.	
3	Independent assurance	• Independent review and assurance on safeguarding arrangements by safeguarding specialist, including follow-up of actions arising from review by Internal Audit. • Internal Audit – country audit visit programme.	

Systems

Safeguarding policies are not enough. Everything we do should have a safeguarding lens.

Prevention	Response
Commitment Statements	Safe Complaints Systems
Safe Recruitment (all org reps)	Mechanisms for responding to concerns & complaints
Code of Conduct	Context mapping – understanding the local legal systems & support mechanisms
Safeguarding Policies	Care for survivors and people involved in concerns/complaints
Risk Assessments	Onward reporting
Safe Programming / Activities	
Training	
Communications – internal & external	
Monitoring & Audit	

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People

Safeguarding is everyone's responsibility. This should be incorporated in all job descriptions / contracts.

Below is just an example of roles but each organisation is different.

ROLE	RESPONSIBILITY
All employees & representatives	To ensure safeguarding policies are implemented and that safeguarding best practice in terms of prevention and response is incorporated into their work.
All managers	To ensure that staff are supported and that the systems and procedures in place that are in line with the Policy to prevent and respond to issues or complaints. This will be different depending on the role of the function/department.
Human Resources	Ensure that HR systems support good safeguarding including Safe Recruitment, Code of Conduct and training.
Any staff involved in onboarding (volunteers, consultants, other representatives)	To ensure that the recruitment of representatives is in line with the current Recruitment Procedures and that all new recruits understand, sign up to safeguarding policies and receive training as part of induction.
Safeguarding Lead (in larger organisations this role is also supported by safeguarding officers or focal persons)	To provide strategic direction on and drive the continued implementation of safeguarding policy and practice throughout the organisation. To act as an advisor in relation to safeguarding concerns and as a member of the case management team for safeguarding complaints. Should report to Senior Manager or Director / CEO
Safeguarding Case Management Team	A team of senior staff members that manages safeguarding complaints.
Executive Leadership Team (ELT) or senior management team	Designated by the Board for day-to-day responsibility for safeguarding. The CEO or Director is the Senior Management lead on safeguarding.
Board sub-committee or member	Board sub-committee with responsibility for oversight of safeguarding. It is advisable to have a dedicated Board member for this function.

Board Safeguarding Representative

- Ensures that the safeguarding policies and procedures are robust and that these are benchmarked against industry standards.

- Ensures that there is adequate reporting to the Board on safeguarding and risk management.

- Receives reports on serious cases.

- Acts as an advocate for safeguarding within the Board. Considers all relevant proposals and reports to the Board with a safeguarding & risk management lens.

- Ensure audit/reviews both internal and external are conducted.

- Ensure Board receive training and have signed relevant policy documents

- Direct point of contact for Safeguarding Lead

- Leads on Case Management involving Director / CEO

Directors / CEO

- Leads organisational culture that promotes positive behaviour and a culture were people can speak-up.

- Leads on day-to-day responsibility for Safeguarding.

- Ensures resources are in place to support safeguarding implementation.

- Has oversight of all safeguarding cases.

- Provides regular updates to the Board, board representatives .

- Direct point of contact for Safeguarding Lead.

- Represents the organisation in media (particularly in the event of safeguarding concern).

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Management of Safeguarding Concerns

Considerations:

- Who receives safeguarding concerns/complaints
- Who manages the response (senior team with relevant expertise / training)
- Initial assessment critical in deciding next steps
- Understanding Survivor Centred Approach
- Ensuring a fair process
- Managing data & data protection
- Risk assessments
- Referral pathways
- System needs to cater for complaints about anyone in the organisation
- Onward reporting

Decision to investigate:

Internal or External

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Transparency

Comments, Question, Suggestions

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https://www.trocaire.org/about/accountability/safeguarding/

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