

ASSOCIATION OF BRITISH PAEDIATRIC NURSES

Safeguarding duties for Trustees

A Trustee must take reasonable steps to protect ABPN beneficiaries, staff, volunteers and those connected with the activities of the organisation from harm.

1. Safeguarding duties

- 1.1 Trustees must take reasonable steps to protect those connected with ABPN from harm. This includes:
 - people who benefit from ABPN work
 - volunteers
 - other people connected to its activities
- 1.2 This should be a key governance priority for all charities, regardless of size, type or income. This does not just apply to those working with children or people who are traditionally considered to be at risk.
- 1.3 You must make sure that ABPN's assets are used only to support or carry out its purposes. You must not expose its assets, beneficiaries or reputation to undue risk.

2. Safeguarding people who are at risk

- 2.1 Safeguarding means the range of measures in place to protect people in ABPN, or those it comes into contact with, from abuse and maltreatment of any kind.
- 2.2 Safeguarding is defined in:
 - [The Care and Support Statutory Guidance issued under the Care Act 2014](#)
 - [Working together to Safeguard Children 2018](#)
 - In Wales [Safeguarding Children: Working Together Under the Children Act 2004 \(2007\)](#)

3. Managing the risk

- 3.1 People may use ABPN to get to children, vulnerable people, or their records for inappropriate or illegal purposes.
- 3.2 You must be alert to this and actively manage the risk that ABPN may be deliberately targeted; that its culture may allow poor behaviour to take place; or that people in a position of trust may abuse this.

4. Funding other organisations

- 4.1 You should carry out checks (known as 'due diligence') on any organisation that has contact with children or adults at risk before you give funding. This includes overseas partners.
- 4.2 You should be confident that any partner organisation has:
 - the ability to carry out the proposed activity or service
 - appropriate controls in place, including adequate safeguarding measures

5. If you fail in your trustee duties

- 5.1 You can be held responsible for any consequences or loss that ABPN incurs if you don't follow your duties.

- 5.2 When the Charity Commission looks into possible breaches of trust or duty, or other misconduct or mismanagement, they can take into account whether you followed safeguarding practice.
- 5.3 There are also other rules on who can work with children and adults at risk. This law changes often, so you must have effective systems in place to keep up-to-date and make sure that ABPN follows all laws which apply.
6. **10 actions trustee boards need to take to ensure good safeguarding governance**
- a. Safeguarding should be a key governance priority for all charities.
 - b. Ensure your charity has an adequate safeguarding policy, code of conduct and any other safeguarding procedures. Regularly review and update the policy and procedures to ensure they are fit for purpose
 - c. Identify possible risks, including risks to your beneficiaries or to anyone else connected to your charity and any emerging risks on the horizon
 - d. Consider how to improve the safeguarding culture within your charity
 - e. Ensure that everyone involved with the charity knows how to recognise, respond to, report and record a safeguarding concern
 - f. Ensure people know how to raise a safeguarding concern
 - g. Regularly evaluate any safeguarding training provided, ensuring it is current and relevant
 - h. Review which posts within the charity can and must have a DBS check from the Disclosure and Barring Service
 - i. Have a risk assessment process in place for posts which do not qualify for a DBS check, but which still have contact with children or adults at risk
 - j. Periodically review your safeguarding policy and procedures, learning from any serious incident or 'near miss'
 - k. If you work overseas, find out what different checks and due diligence you need to carry out in different geographical areas of operation
7. **Disqualification of trustees**
- 7.1 The rules on disqualification mean that individuals cannot act as a trustee or a senior manager of a charity for a range of reasons, including being on the sex offenders register, unless they have a [waiver from the Charity Commission](#).
8. **Disclosure and Barring Service (DBS) checks**
- Charities must make sure that:
- 8.1 trustees, staff and volunteers are suitable to work with children and adults at risk
 - 8.2 they get appropriate checks from the DBS
 - 8.3 they are legally able to act in these positions
 - 8.4 Charities should check original certificates of any DBS checks.
 - 8.5 Charities should always get a DBS check when the role is eligible for one. Charities should also make other checks – for example references and checking any gaps in work history – as part of a robust recruitment process.
9. **Checks for trustees**
- 9.1 A trustee can get an enhanced DBS check without a check of the lists of people barred from working in certain roles (for adults or children) if the charity is either:
 - 9.2 a children's charity where, for example staff who are unsupervised teach, train, care for children, or work for certain places, including schools and colleges, where they

come into contact with children. This is known as [‘regulated activity’](#).

9.3 a charity whose workers normally provide certain activities for adults that are listed in the [DBS adults workforce guidance](#) (from page 5 onwards)

9.4 If the charity does not meet these criteria, trustees should consider getting a [basic check from the DBS](#) if they think this is proportionate. This could be because of the size of the charity, what work it does, or where it operates.

10. Checks you have made

When you apply to register as a charity, trustees must declare that they:

10.1 have carried out all trustee eligibility checks the law requires

10.2 are satisfied the checks showed that the trustees are eligible and suitable for the role

10.3 The Charity Commission checks this information, including any statements about working with vulnerable groups. We may refer charities for further monitoring after they are registered.

11. Dealing with safeguarding incidents and allegations

11.1 You must responsibly handle all incidents or allegations of abuse and reports of safeguarding risks or procedural failures.

11.2 You must also make sure that people working in the charity know how to deal with safeguarding issues

11.3 You should set an organisational culture that prioritises safeguarding, so that it’s safe for those affected to report incidents and concerns with the assurance that these will be handled properly.

11.4 You must:

a. manage reports of incidents, allegations and risks, and record and store these securely

b. identify and manage risk

c. make reports where necessary to the police, social services and other agencies, and where the criteria are met, send a serious incident report to the Charity Commission

d. make changes to reduce the risk of any further incidents

e. not lead potential witnesses or contaminate evidence

12. How and when to send a serious incident report to the Charity Commission

13. Our safeguarding policy

The ABPN safeguarding policy should be:

13.1 agreed by trustees

13.2 regularly updated

13.3 in line with statutory guidance and national and local practice

13.4 supported by a plan for putting it in place

13.5 available to the public

14. Protection issues include:

a. sexual abuse and exploitation

b. negligent treatment

c. physical or emotional abuse

d. commercial exploitation

e. extremism

- f. forced marriage
- g. child trafficking
- h. female genital mutilation

15. Terrorism and the Prevent duty

- Although ABPN is not a 'specified authority' trustees must prevent the organisation from being abused for extremist purposes.
- This must be part of our risk assessments, policies and procedures.
- If ABPN enter into contracts or work with bodies that do have to follow the Prevent duty, such as local councils or health and social care providers, they may place requirements on ABPN as part of their own duty.

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