

Safeguarding Duties for ODST Trustees

Introduction

Safeguarding is a key governance priority for the Trustees of the Oxford Diocesan Schools Trust (ODST), particularly as the Trust has a high degree of contact with, and stewardship of, children and young people. Trustees are clear that safeguarding also includes:

- pupils and families at risk of abuse or neglect;
- pupils with special educational needs and/or disabilities and
- the curriculum to teach pupils to be and stay safe.

These are all areas which pose a considerable risk to the work of the Trust. It is therefore essential for the Trust and its Trustees to take reasonable steps to safeguard the beneficiaries, employees and their dependants and to protect them from abuse.

Trustees' policies all adopt the same definition of safeguarding and have agreed it as:

‘the process of protecting children from abuse or neglect, preventing the impairment of their health or development, ensuring that children grow up in circumstances consistent with the provision of safe and effective and nurturing care and undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.’

Additionally, Trustees are aware of their responsibility to protect staff, volunteers and those connected with the activities of the charity, from harm.

Trustees believe that all involved with ODST schools have the right to be safe no matter who they are or what their circumstances. They recognise that abuse and neglect have a devastating effect on individuals, families and wider society, and that damage from safeguarding incidents and allegations would be devastating to the Trust and its work. They recognise also, that public trust and confidence in the wider sector could be harmed if these issues are not responded to appropriately.

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1. Safeguarding duties

1.1. It is essential that Trustees:

- know their responsibilities;
- have adequate measures in place to assess and address safeguarding risks;
- have adequate safeguarding policies and procedures appropriate for ODST's particular circumstances which reflect both the law and best practice;
- make sure that these policies and procedures are effectively implemented and regularly reviewed.

1.1. Trustees will take reasonable steps to protect the Trust's beneficiaries, staff, volunteers and those connected with the activities of the Trust from harm. This includes:

- children and young people who benefit from ODST's work;
- staff;
- volunteers;
- other people connected to our activities.

This is a key governance priority for ODST.

1.2. As a part of this work Trustees will make sure that ODST's assets are used only to support or carry out the Trust's charitable purposes and their actions do not expose its assets, beneficiaries or reputation to undue risk.

Safeguarding people who are at risk

1.3. Safeguarding means the range of measures put in place to protect both children and other people in ODST or those it comes into contact with, from abuse and maltreatment of any kind.

1.4. Safeguarding is defined in law and statutory guidance and Trustees will work within the following statutes and guidance:

- The Care and Support Statutory Guidance issued under the Care Act 2014
- Working Together to Safeguard Children 2018'
- "Keeping Children Safe in Education"- statutory guidance for schools and further education colleges. Sept 2018
- DBS Guide to Child Workforce Roles (2018)
- Safeguarding Vulnerable Groups Act 2006.
- Children Missing Education; Statutory Guidance for Local Authorities Sept 2016
- Statutory Guidance issued under section 29 of the Counter-Terrorism and Security Act 2015
- Sexual Violence and Sexual Harassment between Children – May 2018
- The Equality Act 2010
- The United Nations Convention on the Rights of the Child (UNCRC)
- 'Framework for the Assessment of Children in Need and their Families' 2000
- 'What to do if you are worried a Child is being Abused' 2015
- Buckinghamshire Multi-Agency Information Sharing for Children, Young People & Families – Code of Practice for sharing personal information, March 2015.

- 1.5. People may use the Trust to get to children, vulnerable people, or their records for inappropriate or illegal purposes. Trustees and officers of the Trust must be alert to this and actively manage the risk and provide effective policies and procedures to stop the Trust being deliberately targeted; prevent a culture which allows poor behaviour to take place and recognise that people in a position of trust may abuse this trust.

Funding other organisations

- 1.6. Trustees will ensure that Officers of the Trust carry out checks (known as 'due diligence') on any organisation that has contact with children or adults at risk before we give funding. This includes overseas partners.
- 1.7. Trustees must be confident that any partner organisation has:
 - the ability to carry out the proposed activity or service
 - has appropriate controls in place, including adequate safeguarding measuresIf they fail in their duties, Trustee may be held responsible for any consequences or loss that the Trust incurs due to this.
- 1.8. Investigations by the Charity Commission into possible breaches of trust or duty, or other misconduct or mismanagement, take into account the Trusts safeguarding statements and policies and if they have been followed.

2. Selection and disqualification of Trustees

What is involved in being a charity Trustee.

- 2.1. Trustees have independent control over, and legal responsibility for, a charity's management. The Charity Commission characterises the 6 main duties for Trustees as:
 - Ensure your charity is carrying out its purposes for the public benefit
 - Comply with your charity's governing document and the law
 - Act in your charity's best interests
 - Ensure your charity is accountable
 - Manage your charity's resources responsibly
 - Act with reasonable care and skill
- 2.2. When appointing new Trustees, ODST will check that
 - candidates have not been disqualified from acting as Trustees, and candidates will be asked to confirm, in writing, that this is the case.
 - Candidates will be asked to consider and declare any existing or potential conflicts of interest.
- 2.3. Given ODST's work with children and young people and the possibility that their contact may count as a 'regulated activity' the Trustees will seek all appropriate checks from the Disclosure and Barring Service (see section 3)
- 2.4. In the light of the checks and declarations, the Trustees may then decide to go ahead and formalise the request for the appointment of named new Trustees from the Members.
- 2.5. The rules on who can work with children and adults at risk changes often, and Trustees will have effective systems in place to keep up-to-date and make sure that ODST follows all laws which apply.

Disqualification of Trustees

2.6. 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. Trustees will always check that potential Trustees are not subject to a section 128 direction made by the Secretary of State.

3. Disclosure and Barring Service (DBS) checks

3.1. Charities must make sure that:

- Trustees, staff and volunteers are suitable to work with children and adults at risk
- they get appropriate checks from the DBS
- they are legally able to act in these positions

3.2. ODST would always get a Disclosure and Barring Service (DBS) check for all Trustees and officers and will check original certificates of any DBS checks. ODST will also make other checks – for example references and checking any gaps in work history – as part of a robust recruitment process.

3.3. All Trustees will be subject to an enhanced DBS check as ODST is:

- 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’¹.

This is because there may be times when Trustees work directly, or have contact, with children or adults and this could be classed as carrying out a ‘regulated activity’¹.

3.4. ODST as a charity, has employees and volunteers with regular contact with children. As a result, all employees will be subject to enhanced DBS checks with the barred children’s list check before they start work. This is to protect the children and young people in the Trust, together with Trustees and the Trust as it is against the law to employ someone in a role that you know they are barred from.

3.5. As a Trust working with children, ODST follows the [DBS Child Workforce guidance](#) to decide if a role is eligible for a DBS check.

Referrals to the DBS

3.6. ODST employs workers who carry out regulated activity with children. This means the Trust is a ‘regulated activity provider’. As such, there are rules Trustees have to follow under the Safeguarding Vulnerable Groups Act 2006:

- Trustees must refer to the Disclosure and Barring Service any person they believe has caused harm or poses a risk of harm to vulnerable groups, including children.
- Report this as a serious incident to the Charity Commission.

Checks on the Trust

3.7. When ODST applied to register as a charity, Trustees declared that they:

- Will carry out all Trustee eligibility checks the law requires
- Will satisfy themselves that the checks show that potential Trustees are eligible and suitable for the role

¹ 1 Regulated activity – the period condition is at any time on more than three days in any period of 30 days. ‘Frequently’ is doing something once a week or more. Work of the nature defined is considered a regulated activity if done regularly; where this is the case an enhanced DBS check is needed with a barred list check.

The Charity Commission will check this information, including any statements about working with vulnerable groups and may refer the Trust for further monitoring after they are registered.

4. Dealing with safeguarding incidents and allegations

4.1. Trustees must responsibly handle all incidents or allegations of abuse and reports of safeguarding risks or procedural failures. They must also make sure that people working in the charity know how to deal with safeguarding issues. They should set an organisational culture that prioritises safeguarding, so that it is safe for those affected to report incidents and concerns with the assurance that these will be handled properly.

4.2. Trustees must:

- manage reports of incidents, allegations and risks, and record and store these securely;
- identify and manage risk;
- 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;
- make changes to reduce the risk of any further incidents;
- not lead potential witnesses or contaminate evidence.

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

4.3. ODST's child protection and safeguarding policy should be

- agreed by Trustees;
- regularly updated;
- in line with statutory guidance and national and local practice;
- supported by a plan for putting it in place;
- available to the public.

4.4. Given ODST's work with children, Trustees recognise that the risk to both the pupils and the Trust are higher. This means they have directed that policies need to do more than just fulfil their legal duties and they have directed that their child protection and safeguarding policies always include that Trustees, staff and volunteers learn about protection issues and understand their responsibilities in line with statutory guidance.

4.5. Such policies will be comprehensive and provide guidance and support for staff and officers in a full range of child protection and safeguarding issues:

- sexual abuse and exploitation
- negligent treatment
- physical or emotional abuse
- commercial exploitation
- extremism
- forced marriage
- child trafficking
- female genital mutilation

Terrorism and the Prevent duty

4.6. As a Trust we will have 'due regard to the need to prevent people from being drawn into terrorism'. This duty is known as the Prevent duty.

- 4.7. The duty applies to 'specified authorities'. While the Trust cannot be a 'specified authority', Trustees recognise that the schools that they run are covered by the Counter Terrorism & Security Act 2015 and so Trustees will act as if subject to the rules governing 'specified authorities' and the Prevent duty.
- 4.8. Trustees will ensure that the Trust and its schools follow the relevant law and are expected to demonstrate activity in the following areas:
- Assessing the risk of children being drawn into terrorism;
 - Demonstrate that they are protecting children and young people from being drawn into terrorism by having robust safeguarding policies;
 - Ensure that their safeguarding arrangements take into account the policies and procedures of the Local Safeguarding Children Board;
 - Ensure that staff have training that gives them the knowledge and confidence to identify children at risk of being drawn into terrorism, and to challenge extremist ideas which can be used to legitimise terrorism;
 - Ensure that children are safe from terrorist and extremist material when accessing the internet in school.
- 4.9. Trustees will follow additional guidance on the Prevent duty and be alert to the Trust or its resources being abused for extremist purposes. This will be part of our school's risk assessments, policies and procedures for employment, curriculum visitors and the letting of ODST sites and resources. Trustees note that where they 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 the Trust as part of their own duty.
- 4.10. The Charity Commission may engage with the Trust or work with other bodies to address any underlying governance problems and make sure ODST can follow the law in future.

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