



## Charity Commission

# Safeguarding issues in charities and our role

### Why we are contacting Safeguarding Boards?

We would like to raise awareness of our role in the context of safeguarding vulnerable groups and children in charities.

In this context, the Charity Commission has a very specific, but limited regulatory role. We are focused on the conduct of charity trustees and the protection of the charity and its beneficiaries. This means that our remit often covers just one area of much wider investigations, involving, or being led by, other agencies.

Because Safeguarding Boards play a key role in these wider investigations, we want to make sure that you are fully aware of our remit, so that you know when and how to contact us about safeguarding concerns relating to charities and when we can help. Information on how to contact is at the end of this guidance.

### About the Charity Commission

The Charity Commission is established by law as the independent regulator and registrar for charities in England and Wales. Our aim is to provide the best possible regulation of charities in England and Wales in order to increase charities' effectiveness and public confidence and trust in them. More information about our role, responsibilities and work is available on our [website](#).

Safeguarding children and vulnerable adults in charities is one of three areas of high regulatory risk we have identified in the charity sector where we should have a public strategic response. This [strategy document](#) sets out our strategy and describes our role and approach in dealing with safeguarding issues in charities. The key points are summarised in this guidance.

### What is the Commission's regulatory role and approach to dealing with concerns about safeguarding in charities?

Trustees of charities which work with, or provide services to vulnerable groups including children have a legal duty and responsibility to protect their charities. This includes taking the necessary steps to safeguard vulnerable beneficiaries as best they can, and minimise the risk of abuse.

As the regulator of charities we aim to ensure that trustees comply with this duty and that they deal properly with any safeguarding incidents. This includes making sure that they have adequate systems in place to handle allegations responsibly and, where appropriate, report incidents to the police, social services and other agencies, including the Commission<sup>1</sup>. We also expect trustees to manage and minimise the risk of incidents happening as far as this is reasonably possible, by making necessary changes to systems, procedures and work practices.

In practice, we are likely to become involved in one-to-one engagement with charities:

- when there are concerns or allegations that a beneficiary has been abused or mistreated, and this is in connection with the activities of a charity or someone closely involved in the charity
- if there is a concern that someone who is currently acting as a trustee or employee or is otherwise involved in the charity, is unsuitable to hold that position (for example, because of relevant criminal convictions) particularly because of the work of the charity with certain beneficiaries
- when there is serious cause for concern because no, or inadequate, measures are in place to protect vulnerable beneficiaries (eg child safeguarding policies and appropriate vetting procedures)

#### **We focus on:**

- ensuring the risk to the charity's current and future beneficiaries and services are being properly managed by the trustees
- the protection of the charity's assets, including its reputation
- ensuring that trustees are complying with their legal duties and responsibilities in the management and administration of the charity

## **Where we can help even if you do not pursue a case**

In some instances the police or another agency may decide not to pursue a case. However there may still be serious concerns about the charity, its systems to safeguard beneficiaries, or the conduct of its trustees that the Commission needs to investigate.

On some occasions we are the only agency that can take action against a trustee(s), especially if the concerns centre on the conduct of the trustee(s). In addition, we are the only agency that is able to check if someone of concern is a trustee of another charity. If we open a formal statutory inquiry under section 46 of the Charities Act 2011, then we have a range of powers under that Act that are available to us to protect the charity and in turn, its beneficiaries.

Therefore, even if you or other agencies decide not to pursue a case, please consider whether there is an issue that we should know about.

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<sup>1</sup> Where such concerns arise, we expect trustees to report them to us as serious incidents. Our [published guidance](#) explains how trustees should report serious incidents to us and what information we need.

## What we do not do

We do not administer legislation on safeguarding vulnerable groups and children, nor do we deal with actual incidents of abuse. We leave this to experts such as Safeguarding Boards.

We cannot prosecute or bring criminal proceedings, although we can and do refer any concerns we have to other agencies and the police.

## Confidentiality and information sharing

We would like to reassure Safeguarding Boards that, as a public authority and the regulator of charities, we have robust procedures in place to deal with any sensitive information that we receive.

We appreciate that the information Safeguarding Boards provide may be of a sensitive nature and may well be personal data under the Data Protection Act 1998. We undertake to treat and handle this appropriately and with care. It will be used only to fulfil our statutory functions as the regulator of charities.

As a public authority, the Freedom of Information Act applies to us. However, a range of exemptions may apply to this kind of information, for example data protection, commercially sensitive information and information that the law gives a quality of confidentiality. Our ability to share information with other regulators and agencies is also restricted under sections 54-59 of the Charities Act 2011. If the information you provide is particularly sensitive or confidential and this is not likely to be evident to us, you will need to tell us and explain why this is so.

The Data Protection Act 1998 regulates the use of 'personal data', which is essentially any information, however stored, about identifiable living individuals. As a 'data controller' under the Act, the Commission must comply with that Act's requirements.

Any information you give us will be held securely and processed only in accordance with the rules on data protection. We will not disclose personal details to anyone unconnected to the Charity Commission unless:

- they have consented to their release or
- we are legally obliged to disclose them or
- we regard disclosure as necessary so that we can properly carry out our statutory functions

We may also disclose information to another relevant public authority but only where we can lawfully do so, and we determine that for purposes of national security, law enforcement, or other issues of overriding public interest, such disclosure is necessary or appropriate.

We will ensure that any such disclosure is proportionate; considers the individual's right to respect for their private life; and is done fairly and lawfully in accordance with the data protection principles of the Data Protection Act.

## How can you contact us?

If you have any information about a charity that you consider may be of regulatory interest to us, then please contact us.

### Charity Commission Intelligence Team

Tel: 0300 065 1506

Email: [intelligence@charitycommission.gsi.gov.uk](mailto:intelligence@charitycommission.gsi.gov.uk)

## What information do we need?

As a first step, we recommend that you find out whether an organisation is a registered charity, by searching our online [register of charities](#).

**If the organisation is a registered charity, it would help us if you could, where possible, provide the following details:**

- the name of the charity and its registration number if known
- who is involved (including as much identifying information as possible, such as date of birth, address, phone number etc) and their position in the charity
- whether the person or people involved is/are still involved with the charity
- the effect that this matter has had on the charity and/or its beneficiaries
- whether there has been any publicity surrounding the issue
- details of any contact that you have had with the charity and/or other regulators or Local Authorities
- your contact details