

E3 INITIATIVE DEALING WITH SAFEGUARDING REPORTS

1. Purpose and scope

The purpose of this document is to provide procedures for dealing with reports of a breach of E3 Safeguarding Policy, where the safeguarding violation is:

- Against staff or members of the public
- Perpetrated by staff, trustees, partner projects or associated personnel

2. Procedures

2.1 Report is received

Reports can reach the organisation through various routes. This may be in a structured format such as a letter, e-mail, text or message on social media. It may also be in the form of informal discussion or rumour. If a staff member hears something in an informal discussion or chat that they think is a safeguarding concern, they should report this to the appropriate staff member in their organisation.

If a safeguarding concern is disclosed directly to a member of staff, the person receiving the report should bear the following in mind:

- Make it clear at the start of the conversation that certain things they share with us may mean that we are bound by law to report the details and conversation with the appropriate authorities. Reports of abuse, lawbreaking, emotional issues etc that put either the person who is reporting or others at risk cannot remain confidential.
- Listen
- Empathise with the person
- Ask who, when, where, what but not why
- Repeat/check your understanding of the situation
- Report to the appropriate staff member (see below)

The person receiving the report should then document the following information:

- Name of person making report
- Name(s) of alleged survivor(s) of safeguarding incident(s) if different from above
- Name(s) of alleged perpetrator(s)
- Description of incident(s)
- Dates(s), times(s) and location(s) of incident

The person receiving the report should then forward this information to the E3 CEO, Chair of Trustees or appropriate staff member within 24 hours.

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Due to the sensitive nature of safeguarding concerns, confidentiality must be maintained during all stages of the reporting process, and information shared on a limited 'need to know' basis only. This includes senior management who might otherwise be appraised of a serious incident.

If the reporting staff member is not satisfied that the organisation is appropriately addressing the report, they have a right to escalate the report, either up the management line, to the Board or to an external statutory body (i.e., the Charity Commission in England and Wales). The staff member will be protected against any negative repercussions as a result of this report. See E3 Complaints Policy and Whistle-blowing Policy.

2.2 Assess how to proceed with the report

Appoint a Decision Maker for handling this report

Determine whether it is possible to take this report forward

- Does the reported incident(s) represent a breach of safeguarding policy?
- Is there sufficient information to follow up this report?

If the reported incident does not represent a breach of E3 Safeguarding Policy, but represents a safeguarding risk to others (such as a child safeguarding incident), the report should be referred through the appropriate channels (e.g. local authorities).

If there is insufficient information to follow up the report, and no way to ascertain this information (for example if the person making the report did not leave contact details), the report should be filed in case it can be of use in the future, and look at any wider lesson learning we can take forward.

If the report raises any concerns relating to children under the age of 18, seek expert advice immediately. If at any point in the process of responding to the report (for example during an investigation) it becomes apparent that anyone involved is a child under the age of 18, the Decision Maker should be immediately informed and should seek expert advice before proceeding.

If the decision is made to take the report forward, ensure that you have the relevant expertise and capacity to manage a safeguarding case. If you do not have this expertise in-house, seek immediate assistance, through external capacity if necessary.

Clarify what, how and with whom information will be shared relating to this case. Confidentiality should be maintained at all times, and information shared on a need-to-know basis only. Decide which information needs to be shared with which stakeholder – information needs may be different.

If there isn't a policy for the type of report that has been made, follow these procedures.

Check your obligations on informing relevant bodies when you receive a safeguarding report. These include (but are not limited to):

- Funding organisations

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- Umbrella bodies/networks
- Statutory bodies (such as the Charity Commission in the UK, Dept for Social Development in SA)

Some of these may require you to inform them when you receive a report, others may require information on completion of the case, or annual top-line information on cases. When submitting information to any of these bodies, think through the confidentiality implications very carefully.

2.3 Appoint roles and responsibilities for case management

If not already done so (see above), appoint a Decision Maker for the case. The Decision Maker should be a senior staff member, not implicated or involved in the case in any way. If an outside authority will not need to be involved, appoint an independent person to carry out the enquiry.

If the report alleges a serious safeguarding violation, you may wish to hold a case conference. This should include:

- Decision Maker
- Person who received the report (such as the focal point, or manager)
- E3 CEO
- Chair of Trustees
- Two other trustees
- Independent external consultant

The case conference should decide the next steps to take, including any protection concerns and support needs for the survivor and other stakeholders (see below).

2.4 Provide support to survivor where needed/requested

Provide appropriate support to survivor(s) of safeguarding incidents. Nb. this should be provided as a duty of care even if the report has not yet been investigated. Support could include (but is not limited to)

- Psychosocial care or counselling
- Medical assistance
- Protection or security assistance (for example being moved to a safe location)

All decision making on support should be led by the survivor.

2.5 Assess any protection or security risks to stakeholders

For reports relating to serious incidents: undertake an immediate risk assessment to determine whether there are any current or potential risks to any stakeholders involved in the case, and develop a mitigation plan if required.

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Continue to update the risk assessment and plan on a regular basis throughout and after the case as required.

2.6 Decide on next steps

The Decision Maker decides the next steps. These could be (but are not limited to)

- No further action (for example if there is insufficient information to follow up, or the report refers to incidents outside the organisation's remit)
- Investigation is required to gather further information
- Immediate disciplinary action if no further information needed
- Referral to relevant authorities

If the report concerns associated personnel (for example partner project leaders, staff or volunteers in that community), the decision making process will be different. Although associated personnel are not staff members, we have a duty of care to protect anyone who comes into contact with any aspect of our programme. We cannot follow disciplinary processes with individuals outside our organisation, however decisions may be made for example to cease support for a project based on the actions of their staff or volunteers.

If an investigation is required and the organisation does not have internal capacity, identify resources to conduct the investigation. Determine which budget this will be covered by.

2.7 Make decision on outcome of investigation report

The Decision Maker makes a decision based on the information provided in the investigation report. Decisions relating to the Subject of Concern should be made in accordance with existing policies and procedures for staff misconduct.

If at this or any stage in the process criminal activity is suspected, the case should be referred to the relevant authorities unless this may pose a risk to anyone involved in the case. In this case, the Decision Maker together with other senior staff will need to decide how to proceed. This decision should be made bearing in mind a risk assessment of potential protection risks to all concerned, including the survivor and the Subject of Concern.

2.8 Conclude the case

Document all decisions made resulting from the case clearly and confidentially.

Store all information relating to the case confidentially, and in accordance with E3 policy and local data protection law.

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Record anonymised data relating to the case to feed into organisational reporting requirements (e.g. serious incident reporting to Board, safeguarding reporting to donors), and to feed into learning for dealing with future cases.

3. Safeguarding issues within Partner Projects

This policy includes situations where a member of E3 staff or a trustee becomes aware that a child or adult (who is a beneficiary of an E3 partner project) has been sexually assaulted (including by a family member, teacher, partner project employee or another). The E3 representative tells the partner project leader and he/she must then deal with the report and also report back to E3 regularly to show it is being acted on.

It is really important for E3 that safeguarding concerns that arise within E3 partner organisations are dealt with appropriately because (1) we want to see justice done everywhere we work (2) we want to make sure that our partners are aware of safeguarding issues and (3) it could have very negative consequences for E3 if we are not proactive in these situations.

The process:

1. Sinatra or another E3 staff member or volunteer finds out about a safeguarding concern
2. If it concerns the Project Director, Sinatra raises the issue with him/her. If it's another staff member or volunteer, Sinatra will raise it with the Director. In both cases, their discussion is reported to the Board of the Partner Project and to any appropriate authorities.
3. The Partner Project must report back to E3 on progress in the case.
4. If it is a serious incident, it will be reported to the Police and to the Charity Commission (see guidance below).

4. Guidance from Charity Commission website

The Charity Commission requires charities to report alleged and actual serious incidents. It is important that there is prompt, full and frank disclosure to the Commission. You need to report what happened and, importantly, let the Commission know how you are dealing with it, even if you have also reported it to the police, donors or another regulator.

4.1 What is a serious incident?

A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- harm to your charity's beneficiaries, staff, volunteers or others who come into contact with your charity through its work
- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work or reputation

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For the purposes of this guidance, “significant” means significant in the context of your charity, taking account of its staff, operations, finances and/or reputation.

4.2 Who should report?

The responsibility for reporting serious incidents rests with the charity’s trustees. In practice, this may be delegated to someone else within the charity, such as an employee or the charity’s professional advisers.

However, all trustees bear ultimate responsibility for ensuring their charity makes a report, and does so in a timely manner.

If you decide not to make a report about something serious that has happened in your charity and the Commission later becomes involved, you will need to be able to explain why you decided not to report it at the time.

4.3 Why must you tell the Commission?

Given the challenging nature of the work undertaken and the difficult context faced by many charities, the Commission understands that serious incidents will happen. When something serious happens, it is the Commission’s role to ensure that trustees comply with their legal duties and that the charity manages the incident responsibly. This means the Commission will be looking for assurance that the charity has taken steps to limit the immediate impact of the incident and, where possible, prevent it from happening again.

Most problems can be resolved by trustees themselves, in some cases with timely advice from professional advisers. Sometimes the Commission needs to use its powers to protect a charity. Taking action quickly will help protect your charity from further harm. Reporting also means the Commission can identify whether other charities might be affected, and can give better advice to all charities to help them protect themselves.

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