

The Henry Smith Charity Safeguarding Policy

Version	Date	Next Review Date	Actual Review Date	F&GP check
1	Nov 2017	Nov 2018	July 2019	July 2019
2	July 2019	July 2020	Feb 2022	Feb 2022
3	Feb 2022	Feb 2023	June- December 2023	Board 05/12/2023
4	July 2024	Dec 2024		

CONTENTS

PART A: Safeguarding Policy	3
1. Introduction	3
3. Policy Statement	5
4. Legal context	6
5. Roles and Responsibilities	6
5.1. Trustees	6
5.2. Senior Leadership Team (SLT)	7
5.3. Designated Safeguarding Lead (DSL)	7
5.4. Team members	8
5.5. Managers' responsibilities	8
6. Our commitments	9
6.2. Awareness raising and training	9
6.3. Managing risk in our programmes	9
6.4. Supporting our partners to meet their responsibilities	9
6.5. Monitoring and quality assurance	10
6.6. Managing concerns	10
 PART B: Safeguarding Procedures	11
1. Recognising harm and abuse	11
1.1. Someone is at imminent and serious risk	11
1.2. Someone shares they are being abused	11
1.3. Abuse suspected but not disclosed	12
1.4. Allegations against people representing The Charity	12
2. Reporting Procedures:	12
3. Responsibility to record	12
4. Actions to be taken by the Designated Safeguarding Lead (DSL):	13
5. Confidentiality	14
6. Whistleblowing	14
Appendix 1: Safeguarding contact	14
Appendix 2: Categories of Abuse	14
Appendix 3: Safeguarding Flowchart	14

PART A: Safeguarding Policy

1. Introduction

The Henry Smith Charity (the Charity) is an independent grant making trust. We aim to use our resources to help people and communities at a time of need and to bring about positive change.

The Charity was founded in 1628 by Henry Smith, a businessperson working in the City of London. Since then, we have honoured the spirit of Henry Smith's will, working to combat disadvantage and meet the challenges and opportunities facing people in need throughout the UK. Today, the Charity is amongst the largest independent grant makers in the UK, distributing around £40 million annually throughout the UK under a number of grants programmes, distributed to voluntary sector organisations and individuals.

This policy explains the Charity's approach to keeping people safe from harm and meeting its safeguarding duties, especially in its contact with children and adults with care and support needs and/or at risk of harm. This includes our commitment to proactively prevent harm and respond well where harm occurs or is suspected, whether online or offline.

This policy applies to anyone working on behalf of the Charity, whether acting in a paid or unpaid capacity, including staff, freelance visitors, trustees, and volunteers. For ease they are described as Team Members throughout the policy.

The Policy should be considered alongside other relevant policies, procedures and guidance, including:

- Any future Equality and Diversity Policy
- Lone Working Policy (under development)
- HSC Code of Conduct Final (added April 2024)
- HSC Whistleblowing Policy Final (added April 2024)
- Bullying Harassment and Discrimination Policy FINAL (added April 2024)
- Communications Guidance
- HSC External Communications, Social Media and Content Policy (under development)
- Privacy Policy v 1.6 (April 2021)

2. Definitions

2.1. Abuse: Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the individual. It may consist of a single act or repeated acts. It may occur as a result of a failure to undertake action or appropriate care tasks. It may be an act of neglect or an omission to act, or it may occur where a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot, consent.

The indicators and types of abuse are listed in Appendix 1 of this policy.

2.2. Adult with care and support needs is the mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent. An adult with 'care and support needs' may have a mental or physical disability or illness, such as:

- a learning disability
- a physical disability and/or a sensory impairment
- mental health needs including dementia or a personality disorder
- a long-term illness/condition
- drug or alcohol addiction

We recognise that any individual may be vulnerable at different times in their life for a range of reasons, for example due to domestic abuse, bereavement, homelessness or leaving care or prison. For adults who do not have care and support needs different responses and sources of support should be sought.

2.3. Adult at risk of harm: An adult who

- has needs for care and support (whether or not a local authority is meeting any of those needs) **and**;
- is experiencing, or at risk of, abuse or neglect; **and**
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

2.4. Child is anyone who has not yet reached their 18th birthday. A child may have become 16 years of age, be living independently, in further education, in the armed forces, in hospital, or in a Young Offender's Institution. It does not change their status, their entitlement to services, or their protection under the Children Act 1989.

2.5. DBS (Disclosure and Barring Service) /PVG (Protecting Vulnerable Groups) /Access NI: An employer may request a DBS check or nation equivalent as part of their recruitment process. The type of work you are doing or will be doing will determine if a check is required, and the level of check you need. These checks disclose criminal record details.

England and Wales [DBS checks: detailed guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/db-checks)

Scotland [Protecting Vulnerable Groups \(PVG\) scheme - mygov.scot](https://mygov.scot/guidance/protecting-vulnerable-groups)

Northern Ireland [About AccessNI | Department of Justice \(justice-ni.gov.uk\)](https://justice-ni.gov.uk/about-accessni/)

2.6. Partners: third party organisations which our Charity is working with or alongside, include those we have offered contracts or grants.

2.7. Safeguarding: protecting a person's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the person's wellbeing is promoted, including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

2.8. Team member: anyone engaged or acting on behalf of our Charity including employees, agency workers, secondees, interns, those on work experience, volunteers (including trustees), freelancers, and consultants.

3. Policy Statement

The Charity places immense importance on safeguarding. Everyone has the right to be safe from harm and must be able to live free from fear of abuse, neglect and exploitation.

We will put in place a range of safeguarding arrangements to protect the people who come into contact with our Charity from harm, abuse, neglect and mistreatment of any kind. More widely, we will promote the welfare, wellbeing and health and safety of individual's in contact with the Charity.

The Charity has safeguarding responsibilities as a grant maker, an employer, a volunteer engager, a partner and a direct service provider (through the current Kindred programme and potential future programmes).

We are committed to collaborating with our partners to keep people safe from harm by preventing opportunities for abuse, and responding well when we are concerned about individuals. We recognise that they hold primary responsibility for meeting safeguarding duties for those in contact with them and their work. Therefore, while this Policy does not directly apply to them, it does set out our minimum expectations for their safeguarding arrangements and our commitment to supporting them to meet their duties.

The Charity recognises that all team members have a role to play in safeguarding and preventing abuse and neglect. All team members are required to take complaints, allegations or suspicions seriously and report them to the Designated Safeguarding Lead.

Our team members will have contact with children and/or adults with care and support needs through –

- Visits to organisations applying for, or receiving funding from The Charity
- Home visits, telephone calls, emails and postal enquiries with individuals through the Kindred programme
- Enquiries from people or organisations outside of the scope of our grant programmes

In addition, we recognise we may:

- Receive a whistleblowing communication from a partner or member of the public about a partner and/or individual associated with that partner.
- Observe, hear, or receive information about someone experiencing or at risk of harm. This may be due to behaviour, actions or inactions
 - caused by individuals themselves (e.g., suicide, self-harm, self-neglect)
 - perpetrated by a team member
 - experienced outside of our activities but which colleagues or those working on our behalf become aware of.

- Have team members whose behaviour falls below our expected standards.
- Design or implement programmes and activities which enable or cause harm; including through our activities online.

4. Legal context

We recognise and seek to meet all duties expected by our principal regulator, the Charity Commission for England and Wales [for safeguarding and protecting people, protecting charities from abuse for extremist purposes](#) and [due diligence, monitoring and verifying the end use of charitable funds](#).

In developing this policy and any associated procedures and guidance, we have referred to key domestic legislation as expected by the Charity Commission, including [The Charities Acts 2006 & 2011](#), the [Children Act 1989 & 2004](#), the [Protection of Children Act 1999](#) and the [Safeguarding Vulnerable Groups Act 2006](#), the [Care Act 2014](#), the [Data Protection Act 2018](#), [Public Interest Disclosure Act 1998](#), the [Equality Act 2010](#) and in light of the principles of the [Mental Capacity Act 2005](#), the [Counter-Terrorism and Security Act 2015](#), the [Domestic Abuse Act 2021](#) and the [Online Safety Act 2023](#).

The Charity recognises its duties to safeguard and promote the welfare of children and adults at risk of harm affected by its work. Where we engage in such work, we will consider relevant statutory guidance including [Working Together to Safeguard Children \(2023\)](#), [Prevent Duty Guidance for England & Wales \(2023\)](#) and the [Domestic Abuse Statutory Guidance \(2022\)](#). We shall consider this guidance proportionally in light of the unique nature and structure of the organisation and respecting the duties of statutory agencies to protect children and adults experiencing or at risk of harm.

While specific legislation and guidance for safeguarding differ across the UK, the principles of good safeguarding practice are the same. We will always consider whether additional duties need to be considered for specific work across the four nations.

5. Roles and Responsibilities

5.1. Trustees

Our Trustees have ultimate responsibility for the management of safeguarding across the organisation. All trustees should assure themselves there are mechanisms in place to check the same actions are in place for organisations funded by The Charity.

The Trustees will:

- Appoint a Lead Trustee for Safeguarding from amongst their members.
- Have a standing agenda item of safeguarding on a quarterly basis.
- Receive and scrutinise regular updates from the Charity's Designated Safeguarding Lead.
- Seek assurances on the status of the organisation's approach to safeguarding, including compliance with legal and regulatory requirements.

5.2. Senior Leadership Team (SLT)

The Senior Leadership Team will provide strategic leadership for managing safeguarding risks and building a positive safeguarding culture.

They will:

- Appoint a Designated Safeguarding Lead and Deputy Lead/s, ensuring they have the capacity, capability and support to fulfil their functions.
- Maintain an organisational wide risk register which includes safeguarding as relevant.
- Ensure cohesion between different functions, embedding safeguarding across all of the Charity's work.
- Identify and respond to learning about the organisation's approach to safeguarding.

5.3. Designated Safeguarding Lead (DSL) and Deputy Safeguarding Lead/s (DepSL)

The DSL is accountable overall for the operational implementation of our safeguarding work and communicating with the Senior Leadership Team (SLT) and the Board on all aspects of safeguarding. Deputy Safeguarding Lead/s (DepSL) work alongside the DSL to share the responsibilities outlined below.

- Oversee all safeguarding activity in the organisation.
- Advise the organisation on the legal requirements and guidance relating to safeguarding in the UK.
- Raise awareness on safeguarding with team members, grant applicants, grant holders, and individual grant recipients (through the Kindred programme and any future individual grantmaking).
- Ensure safeguarding is included in recruitment processes and induction for all new Team members.
- Be initiative-taking on safeguarding for adults and children, identifying and minimising possible risks to prevent abuse and neglect where possible.
- Ensure all staff receive safeguarding training appropriate to their role.
- Support and advise staff who are dealing with safeguarding concerns.
- Maintain a safeguarding log and record any safeguarding concerns and incidents raised internally or through external work.
- Review and update the organisation's policy and procedures for safeguarding every year, or more frequently if revisions are necessary.
- Monitor safeguarding activities within the organisation and provide data that can help improve future services.
- Work with the People and Culture Manager, ensuring any relevant requirements of the DBS, PVG Scotland, Access NI are met.
- Keep abreast of changes and developments in safeguarding across the UK including legal and best practice guidance.

5.4. Team members

All team members should be initiative-taking in taking appropriate, proportionate, preventative steps to reduce the risk of, or perception of, harm occurring; especially concerning children and adults at risk. All individuals acting on behalf of our Charity will seek to protect those that are at risk of being harmed.

All team members must recognise and accept their responsibilities in relation to good practice for the recognition and reporting on behalf of those at risk of experiencing harm, including identifying suspected poor practice and allegations.

All team members should:

- Read and be familiar with this Policy.
- Know how to respond to concerns and where to go for advice and assistance.
- Know about different types of abuse and neglect and the risks relevant in their work.
- Undertake safeguarding training in line with their level of responsibility.
- Respond appropriately to emergency situations.
- Take any safeguarding concerns and allegations seriously.
- Report any suspected abuse or neglect to the DSL and make an accurate record of any safeguarding activity.
- Support people to keep themselves safe.
- Support people to think about risk when exercising choice and control.
- Be familiar with and comply with The Charity's Whistleblowing Policy (in development).
- Be familiar with and comply with The Charity's code of Conduct (in development).

Any team member who believes that they are not receiving the support necessary to meet their safeguarding duties should raise this and can always contact the DSL for support.

5.5. Managers' responsibilities

In addition to the roles and responsibilities for all team members, managers of staff or those who manage contracts with consultants delivering services to us have additional responsibilities proportionate to their role.

They must provide effective management and supervision for team members through line-management, support and quality assurance measures.

They must:

- Comply with the safeguarding aspects of the recruitment policy.
- Ensure staff are trained and supported to enable them to identify and respond to concerns about abuse, neglect and substandard practice.
- Ensure the DSL is made aware of any concern regarding children or adults.
- Work with the People and Culture Manager to deal with allegations or concerns relating to any staff member.
- Comply with the requirements of the DBS, PVG Scotland or Access NI reports.

6. Our commitments

6.1. Recruitment

Team members are subject to robust recruitment processes proportionate to the risks in the role to ensure the individual is suitable before they commence their role.

For all roles, satisfactory references are required.

Each role will be assessed, taking into account the working environment, determining if there is a requirement for Disclosure and Barring Service (DBS) check eligibility/PVG Scotland/Access NI reports and if so, at what level. This assessment will take place for all roles; including those with contact with children and adults with care and support needs.

6.2. Awareness raising and training

All new team members will receive information about this Policy and reporting procedures.

Team members will participate in proportionate safeguarding training relevant to their role, responsibilities and risks they are engaged in. Refresher training is delivered every two years and relevant updates in between, as appropriate.

Team members who provide lone home visits and/or visit organisations where they may interact with adults with care and support needs and children will always undertake additional training; including safer working and risk assessment guidance.

The Designated Safeguarding Lead (DSL) and Deputy Safeguarding Lead/s (DepSL) receive Designated Safeguarding Officer (DSO) training on appointment and every two years.

6.3. Managing risk in our programmes

Individuals responsible for programme or project design and implementation must ensure that safeguarding is accounted for at all stages of the programme/project cycle.

Programmes and activities must always be designed with safeguarding in mind, with specific hazards identified and proportionate risk management measures put in place. Risk assessments must be regularly reviewed as part of monitoring activities.

Individuals responsible for programme or project design and implementation should consult the DSL for advice as necessary and include the DSL where they identify higher risks of harm to children or adults with care and support needs.

6.4. Supporting our partners to meet their responsibilities

Partner organisations (such as grant holders, contracted partners or non-contracted partners whom we work closely with to deliver ad-hoc projects/programmes or other services) are responsible for designing, implementing and reviewing their own safeguarding arrangements. We will seek to provide support and information proportionate to our role and enable them to meet their responsibilities.

Our expectations are proportionate to the risks of the activities we are supporting, with greater requirements for those in contact with children or adults with care and support needs.

We will:

- Undertake appropriate due diligence in advance of entering into a partnership relevant to the risks of the project or activity.
- Ensure partners have proportionate safeguarding policy and procedures in line with good practice in the sector and a Designated Safeguarding Lead if they work with children or adults at risk of harm.
- Ensure the organisation provides appropriate training to their staff and volunteers (including trustees)
- Ensure safeguarding is embedded across their service delivery
- Detail in agreements with partners our requirements to report safeguarding breaches to us (where permissible in law) and the right to audit compliance with their safeguarding obligations, if necessary.
- Always offer support and understanding to partners managing a safeguarding concern. We will meet our duties to report concerns to relevant regulators if necessary. We retain the right to pause or withdraw funding should we have concerns about a partner's ability to keep people safe.

6.5. Monitoring and quality assurance

The DSL will ensure the SLT and trustees are provided with key updates such as a summary of serious logged concerns, updates on staff training and induction or wider updates to law, policy or practices as relevant.

We will seek to learn from any safeguarding concerns or incidents, including ascertaining the feedback of those engaged.

We will meet our regulatory responsibility to review our approach to safeguarding on an annual basis and update this Policy, as necessary.

6.6. Managing concerns

We will seek to fulfil our responsibilities to protect people in contact with our organisation from harm and support our partners to fulfil their responsibilities.

We will make sure our response centres the person experiencing or at risk of harm and consider the needs of bystanders and our organisation as a whole.

We will seek to manage any safeguarding concern quickly, professionally and sensitively. We will record all safeguarding concerns, discussions, and decisions (and

justifications for those decisions) promptly and appropriately in writing. We will record and store information professionally, securely, as per established procedures.

PART B: Safeguarding Procedures

These procedures provide direction to team members who have a concern they think may be related to safeguarding. It outlines how you can recognise, respond safely and report situations when you reasonably suspect or are told that someone is being, has been or is likely to be harmed.

Team members may have concerns as a result of:

- a direct disclosure
- an allegation, concern or complaint reported by another person
- an observation
- an incident

1. Recognising harm and abuse

1.1. Someone is at imminent and serious risk

Where you are confronted by someone at imminent and serious risk of harm, you should take appropriate action. This could include someone being at serious risk of harm to themselves or others, those expressing serious suicidal or self-harm intent or who may be in contact with those who would harm them.

Every situation will be different, and your response may depend on the capacity and capability of the team or your own background knowledge of the individual(s) at risk of harm.

Take any reasonable steps **within your role** to protect any person from immediate harm, for example by calling the emergency services.

1.2. Someone shares they are being abused

- Assess whether anyone is at immediate risk.
- Treat the matter seriously
- Ask the person concerned what they want to be done about the concern or allegation
- Keep an open mind and avoid asking leading questions. Instead, use phrases such as Tell me, Explain to me, Describe to me
- If the complainant is the individual him/herself, questions should be kept to the minimum necessary to understand what is being alleged. Care must be taken in asking or interpreting responses to questions about indications of abuse as this could have an effect on the evidence, which is put forward if there are subsequent legal proceedings.
- Give the person contact details of The (Henry Smith) Charity's Designated Safeguarding Lead so they can report any further issues or ask any questions that may arise.

1.3. Abuse suspected but not disclosed

In non-emergency situations, where abuse is suspected but not disclosed, team members with the concern should consider whether to approach the individual concerned to ascertain their views. If they do not feel able to do so for any reason, then the DSL should be informed.

1.4. Allegations against people representing The Charity

If an allegation is made against a team member, it must be taken seriously and risks to those using the service should be assessed. If a team member has a concern about another team member they must discuss their concerns with the DSL – not with the colleague.

The Charity's relevant procedures should be followed (this will be different for employees and contractual workers compared to trustees and volunteers). Team members should receive support from the employer and should be given a fair hearing.

Any internal investigation regarding team members that is a safeguarding concern should be conducted with the agreement of the Local Authority and/or the police to ensure that any criminal investigation or protection plan is not compromised.

2. Reporting Procedures:

Team members must report all safeguarding concerns, allegations or worries to The (Henry Smith) Charity's Designated Safeguarding Lead (DSL) or Deputy Safeguarding Lead (DepSL).

This would include:

- concern regarding activity within The Charity
- concern connected to a partner organisation funded by the Charity
- other issues arising for those in contact with the Charity

While concerns relating to the activity of the partner will be led by the partner, team members must also report these concerns to our DSL. They will seek assurance that the funded organisation responds appropriately and promptly.

If you are in any doubt about something you have seen, read, or heard, it is always best to follow this procedure and raise this with the DSL who will talk it through with you and offer support. We will record, treat seriously and support with every reported safeguarding concern.

3. Responsibility to record

Team members shall make a written record of the concern as soon as possible and no later than 1 working day after the concern has been identified. All personal information included in a record must be stored securely and deleted once shared with the DSL.

The report must include

- the name and position of the person sharing the information

- the names of others involved, such as the person who may be at risk, and if relevant, the person(s) subject of concern
- when and where the alleged incident took place, including date and time
- who was present
- the account of what is alleged to have happened
- a description of any injuries described or observed

Where possible always record using the individual's own words.

4. Actions to be taken by the Designated Safeguarding Lead (DSL)

Note - the Deputy Safeguarding Lead/s (DepSL) can deputise for all actions below.

- The DSL will decide, based on the information gathered and with the relevant colleagues, whether external authorities need to be informed.
- The DSL will consider whether:
to arrange to speak to the individual to ascertain their views.
- The DSL will inform The Charity's relevant Senior Leaders and Board members if it is appropriate to do so.
- The Charity's DSL and Deputy Safeguarding Lead (DepSL) will use the HSC Safeguarding Log to note:
 - Information provided to Social Care Services
 - Any notes, memoranda or correspondence dealing with the matter
 - Any other relevant material
- Copies of reports, notes and any additional documents should be kept securely. Retention will depend on the nature of the concern and in line with existing policies and procedures.

The DSL will take the appropriate action needed. Children do not need to give consent for a safeguarding concern to be escalated. For adults, it is good practice to gain the consent of an adult with mental capacity to give informed consent before raising a safeguarding concern with the Local Authority on their behalf.

The DSL will take this into consideration, however, in some situations the adult's consent cannot be gained, or is superseded by other concerns. This will include situations when:

- It is uncertain if an adult has the mental capacity to make that decision
- Other people are, or may be, at risk, including children
- Sharing the information could prevent a crime
- The alleged abuser has care and support needs and may also be at risk
- A serious crime has been committed
- The organisation's staff, trustees or volunteers are implicated
- The person has the mental capacity to make that decision, but they may be under duress or being coerced
- A court order or other legal authority has requested the information
- There is a 'vital interest' (a risk to life and limb)

If the DSL feels it to be appropriate, details will be provided to the relevant statutory bodies. If the referral contains information about a staff member, freelancers, trustee, volunteer or other service user (for example: Kindred), the referral and any related

information is stored separately and confidentially, with reference to it on the individual's file.

5. Confidentiality

The issue of confidentiality in the context of safeguarding adults is quite complex. How a member of staff, freelance visitor, trustee or volunteer manages the situation if an individual does not initially want to be identified as being at risk of abuse is crucial in making them feel safe enough to disclose their identity. There are several things to consider including the possible risk posed to others and the Safeguarding Lead's responsibility to notify local Social Care Services of confidential information, when justified in the interests of others.

For adults with the mental capacity to make decisions, information must not be passed on to external authorities unless they agree or unless one of the conditions above is applicable.

6. Whistleblowing

If a member of staff genuinely believes that a concern cannot be reported to any manager, or if they have reported it and think that the response is inadequate or inappropriate, they should consult The Charity's whistleblowing policy for guidance or report to the Trustee Safeguarding Lead.

[Protect \(formerly Public Concern at Work\)](#) offer free, confidential advice to employees on whistleblowing. Any activity to protect management or organisational interests should never compromise the safety or welfare of those in contact with the organisation.

Appendix 1: Safeguarding contact Internal document, available on request

Appendix 2: Categories of Abuse Internal document, available on request

Appendix 3: Safeguarding Flowchart Internal document, available on request