

Safeguarding – Charity Commission guidance

The Charity Commission has published its strategy for dealing with safeguarding issues in relation to charities.

The Commission emphasises that it does not have legal responsibility for administering the legislation on safeguarding children and vulnerable adults, but does have a regulatory role in ensuring trustees comply with their legal responsibilities as trustees in managing and administering their charity. Trustees of charities working with children and vulnerable adults must act in the best interests of their beneficiaries and take all reasonable steps to prevent any harm to them. The Commission may consider failure to do so as misconduct or mismanagement.

The Commission's strategy has four strands:

- Prevention – publishing guidance (including *Safeguarding Children*) and investigation reports;
- Oversight and supervision – this includes obtaining confirmation of CRB checks for new charities seeking to register and monitoring reports of serious incidents;
- Cooperation – with local authorities and others. The Commission may take action even if other agencies decide not to;
- Intervention – the Commission will intervene in serious cases, or where there has been non-compliance or abuse. They will not intervene where action by others would have a greater impact.

The full guidance can be reviewed here:

http://www.charitycommission.gov.uk/our_regulatory_activity/our_approach/safeguarding_strategy.aspx

For further information please contact:

David Mears

Partner

+44 (0)20 8394 6484

David.Mears@russell-cooke.co.uk

This material does not give a full statement of the law. It is intended for guidance only and is not a substitute for professional advice. No responsibility for loss occasioned as a result of any person acting or refraining from acting can be accepted by Russell-Cooke LLP.
© Russell-Cooke LLP June 2012