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| HIGH LIFE HIGHLAND  REPORT TO BOARD OF DIRECTORS  22 March 2018 | AGENDA ITEM 7 REPORT No HLH 2/18 |

## **OSCR – CHARITY TRUSTEE GUIDANCE- Report by Chief Executive**

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| **Summary**  The purpose of this report is to highlight High Life Highland’s responsibilities associated with safeguarding of vulnerable beneficiaries, volunteers, and staff and in relation to events notifiable to the Office of the Scottish Charity Regulator (OSCR).  It is recommended that Directors:   1. agree that High Life Highland has sufficient policies, procedures and practices to safeguard vulnerable beneficiaries, volunteers and staff and to confirm that they are aware of the circumstances where OSCR should be notified of an incident/event; and 2. note that a further report will be issued on receipt of OSCR’s safeguarding guidance. |

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| **1.** | **Business Plan Contribution** |
| 1.1 | This report supports the highlighted Business Outcomes from the High Life Highland (HLH) Business Plan:   1. To advance sustainable growth and financial sustainability 2. **Deliver the Service Delivery Contract with THC** 3. **Improving staff satisfaction** 4. **Improving customer satisfaction** 5. **A positive company image** 6. Services designed around customers and through market opportunities 7. **Sustain a good health and safety performance** 8. A trusted partner |
| **2.** | **Background** |
| 2.1  2.2 | Following the recent reports of abuses connected to high profile UK based charities working in the international aid sector the Office of the Scottish Charity Regulator (OSCR) has issued a communication to remind charities of the following two key areas:   * Safeguarding (keeping vulnerable beneficiaries, volunteers and staff safe) * Notifiable Events   Due to the importance of both these points, OSCR has recommended that these issues are considered directly by charity Director/Trustees. |
| **3.** | **Safeguarding – Keeping Vulnerable Beneficiaries, Volunteers and Staff Safe**  The public is right to expect the highest standards of governance from the Directors of a charity like High Life Highland – the same is also expected by charity law.  OSRC is asking Scottish charities to working with volunteers to have a heightened focus on possible abuses of power that might lead to bullying, harassment or sexual misconduct.  The legal duty of all charity trustees is to act in the best interests of their charity and, in particular, to act with due care and diligence. OSCR recommends that Directors satisfy themselves they have created a safe environment for staff, beneficiaries and volunteers.  Since the establishment of HLH, Directors and senior managers of HLH have put in place the following policies and procedures which together, seek to ensure that the public, staff and volunteers are safeguarded.   * Adult and child protection policies and an ongoing rolling programme of training * Thorough recruitment and selection processes; * Vetting of appropriate posts (PVG scheme); * Grievance procedures; * Whistleblowing procedures; * Directors code of conduct; * Staff code of conduct and role model behaviour guidance; * Anti-bribery procedure; * Volunteering procedure; * Harassment at work procedure.   The above policies and procedures are reviewed every two years. |
| 3.1  3.2  3.3 |
| 3.4 | In addition to the above policies and procedures, HLH staff and volunteers are given opportunities at various stages throughout the year to discuss their employment through appraisals and six-month review meetings. However, where members of staff have specific concerns they are able to speak directly with senior management, Directors or their union representatives. |
| 3.5 | OSCR suggests that Charity Directors satisfy themselves on the following key points:   * Understanding their responsibilities as a Director and follow charity legislation; * Understanding the type of work the charity undertakes and where specific staff may require safeguarding; * Assessing your safeguarding risks and address them where necessary; * Being confident that the steps you put in place are relevant to the size and work of your charity; * Making sure your charity’s policies and procedures are effectively applied in practice throughout the organisation at all times; * Ensuring that the policies and procedures associated with safeguarding staff and volunteers are reviewed at least once every 12 months bridging any gaps as they are identified; * Encouraging a safe environment so that volunteers, staff and beneficiaries feel that they can speak up when they think something is going wrong * Being transparent when incidents do occur, and learn if things go wrong * Ensuring that serious incidents are reported to OSCR and other relevant bodies. |
| **4.**  4.1  4.2  4.3  4.4 | **Notifiable events**  Even with safeguards in place, issues can still arise. In such circumstances it is important matters are addressed vigorously and transparently.  Where an incident/event occurs it is recommended that it is reported to OSCR through their standard notifiable events process.  A [Notifiable Event](https://www.oscr.org.uk/charities/managing-your-charity/notifiable-events) could be:   * fraud and theft; * significant financial loss; * incidents of abuse or mistreatment of vulnerable beneficiaries, staff or volunteers; * when a decision is taken at a meeting where it has not been quorate to do so; * when a charity has been subject to a criminal investigation or an investigation by another regulator or agency; * sanctions have been imposed, or concerns raised by another regulator or agency; * when significant sums of money or other property have been donated to the charity from an unknown or unverified source; * suspicions that the charity and/or its assets are being used to fund criminal activity (including terrorism); * charity trustees have been acting improperly or whilst disqualified.   Directors should be aware that there is no legal requirement to report a notifiable event. However, in the interest of transparency, openness and charity reputation it is important that Directors appreciate such events will be reported to OSCR as soon as possible. |
| **5.** | **HLH Position Statement** |
| 5.1 | It is suggested that HLH currently has robust reporting and review procedures in place to reduce risk of incidents occurring and to report and address them should they happen. |
| 5.2 | The review of the effect of the policies and practices in place is achieved through: financial and audit issues being considered at the Finance and Audit Committee, with reporting to the main Board; regular formal meetings with trade unions; the internal audit programme, which covers financial and procedural reviews; the use of an independent H&S advisor, working with a H&S strategic committee [recently agreed to be upgraded to a full sub-committee of the Board]; a standing agenda item on Senior Management Agendas to enable the raising of concerns over any aspect of safeguarding. |
| 5.3 | Whilst it is considered that HLH already treats safeguarding issues as a priority, Directors and SMT must continue to encourage vigilance and willingness to report issues across the breath of HLH activity, whilst regularly reviewing related policies and procedures. |
| 5.4 | It is understood that OSCR will be issuing specific safeguarding guidance, when issued this will form a further report to a future board meeting. |
| **6.**  6.1  6.2  6.3 | **Implications**  Resource Implications – there are no new resource implications arising from the recommendations of this report.  Legal Implications – there are no new legal implications arising from the recommendations of this report.  Risk Implications – whilst there are no new risks arising from the recommendations of this report, issues relating to safeguarding require continued and sustained attention from Directors and SMT. |
| **Recommendation**  It is recommended that Directors:   1. agree that High Life Highland has sufficient policies, procedures and practices to safeguard volunteers, beneficiaries and staff and to confirm that they are aware of the circumstances where OSCR should be notified of an incident/event: and 2. note that a further report will be issued on receipt of OSCR’s safeguarding guidance. | |

Designation: Chief Executive

Date: 1 March 2018