

Fair Trials – Safeguarding Policy

1 Policy Statement

- 1.1 Fair Trials is committed to protecting people who come into contact with our charity, including our beneficiaries, people who support our work, our trustees, staff, consultants, interns, and volunteers.
- 1.2 Everyone who works with or on behalf of Fair Trials needs to be aware of this policy and must act in accordance with it. This policy does not form part of any contract of employment or contract for services and we may amend it at any time.
- 1.3 This policy should be read alongside the following policies and procedures where they exist in Staff Handbooks or other policy documents issued by Fair Trials from time to time:
 - Equal Opportunities
 - Health and Safety
 - Disclosure and Whistleblowing
 - Communications and Information Technology
 - Network Acceptable Use
 - Disciplinary Procedure
 - Grievance Procedure
- 1.4 We publish this Safeguarding Policy on our website and we encourage everyone who comes into contact with our charity to report any safeguarding concerns to us.

2 Safeguarding Key Contact

- 2.1 Safeguarding issues or concerns should be reported to the Development Director, Charlotte Stevens: telephone 020 7822 2370, email charlotte.stevens@fairtrials.net.
- 2.2 If you have a concern about the Development Director, or if you do not feel comfortable raising a safeguarding issue with the Development Director, you can contact the Chief Executive, Jago Russell (Jago.Russell@fairtrials.net).
- 2.3 If your concern involves both the Development Director and the Chief Executive, you can contact the Chair of the Board of Trustees, Eric Kolodner (eric.kolodner@tamalaconsultancy.com).

3 What do we mean by safeguarding?

- 3.1 We use the term safeguarding to refer to the steps that Fair Trials takes to protect people from the risk of harm or abuse that might arise when they come into contact with our charity.
- 3.2 Safeguarding risks can take many different forms. Some examples are listed below but this is not exhaustive. It is important to recognise that any action or inaction by another person that causes a violation of a person's human and civil rights is a

safeguarding issue, whether deliberate or unknowing, and whether contained in a single act or a series of acts.

3.3 Safeguarding risks you should be alert to:

- **Sexual harassment, abuse and exploitation** – including indecent exposure, exposure to pornographic material, sexual teasing or innuendo, inappropriate touching, abuse of power or position for sexual gain
- **Physical abuse** – including hitting, slapping, shaking, throwing, pushing, restraining, otherwise causing physical harm
- **Emotional or psychological abuse** – including threatening to hurt or abandon, humiliating, blaming, controlling, overprotecting, isolating, intimidating or harassing
- **Bullying or harassment** – including cyber bullying, harassment or abuse
- **Discriminatory abuse, including on any of the grounds in the Equality Act 2010** – abuse that is related to a person's age, disability, gender (including gender reassignment), marriage or civil partnership status, pregnancy or maternity, race, religion or belief, sex, or sexual orientation
- **Abuse of position or culture** – people who target Fair Trials or abuse a position of trust they hold within Fair Trials and/or risks that Fair Trials culture could allow poor behaviour
- **Neglect and negligent treatment** – including withholding or ignoring medical, physical or emotional needs
- **Commercial or financial exploitation** – including stealing, fraud, misuse or misappropriation of property, possessions or benefits
- **Personal data breaches**
- **Health and safety risks**
- **Human trafficking and modern slavery**
- **Extremism and radicalisation**
- **Forced marriage**
- **Female genital mutilation**

A breach of Fair Trials' relationships at work policy (see section 11 below) may also constitute a safeguarding issue.

4 Responsibilities

4.1 Protecting people is everyone's responsibility.

Board of trustees

- 4.2 FTL's board of trustees is ultimately responsible for safeguarding and for ensuring that staff and volunteers are competent to carry out their safeguarding responsibilities.
- 4.3 The trustees will take action to avoid any actual or potential conflicts of interest which could lead to Fair Trials being compromised in any way in enforcing our safeguarding commitments.
- 4.4 The trustees will review safeguarding reports (see section 7.6 below) and decide whether to report a serious incident to FTL's regulator, the Charity Commission or other relevant bodies if necessary in other jurisdictions for Fair Trials Europe and Fair Trials Americas.
- 4.5 The trustees will review this Safeguarding Policy annually or (if sooner) when there are any material changes to safeguarding legislation or guidance, and in light of any safeguarding reports (see section 7.6 below).

Chief Executive and Management Team

- 4.6 The Chief Executive will work with the management team to:
- ensure that everyone working for or on behalf of Fair Trials is made aware of this Safeguarding Policy
 - ensure that Fair Trials follows safe recruitment practices that are appropriate to the role and the level of risk
 - arrange safeguarding training for trustees, staff and volunteers on induction and at regular intervals (as appropriate to their role)
 - promote a culture of listening to people and encouraging people to speak up
 - ensure safeguarding concerns are investigated appropriately and in line with this policy
 - maintain a record of all safeguarding incidents, concerns, reports and referrals
 - liaise with external stakeholders on safeguarding issues, where appropriate

Staff, consultants, interns, and volunteers

- 4.7 Everyone who works for or on behalf of Fair Trials shares responsibility for protecting people who come into contact with the charity from harm resulting from that contact.
- 4.8 You must:
- familiarise yourself with this Safeguarding Policy and follow it in your work with Fair Trials
 - report any safeguarding concerns or suspicions (for the avoidance of doubt, there is no obligation on an individual to report any incident that has happened to them)
 - co-operate with any safeguarding investigation

4.9 Staff who carry out fundraising activities on behalf of Fair Trials must:

- comply with The Code of Fundraising Practice and the Institute of Fundraising's guidance 'Treating Donors Fairly' when fundraising in the UK
- never exploit vulnerability when carrying out fundraising activities
- take all reasonable steps to ensure that individual donors make informed decisions about any support they choose to give to Fair Trials

5 Reporting Safeguarding Concerns

5.1 If you witness a safeguarding incident, or if an incident has just taken place, and you believe someone is at imminent risk of significant harm, you should call the emergency services and then report the matter following the process below.

5.2 If you have a concern that someone may be experiencing, has experienced, or is at risk of experiencing, abuse or exploitation you should make a report to the Safeguarding Key Contact without delay. You should report a safeguarding concern, even if it relates to an incident that occurred some time ago.

5.3 When you make a report, it is helpful if you can provide details of your concerns including:

- the name(s) of the people involved
- a description of each incident
- the dates, times and location of each incident

Staff, consultants, interns and volunteers

5.4 Members of staff can also use issued Whistleblowing Policies and/or Grievance Procedures to raise a safeguarding concern.

5.5 If an allegation is made against you, you must inform the Safeguarding Key Contact immediately and you will be asked to make a written record of the allegation. Fair Trials will treat anyone who is accused with respect and all allegations will be treated confidentially.

6 Confidentiality

6.1 Fair Trials will treat all safeguarding reports as confidential and information will only be shared on a strictly 'need to know' basis. This may include sharing information with managers and/or trustees.

6.2 Anyone who reports a genuine concern under this procedure will be protected against negative repercussions as a result of raising a safeguarding concern.

7 Responding to Safeguarding Concerns

7.1 Safeguarding reports may reach Fair Trials through various routes, including telephone calls, text message, social media, face-to-face discussions, or rumours. All concerns must be taken seriously.

7.2 If someone raises a safeguarding concern with you, you should:

- listen
- empathise with the person making the report
- ask who, when, where, what, but not why
- repeat what you have been told to check your understanding
- reassure the person making the report that Fair Trials will treat all safeguarding reports as confidential and that information will only be shared on a strictly 'need to know' basis
- do not promise secrecy – if someone is in danger you will have to inform others
- if the person making the report is a member of staff, ask them to limit discussions about the matter with other colleagues as far as possible in order to allow Fair Trials to respond to their concern in line with this policy
- (if the person receiving the report is not a Safeguarding Key Contact) make a report to the Safeguarding Key Contact without delay

7.3 You must keep safeguarding reports confidential. Members of staff who breach confidentiality will be subject to disciplinary action up to and including termination of employment.

Action

7.4 The Safeguarding Key Contact will consider the report and will make a decision about how to take the matter forward. This could include:

- carrying out an internal investigation – when appointing someone to carry out an investigation Fair Trials will take account of relevant experience, skills, cultural, linguistic and legal considerations, as well as potential conflicts of interest or loyalty. Support from external providers may be sought.
- taking action under the policies referred to in section 1.3 above, up to and including dismissal under the relevant Disciplinary Procedure
- termination of consultancy agreements or bringing voluntary roles to an end
- termination of partnership agreements or relationships with third parties
- reporting to external agencies (see below)

In reaching a decision, the Safeguarding Key Contact will review all of the available information and, if necessary, discuss the matter further with the person who reported the concern and/or take external advice.

Reporting to the Board and to Regulators

7.5 The Safeguarding Key Contact will inform the board of trustees that a safeguarding report has been received and the trustees will be responsible for deciding whether the matter should be reported as a serious incident to the Charity Commission, or to other relevant bodies in other jurisdictions if appropriate. The trustees may delegate authority to make a report to a manager or external agent (for example, a solicitor).

7.6 Unless a case is particularly serious, details of safeguarding concerns will not be shared with trustees. The board will only receive reports summarising the nature of issues raised and the outcomes.

Referrals to External Agencies

7.7 Where appropriate, Fair Trials will refer safeguarding concerns to appropriate external agencies such as:

- the Local Authority Designated Officer (LADO) or Local Safeguarding Adults Board
- law enforcement authorities for criminal investigation
- children's social care services
- the Disclosure and Barring Service (DBS)
- other relevant bodies in Belgium or the USA.

7.8 The Safeguarding Key Contact and the Chief Executive will undertake a risk assessment before making any report to an external agency. The risk assessment will take into consideration:

- any risk of further harm to those affected by the alleged incident or incidents

- whether those affected want the matter to be reported externally
- whether external reporting risks disproportionate consequences for the accused
- whether due process is guaranteed or likely (for example, where the incident occurs overseas)

7.9 Where applicable, the Safeguarding Key Contact and Chief Executive may decide to provide a limited description of safeguarding allegations, incidents or concerns to institutional donors and other third parties (for example, Fair Trials' insurers).

8 Support for Complainants and Survivors

8.1 Fair Trials adopts a person-led approach to safeguarding, and the safety and wellbeing of complainants and survivors is paramount

8.2 We actively seek feedback from complainants and survivors, if and wherever appropriate, in order to improve our safeguarding policies and processes.

8.3 Where appropriate, Fair Trials will offer support to people involved in safeguarding incidents. All decisions on support will be led by the individual. Support could include (but is not limited to) referrals to, or covering the cost of:

- counselling
- medical assistance
- protection or security assistance (for example being moved to a safe location)

9 Working with Partners

9.1 Fair Trials will ensure that agreements or contracts with third-party groups or organisations which involve contact with children or adults at risk include an obligation on the partner to have appropriate safeguarding policies and procedures in place and comply with its statutory and regulatory safeguarding obligations. The agreement or contract will also clearly outline safeguarding procedures including:

- who has overall responsibility for safeguarding concerns;
- who is responsible for reporting an investigating safeguarding concerns; and
- the procedure to be following for dealing with safeguarding concerns.

- 9.2 If Fair Trials receives a safeguarding report about a partner organisation, we will contact the partner and expect them to respond quickly and appropriately. Fair Trials will assist the partner and will require them to report on the outcome (as permitted under data protection laws).
- 9.3 If we have reason to believe that an allegation has not been dealt with appropriately by a partner organisation and/or if an investigation uncovers serious issues relating to the governance or management of a partner organisation, Fair Trials will give serious consideration to ending the partnership.

10 Safer recruitment

- 10.1 Fair Trials is committed to the safe recruitment, selection and vetting of staff, trustees and volunteers.
- 10.2 Appropriate checks will be carried out before a new trustee is appointed and all trustees must sign a declaration to confirm that the person is not disqualified under the Charity Commission's automatic disqualification rules. Trustees in post will be asked to sign a fresh declaration every year.
- 10.3 As part of the recruitment process for all staff and volunteers, Fair Trials will question gaps in employment and take up references for successful candidates. We will seek to have an open and measured discussion with applicants at interview about any criminal convictions, offences, or other matters that might be relevant to the position applied for. Failure to reveal information (including information about convictions and cautions) directly relevant to a position could lead to withdrawal of an offer of employment, or termination where employment has already commenced.
- 10.4 Fair Trials will carry out appropriate criminal records checks for anyone working with children and/or adults at risk.

11 Relationships at Work

- 11.1 This section applies to all Fair Trials trustees, staff, consultants, interns and volunteers. Failure to comply will be treated as a disciplinary matter and could result in disciplinary action up to and including dismissal, or termination of your engagement with Fair Trials
- 11.2 Fair Trials respects everyone's right to a private life. These guidelines are intended to provide a framework for managers to deal sensitively, consistently and fairly with personal relationships at work.
- 11.3 When we refer to relationships, we mean emotional or romantic relationships which go beyond the normally accepted boundaries of the professional sphere between colleagues. This will include formal, family relationships (e.g. where people are married or living together) as well as less formal situations (e.g. where people are "seeing each other" or "going out together").
- 11.4 Fair Trials prohibits relationships between colleagues and people who they line manage or supervise. Staff in the senior management team are prohibited from having relationships with any more junior staff. Such relationships may be based on inherently unequal power dynamics and could undermine the credibility and integrity of our work.

11.5 Fair Trials' policy does not prohibit relationships between colleagues outside of the unequal power dynamics referred to in section 11.4 above, but you must:

- declare any relationship as soon as possible to your line manager, even if the relationship is at an early stage and may not continue
- behave professionally and conduct the relationship in a way that does not impact on FTI's work or on other colleagues (e.g. being discrete in any discussions regarding your private life within the workplace, avoiding public displays of affection in the work sphere)
- ensure you do not allow your relationship to influence your work decisions
- ensure that your relationship does not lead to fraudulent or corrupt behaviour (e.g. choosing to travel at the same time as each other without having a valid business need and claiming expenses)

11.6 Fair Trials will not tolerate any form of harassment of colleagues and will take all such allegations extremely seriously. You are reminded to consider your legal obligations towards colleagues, especially pertinent at the beginning or end of a relationship when professionalism and discretion will be particularly important.

12 UK Guidance

Charity Commission: 'Safeguarding and protecting people for charities and trustees'	https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees
Charity Commission: 'How to report a serious incident in your charity'	https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity
Charity Commission: 'Reporting a serious incident in your charity when it involves a partner'	https://www.gov.uk/guidance/reporting-a-serious-incident-in-your-charity-when-it-involves-a-partner
Charity Commission: 'Automatic Disqualification: guidance for charities'	https://www.gov.uk/guidance/automatic-disqualification-rule-changes-guidance-for-charities
Institute of Fundraising: 'Treating Donors Fairly'	https://www.institute-of-fundraising.org.uk/guidance/key-iof-guidance/treating-donors-fairly/
The Code of Fundraising Practice	https://www.fundraisingregulator.org.uk/code

Version control

Date	Action	Next review

	New policy	N/A
	Policy reviewed and approved by Board	