

Safeguarding update

Voluntary and community sector organisations are continuing to collaborate to provide guidance and support on safeguarding.

Emma Dowden-Teale and Joanna Howard summarise the latest initiatives, as well as a recent significant Supreme Court decision.



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Bond

Bond, the UK umbrella network for more than 400 organisations working in international development, continues to coordinate the working groups set up following the first DfID Safeguarding Summit last year and to work closely with organisations from across the sector. The output from one of those working groups, whose steering committee includes Bates Wells' Emma Dowden-Teale, has now been published: a new safeguarding governance guide. The guide reflects current guidance, in particular the safeguarding guidance published by the Charity Commission and DfID in 2018. While the guide is specifically aimed at the boards of UK-based NGOs, it will be of benefit to all charities.

The Safeguarding Governance Guide is available at: <https://www.bond.org.uk/resources/safeguarding-governance-guide>

Safeguarding Training Fund

The Safeguarding Training Fund is a project funded by DCMS and the National Lottery Community Fund. NCVO is leading the delivery of phase 1 of the Safeguarding Training Fund in partnership with 13 other organisations, which have come together as the 'Safer Social Sector Partnership'.

This project is focused on facilitating the sharing of expertise and experience, and its aim is to ensure that charities of all types and sizes become safer organisations for everyone. It will achieve this by producing a comprehensive suite of free safeguarding tools and advice. Bates Wells will be working with NCVO to support it over the course of the project.

Information about the early stages of the Safer Social Sector Partnership is available here: <https://www.ncvo.org.uk/about-us/media-centre/press-releases/2519-comprehensive-voluntary-sector-safeguarding-resources-to-be-developed-by-new-expert-partnership>

Supreme Court decision on DBS disclosure scheme

The Supreme Court has recently handed down an important ruling on what level of information should be revealed in connection with DBS checks. It ruled that mandatory disclosure of (a) all convictions where an individual has multiple convictions and/or (b) youth cautions (including warnings and reprimands issued under an old regime) is disproportionate and incompatible with an individual's right to private life under Article 8 of the European Convention on Human Rights.

This case demonstrates the difficulty of striking a balance between the competing public interests of the protection of children and vulnerable adults against the rehabilitation of offenders. This latest judgment shows the pendulum swinging towards favouring protection of individuals' privacy versus revealing all historical information. However, there is no immediate change to the existing law covering the requirements for, and information provided in, DBS checks.

Changes to the regime are on the horizon, although in the midst of Brexit, we are not expecting parliamentary time to be available in the short term: we will keep clients abreast of developments.

Keeping clients up to date

We regularly host Safeguarding Best Practice Roundtable sessions for clients. Previous topics have included GDPR v Safeguarding; DBS checking; and how and when to make a serious incident report.

All of our safeguarding updates, as well as reflections from our roundtable sessions, are available here: <https://bateswells.co.uk/insights/?service=safeguarding>