

## Dealing with allegations of bullying, harassment or mental and sexual abuse in an associated charity

This note looks at how such allegations may affect a charity that funds or provides significant property or other services to an institution subject to such allegations.

### Background

There is a growing confidence amongst people who have been victims of bullying, harassment, emotional or sexual abuse (“abuse”) to report their experiences and to ensure that criminal acts are reported. Bravery in reporting such abuse must be applauded.

In particular a new website, Everyone’s Invited, has enabled thousands of people, predominantly women at this time, to report abuse. Whilst the majority of these appear to be peer-on-peer abuse, it still has significant ramifications for charities, including those that financially support schools

The charities or institutions within which the abuse is alleged to have occurred will have clear steps they must take to comply with legal obligations and their own internal policies. For charities that support the school or institution concerned, things may be less clear.

### Nature of the allegation

Where the allegations relate to peer-on-peer abuse occurring on school premises or at school sanctioned events, the impact on the funding or property charity is slightly different. Nevertheless, action must be taken by the trustees to meet their duty of care to their charity. For example, once investigated, it may be clear that the abuse is connected with the attitudes of the pupils/students and the school’s failure to inculcate values of mutual respect. In such cases, grant support for additional teaching/workshops etc for staff and pupils might be a good way of working to eradicate abuse within the institution.

Where the allegation is directed towards the staff or governing body, the financial support to the school or the provision of land and buildings to the school, is more directly impacted. For example, where allegations are substantiated or where historic abuse has been unreported the trustees must pause and question whether their support was for a charitable purposes for the public benefit and whether it is right for such support to continue. Their decision and the reasons for it must be recorded.

### Nature of the support and the checks to be undertaken

- If you provide land and buildings for an institution

You have a duty to ensure that the occupation of that property continues to be in compliance with the underlying property trusts and for the public benefit. You also need to monitor and ensure compliance with the terms of any lease or licence.

- If you provide funds directly to the institution for example for building works, school fees, school trips etc

You should do so in line with your grant making policy and having evaluated the request for the grants. You may need to reconsider your grant-making criteria (to exclude schools with a poor

safeguarding history). or your conditions of grant. You may require sight of the relevant equalities/safeguarding/code of conduct policies before making a substantial grant.

- If you give grants to parents to allow children to attend a specific institution You will have carried out your due diligence on the institution (as to its bona fides, policies etc). Where allegations are made about the institution you will need to revisit that to check that you have a robust due diligence framework in place and that you have access to the relevant policies at the institutions concerned.

- If you appoint trustees of the school or members of the governing body Once appointed the individual owes no duty to the body that appointed them. However, some appointing bodies have the right to remove their nominee/appointee. In all cases, the charity should seek dialogue with the institution not least to ensure that future appointees have the necessary skills and background to address any shortfalls brought to light by the investigation onto the allegations.

### **Checks to carry out when allegations are made**

As soon as the trustees are aware of allegations made against an associated institution, as a minimum, trustees should ask for a full report on the allegations (confidentiality being respected) and the institution's plan to address them. They may also ask for sight of the relevant policies.

### **Risk of reputational damage and Serious Incident reporting**

If allegations of abuse are made about the institution (or its trustees, governors or employees) you must consider the reputational impact on your charity. If you believe that the association with the institution does give rise to significant reputational damage you may need to report that to the Charity Commission as a Serious Incident.

***Information on how to react to allegations of bullying, harassment, emotional, racial and sexual abuse is available on our free-to-subscribe Charity Answers website: [www.charityanswers.co.uk](http://www.charityanswers.co.uk).***

**This covers:**

**Reputation**

**Opportunities**

**Challenges**

- Internal risks
- External risks

**Role of the trustees**

**What to do when allegations come to light**

**Managing the impact**

- Openness and transparency (whilst not jeopardizing any criminal investigations or court cases) is essential.
- Reporting to the regulator is essential.
- Legal advice is probably required.
- Contacting your insurers is essential.
- If necessary, appoint a public relations/crisis manager.