

# Following collaborative project, Commission clarifies bullying and harassment roles and responsibilities

This follows a working group co-chaired by the regulator involving a range of charity sector and other representatives. Addressing bullying and harassment, which should never be accepted in the charity sector, benefits from collective recognition of the contributions required from individual charities, wider sector leadership, the regulator, government, and other experts. The group focused on the discussion and clarification of those respective roles and responsibilities and exploring ways those involved can take action to address bullying and harassment.

## **The role of trustees**

Trustees must recognise that there is simply no place for bullying and harassment within, or by, charities. Trustees have a central role to play to ensure their charity has clear policies, and that allegations are handled appropriately and in line with employment and other laws. Those concerned about bullying or harassment are encouraged to take their concerns directly to the charity or its trustees whenever this is appropriate, and trustees are responsible for ensuring they have processes in place to hear those concerns and address the matter.

The Commission's [safeguarding guidance](#) sets out that charities with employees should have welfare, discipline and whistleblowing policies for staff, including clear policies and procedures on bullying and harassment.

Under the Commission's serious incident reporting arrangements, charities should [report the most serious actual or alleged incidents of](#) bullying or harassment promptly for the regulator to assess. Workers and volunteers can also [make reports](#) to the Commission.

## **Intervention by the Commission**

As a risk-based regulator focused on charity governance, the Commission prioritises involvement to address the highest risk of harm, for example where there are concerns that trustees have not addressed reported bullying or harassment that is widespread and systemic within a charity, or there are concerns about governance issues or potential mismanagement.

The Commission has a range of possible responses to such cases, from providing regulatory advice to trustees to the opening of a statutory inquiry. Its focus is on the proper governance of the charity, and it seeks to ensure that the charity's trustees are responding to the incidents appropriately, including taking necessary steps to prevent further wrongdoing and harm.

It is not the Commission's role to resolve individual employment issues. Employment matters should generally be raised with the charity through their [grievance procedures](#), followed by action in the [employment tribunals](#) if necessary. Investigating alleged criminal offences is the responsibility of law enforcement agencies and reports relating to any threat to an individual's safety should be shared with the police in the first instance, before notifying the Commission in due course – as the Commission is not a prosecuting authority.

The working group is continuing to meet and exploring further strands of work relating to charity leadership, what constitutes or contributes to bullying behaviour, as well as increasing visibility of existing resources.

Paul Latham, Director of Policy at the Charity Commission, said:

There is no place for bullying and harassment in society, and there is certainly no place for it in the charitable sector. In a sector grounded on kindness and generosity, this kind of culture is unacceptable.

I am grateful for the leadership shown by our sector group on this issue and am pleased that we have been working so collaboratively to better communicate the Commission's role and underline the role played by individual charities and the wider sector.

We are clear that we expect charities to take action to prevent and deal with incidents, but that we will intervene where there are concerns that trustees are not complying with their responsibilities, including in relation to safeguarding, to protect charities and the wider charitable sector.

Jane Ide OBE, Chief Executive at ACEVO, said:

Bullying and harassment is unacceptable in any part of our sector and at any level of it. It is essential that we work collaboratively to establish a zero tolerance approach to bullying and harassment and to ensure that everyone working in civil society, whether paid staff or volunteer, feels safe and respected in their work.

We welcome the focus from the Charity Commission on its role as our regulator in this context. The clarification provided today on serious incident reporting and the role the Commission will – and will not – play in those circumstances is a helpful step.

This is just one part of our sector's response to the issue though. We look forward to working alongside the Commission and our colleagues across civil society to continue to inform, educate and support our sector in creating a safe and inclusive culture for all.

## Notes to Editors

1. The Commission's [reporting arrangements](#) require trustees to promptly report serious incidents to the regulator. In an accompanying [examples table](#), it cites 'an internal investigation has established that there is a widespread culture of bullying within the charity' as something that should be reported to it, whereas an isolated incident lower down the organisation, which has been dealt with by minor disciplinary action, does not typically require reporting.
2. The Commission continues to encourage charity workers and volunteers to [report issues that could seriously harm](#): the people a charity helps, the charity's staff or volunteers, services the charity provides, the charity's assets and the charity's reputation.
3. The Commission began working with sector representatives to clarify its regulatory role following a recommendation in a report published by ACEVO and the Centre for Mental Health in 2019: [In Plain Sight](#). The report contains a range of recommendations for charity leaders on how to address risks of bullying and harassment.
4. Attendees at the working group were the Charity Commission, the Department for Digital, Culture, Media & Sport, ACAS, ACEVO, Protect, The Diana Award, the Centre for Mental Health, NCV0, WCVA, UNISON and the Association of Chairs.
5. The Charity Commission is the independent, non-ministerial government department that registers and regulates charities in England and Wales. Its purpose is to ensure charity can thrive and inspire trust so that people can improve lives and strengthen society.