

Lenham Community Centre

Charity No 1166995

Serious Incident Policy

This policy covers serious incident reporting to the charity regulator, the Charity Commission, as it relates Lenham Community Centre. This policy provides Lenham Community Centre with an effective and easy to follow process that closely follows the commission's guidance.

1.0 Policy Brief & Purpose

This policy covers all activities of the charity. It does not cover or replace the charity's obligations to report incidents to statutory authorities such as the police, health and safety executive or licensing authority. However, incidents that are reported to the statutory authorities may also need to be reported to the Charity Commission.

2.0 Background

The Charity Commission states that it is vital that charities, whether they work domestically or around the world, report serious incidents to the regulator. The Charity Commission also states that data on serious incident reporting allows it to better understand risks facing the sector and take appropriate action.

The Charity Commission understands that serious incidents will happen, but it is their role to ensure that trustees comply with their legal duties and that the charity manages the incident responsibly.

The Charity Commission will be looking for assurance that the charity has taken steps to limit the immediate impact of any serious incidents that may occur and, where possible, prevent it from happening again.

The Charity Commission acknowledges that many problems can be resolved by trustees themselves. However, sometimes it needs to use its powers to protect a charity. Reporting also means the Charity Commission can identify whether other charities might be affected and can give better advice to all charities to help them protect themselves.

3.0 What is a serious incident?

The Charity Commission defines significant as 'significant in the context of your charity, taking account of its staff, operations, finances and / or reputation'; and

defines a serious incident as an adverse event, whether actual or alleged, which results in or risks significant:

- Harm to people who come into contact with our charity through our work
- Loss of our charity's money or assets
- Damage to our charity's property
- Harm to our charity's work or reputation

An act of discrimination against any person with a protected characteristic listed in the Equality Act 2010 will also be treated as a serious incident.

The main categories of reportable incidents set out by the commission are:

- Protecting people and safeguarding incidents – incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with the charity through its work
- Financial crimes – fraud, theft, cyber-crime and money laundering
- Large donations from an unknown or unverifiable source, or suspicious financial activity using the charity's funds
- Other significant financial loss
- Links to terrorism or extremism, including 'proscribed' (or banned) organisations, individuals subject to an asset freeze or kidnapping of staff.
- Other significant incidents, such as – insolvency, forced withdrawal of banking services without an alternative, significant data breaches / losses or incidents involving partners that materially affect the charity.

4.0 Process

It is Lenham Community Centre's policy to report all 'serious incidents' to the commission within 48 hours of the chair's decision, or if the matter has been referred more widely to some or all the charity's trustees the decision of those trustees, to report a serious incident, providing an appropriate level of information and to respond to any resulting requests for information within five working days.

4.1 What we will report

The incidents that we will report and the incidents that it is not necessary to report are based on Commission current guidance available online:-
https://assets.publishing.service.gov.uk/media/5bd706d9ed915d789dcd63ef/RSI_guidance_what_to_do_if_something_goes_wrong_Examples_table_deciding_what_to_report.pdf

This is not a definitive list of reportable incidents but indicates the type of incidents categorised as 'serious' and reportable and will act as a guide as to what should and should not be reported. If in doubt we will contact the Charity Commission to clarify.

4.2 Who is responsible for reporting?

The responsibility for reporting serious incidents rests with the charity's trustees. All trustees bear ultimate responsibility for ensuring their charity makes a report and does so in a timely manner. If needed the Management trustees will be consulted within 48 hours as to whether the incident constitutes a serious incident and requires reporting to the Charity Commission.

The report will then be made to the commission within 48 hours of the decision to report a serious incident. All discussions and decisions taken will be formally recorded and then minuted at the next available Management trustee meeting along with any outcomes and further action taken.

4.3 Actions we will take in response to a serious incident

If there is a serious incident the trustees, will:

- As soon as reasonably practicable prevent or minimise any further harm, loss or damage.
- Report it to the commission as a serious incident.
- Report it to the police (and / or other relevant agencies) if we suspect a crime has been committed, and other agencies such as the local authority designated officer (LADO) for safeguarding.
- Review what happened and prevent it from happening again – this may include reviewing internal controls and procedures, internal or external investigation and / or seeking appropriate help from professional advisers.

4.4 How we will report

The trustees delegate formal responsibility for reporting those incidents deemed to be serious incidents to the Chair of Trustees who will report them to the Charity Commission using its online reporting form.

If the information provided to the commission is particularly sensitive or confidential or if a particular exemption applies, we will inform the commission and explain our reasoning.

The charity is required as part of its annual return, to sign a declaration confirming there were no serious incidents during the financial year that should have been reported to the commission.

If incidents did occur, but were not reported at the time, we will submit these before we file our charity's annual return, so that we can make the declaration and meet our legal reporting requirements.

5.0 Further guidance

Further guidance relating to reporting a serious incident when it involves a partner can be found at at:

- <https://www.gov.uk/guidance/reporting-a-serious-incident-in-your-charity-when-it-involves-a-partner>

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