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**Kingston Charitable Foundation**

**Serious Incident Reporting: *Draft Policy***

1. **Introduction**

This policy sets out the circumstances under which something will be designated a serious incident, and the processes that the Kingston Charitable Foundation (Kingston CF) Board and CEO will follow in such circumstances It should be read alongside other policies such as our finance, whistleblowing and safeguarding policies. It draws heavily on the Charity Commissions Guidance

1. The responsibility to report.

The Charity Commission requires charities to report serious incidents. If a serious incident takes place within Kingston CF, it is important that there is prompt, full and frank disclosure to the Commission. We need to report what happened and, importantly, let the Commission know how we are dealing with it. This applies even if we have reported it to other agencies, including the police.

This guidance helps charity trustees identify serious incidents. It also explains how to report them and what to report.

1. **What is a serious incident?**

The Charity Commission defines a serious incident as:

“an adverse event, whether actual or alleged, which results in or risks significant:

* + harm to your charity’s beneficiaries, staff, volunteers or others who come into contact with your charity through its work (who are collectively referred to throughout this guidance as people who come into contact with your charity through its work)
  + loss of your charity’s money or assets
  + damage to your charity’s property
  + harm to your charity’s work or reputation”

For the purposes of this guidance, the Charity Commission advises that “significant” means significant in the context of your charity, taking account of its staff, operations, finances and/or reputation.

1. Who should report?

The responsibility for reporting serious incidents rests with the charity’s trustees. In practice, this may be delegated to someone else within the charity, such as an employee or the charity’s professional advisers. The board will usually delegate the actual reporting to the CEO.

However, all trustees bear ultimate responsibility for ensuring their charity makes a report and does so in a timely manner.

1. When to report

The Chief Executive (or other staff member in their absence) should report an actual or alleged serious incident to the board of trustees as soon as practically possible after the event happens, or after the CEO first becomes aware of it. The Chair (or the Operations Chair in their absence) will call an online meeting of the trustees to discuss the incident, including making a decision on reporting, as soon as is practical.

1. Making the decision to report

In deciding whether to report an incident to the Charity Commission, Trustees will be guided by the Charity commission guidance, which is attached as an appendix to this policy.

1. Responding to serious incidents

As well as deciding whether the incident requires reporting to the charity commission, the Board will decide what other action to take to respond to the incident, and in particular to rectify any damage done to the charity’s reputation, or harm to individuals.

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Examples table - deciding what to report

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| **Serious incidents to report** | **Incidents not to report** |
| **Protecting people and safeguarding incidents** | |
| A beneficiary or other individual connected with the charity’s activities has/alleges to have suffered serious harm  Allegation that a staff member has physically or sexually assaulted or neglected a beneficiary whilst under the charity’s care  The Chief Executive of the charity has been suspended pending the outcome of an investigation into their alleged sexual harassment of a fellow member of staff  Allegation that a trustee, staff member or volunteer has been sexually assaulted by another trustee, staff member or volunteer  A staff computer is found to contain images of child pornography  An internal investigation has established that there is a widespread culture of bullying within the charity  A beneficiary or individual connected with the charity’s activities has died or been seriously harmed; a significant contributory factor is the charity’s failure to implement a relevant policy  Charity failed to carry out DBS checks which would have identified that a member of staff or trustee was disqualified in law (under safeguarding legislation) from holding that position | Minor unusual/aggressive behaviour by a beneficiary towards a member of staff  Police called to charity premises because a beneficiary is drunk and disorderly  Charity becomes aware of allegations of abuse or neglect of a beneficiary that occurred outside the charity; the charity has reported the allegations to the appropriate agencies, and there is no harm to the charity’s reputation  Beneficiary in a care home received the wrong medication as a ‘one-off’ error and there was no significant harm  Logged accident book reports where there was no significant harm to individuals  Details of reports under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) where there has been no significant harm to individuals  Minor accidental injury to a charity service user e.g. slipping on a wet floor  A staff member who is not in a senior position or position of specific responsibility (e.g. head of safeguarding) has bullied or harassed a fellow staff member. There is |

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| Repeated medication errors to beneficiaries in a care home indicating a systemic problem  Charity discovers that an employee or volunteer coming into contact with children or at-risk adults is on the sex offenders register | no indication of a widespread culture of bullying or harassment within the charity and the incident is dealt with by minor disciplinary action (for example, the staff member responsible has not been suspended or dismissed).  A staff member who is not in a senior position or position of specific responsibility is dismissed for marrying a member of the community in which the charity is working, in breach of the charity’s code of conduct but not in breach of local laws |
| **Fraud, cyber-crime and money laundering** | |
| Charity’s Chief Executive and Treasurer produced false invoices for charity services  A bogus fundraising scheme is being promoted online, using charity’s name  Charity funds lost due to an online or telephone ‘phishing scam’, where trustees were conned into giving out bank account details  Attempted fraud by a member of charity staff but intercepted by internal financial controls  **Any actual/alleged fraud or money laundering should be reported. Any actual/alleged cyber-crime should be reported with the exception of the example in the right-hand column** | Attempted cyber-crimes that are blocked by the charity’s computer network security systems, except where the attempted  cyber-crime is unusual in nature and the charity wants to bring it to the attention of the Commission |
| **Theft** | |
| Each month, between £100-£200 goes missing, suspected stolen, from the cash till in the charity shop. It has been going on for six months and has been reported to the police.  Charity office has been broken into and computers, holding personal details of beneficiaries and donors, stolen  **Remember, there is no minimum loss figure that should be reported. You need to decide whether incidents are serious enough to**  **report, in the context of your charity and its** | One-off random theft of items such as jewellery or a mobile phone at the charity’s premises  Theft of small amounts of cash belonging to a beneficiary, by another beneficiary, at a charity event  Theft of a collection tin thought to contain small amount of cash |

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| **income, taking account of the actual harm and potential risks posed** |  |
| **Unverified or suspicious donations** | |
| A significant amount over £25,000 is donated to the charity from an unknown or unverifiable source | Large legacy left in a will, received via solicitor dealing with probate, on condition donor remains anonymous  Large donation made by an anonymous donor via solicitor who is aware of their identity  Low value donations from unknown sources - refer to our guidance on [due](https://www.gov.uk/government/publications/charities-due-diligence-checks-and-monitoring-end-use-of-funds) [diligence and monitoring end use of funds](https://www.gov.uk/government/publications/charities-due-diligence-checks-and-monitoring-end-use-of-funds) |
| **Other significant financial loss** | |
| Significant loss of charity funds in a poor investment scheme, commissioned by trustees, without professional advice  Sudden loss of 20% or more of charity’s income (e.g. due to termination of major donor contract); charity has no reserves, meaning staff will be laid off and services stopped  Substantial loss of charity funds due to legal costs incurred in a court case; excludes those charities routinely undertaking budgeted litigation on behalf of beneficiaries  The charity’s main premises is severely damaged in a fire and the charity is unable to deliver services to its beneficiaries | Loss of charity funds where the value lost represents less than £25,000 of charity assets and is less than 20% of the charity’s income. There is no significant impact on the charity’s services.  Charity property overseas is damaged due to bad weather conditions (e.g. office roof blown off during a storm) but doesn’t prevent charity from delivering services to beneficiaries  A vehicle owned by the charity is badly damaged in an accident. Nobody was hurt, the damage is covered by insurance and the charity is still able to deliver services to its beneficiaries |
| **Links to terrorism or extremism** | |
| Charity discovers that an overseas partner has passed money to a member of charity’s personnel who is a designated individual, subject to financial restrictions |  |

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| A member of charity staff or volunteer has been arrested for terrorism related offences  Charity’s warehouse in a war zone has been raided and vehicles/ stock taken at gunpoint  Charity personnel have been detained or kidnapped by a terrorist group overseas  A visiting speaker has used a charity event to promote extremist messages, via live speech or social media |  |
| **Other significant incidents -**  **Disqualified person acting as a trustee** | |
| Any person acting as a trustee or senior manager while disqualified – refer to the Commission’s [**guidance**](https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#the-automatic-disqualification-rules) | A trustee or senior manager voluntarily steps down from trusteeship when disqualified for having an IVA (Individual Voluntary Arrangement) |
| **Charity subject to investigation by a regulatory body** | |
| Charity is subject to official investigation by another regulator e.g. Fundraising Regulator, Police, UK Visas & Immigration, Ofcom, Information Commissioner, Care Quality Commission or Care Inspectorate Wales | **Routine inspections by a sector regulator e.g. Ofsted, CQC or CIW, do not need to be reported to the Commission unless there are adverse findings that place the future of the charity in doubt, relate to other categories of serious incidents or are likely to attract negative media attention** |
| **Major governance issues** | |
| Mass resignation of trustees, leaving the charity unable to function  Evidence that trustees have routinely signed blank cheques | One or two trustees stepping down at year- end, due to other commitments |

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| **Fundraising issues** | |
| Suspicions of unauthorised public collections in the name of the charity  Charity hasn’t complied with law on requirements for solicitation statements or professional fundraising agreements  Significant funds, due under a fundraising arrangement, have not been paid by the professional fundraiser, or commercial partner to the charity  Incident has taken place involving a fundraising agency which will incur serious damage to the charity’s reputation | A missing collection tin thought to contain a small sum of money  Failure of a sponsor, e.g. of a local fun run, to submit small amounts of money raised for the charity |
| **Data breaches or loss** | |
| Charity's data has been accessed by an unknown person; this data was accessed and deleted, including the charity's email account, donor names and addresses  A charity laptop, containing personal details of beneficiaries or staff, has been stolen and there is no encryption or other security measures that would prevent the perpetrator from accessing this information  A Data Protection Act breach has occurred and been reported to the ICO | A charity laptop or mobile phone (not containing confidential data) has gone missing – it’s been reported to the police |
| **Incidents involving partners** | |
| A delivery partner of the charity is alleged to have links to terrorism and extremism  A delivery partner of the charity has ceased to operate, and this has prevented the charity from providing assistance to its beneficiaries  The charity’s subsidiary trading company has gone into liquidation, and this has resulted in financial difficulties which place the future of the charity in doubt | A serious incident has taken place involving a  partner but it has no or minimal impact on the charity’s reputation or the partner’s ability to deliver its work with the charity  A delivery partner of the charity has ceased to operate, and this has had some impact on the charity’s ability to provide assistance to its beneficiaries but it is not a |

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| Staff of another organisation within the same federated structure are found to have been committing systematic abuse of beneficiaries and this has significantly damaged the reputation of the charity | material impact and the assistance to beneficiaries hasn’t stopped |
| **Other, including criminality** | |
| Any other type of incident that appears serious and likely to damage reputation or incur loss of charitable funds/assets |  |