

## SERIOUS INCIDENT REPORTING POLICY

### INTRODUCTION

1. This policy sets out Sedos' approach to serious incident reporting. It should be read in conjunction with other relevant policies, such as Sedos' Risk Management Policy; Investment Policy; Equality, Diversity and Inclusion Policy; Privacy and Data Protection Policy; Health and Safety Policy; and, Safeguarding Policy. It should also be read in conjunction with the Serious Incident Reporting Procedure Diagram at Annexe C.
2. As at the date of approval of this policy, the Charity Commission requires all charities to report serious incidents, and that a full and frank disclosure of any serious incidents is made promptly.
3. The Charity Commission defines a serious incident as "an adverse event, whether actual or alleged, which results in or risks significant:
  - a. 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);
  - b. loss of your charity's money or assets;
  - c. damage to your charity's property;
  - d. harm to your charity's work or reputation."

The [Charity Commission guidance](#) states that "significant" means significant in the context of the charity, taking account of its staff, operations, finances and/or reputation.

4. When something serious happens, the Charity Commission will be looking for assurance that the charity has taken steps to limit the immediate impact of the incident and, where possible, prevent it from happening again. Reporting also helps the Charity Commission identify whether other charities might be affected, and can help improve the guidance it gives to charities in general.
5. The responsibility for reporting serious incidents rests with the charity's Trustees. While this may be delegated, all Trustees bear ultimate responsibility for ensuring the charity makes a report and does so in a timely manner. Reporting serious incidents and managing them responsibly reflects the legal duties of Trustees.
6. Where a charity decides not to make a report about something serious that has happened and the Charity Commission later becomes involved, the charity will need to be able to explain why it decided not to report at the time.

### SCOPE

7. This policy covers all activities of Sedos, including activities that are operated by third parties under the Sedos brand.
8. It does not cover or replace Sedos' obligations to report incidents to the statutory authorities such as the Police or the Health and Safety Executive.
9. Incidents that are reported to the statutory authorities can become relevant to this policy (i.e., come into scope). For example, if the charity is the subject of an investigation by a statutory authority or if it deems itself to be at fault and there is potential reputational damage to the Charity as a result.

## **POLICY**

10. It is Sedos policy that all serious incidents will be reported to the Charity Commission within 72 hours of a decision by the Sedos Board to report a serious incident.
11. Sedos will provide the Charity Commission with an appropriate level of information in any report, and will respond to resulting requests for information within a reasonable timeframe.
12. The Board of Trustees collectively are responsible for deciding whether to make Serious Incident Reports and to do so in a timely manner. Decisions to make a Serious Incident Report will ordinarily be discussed and minuted at a full meeting of the Board of Trustees.
13. Where it is not possible to convene the Sedos Board to discuss the charity's approach to a serious incident, the Sedos Board will delegate the decision to make a serious incident report to the Chair and Vice-Chair. In such circumstances, the Chair and Vice-Chair must provide the rest of the Sedos board with a written explanation of the decision and the reasons for the decision once a decision has been made. Any such decision will be reported and minuted at the next full meeting of the Board.
14. The Board of Trustees will ensure it documents decisions relating to 'borderline' cases - i.e., those where a Serious Incident Report was considered but it was decided not to make one.
15. Where a reportable incident involves actual or alleged criminal activity, it will also be reported to other relevant agencies.

## **WHAT TO REPORT**

16. Sedos acknowledges the Charity Commission guidance that it should report an incident if it results in, or risks, significant:
  - a. harm to people who come into contact with your charity through its work;
  - b. loss of your charity's money or assets;
  - c. damage to your charity's property; and/or
  - d. harm to your charity's work or reputation

17. The main categories of reportable incident are:

- a. 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;
- b. financial crimes – fraud, theft, cyber-crime and money laundering;
- c. large donations from an unknown or unverifiable source, or suspicious financial activity using the charity's funds;
- d. other significant financial loss;
- e. links to terrorism or extremism, including 'proscribed' (or banned) organisations, individuals subject to an asset freeze, or kidnapping of staff;
- f. 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;

18. The nature of Sedos' assets and activities means that it is unlikely that many reportable events will occur.

19. Non-exhaustive examples of the types of incident we will report are given in Annexe A, which is based on Charity Commission guidance.

20. The Sedos Trustees have ultimate responsibility for deciding whether an incident is significant and whether it should be reported.

## **HOW WE WILL REPORT**

21. Where the Board of Trustees agrees to make a Serious Incident Report, they will delegate responsibility to make the report to a named individual. The Chair and/or Vice-Chair can make Serious Incident Reports under the delegated authority in this policy.

22. Serious Incident Reports will be made to the Charity Commission using its online reporting form at: [About the report serious incident \(charitycommission.gov.uk\)](https://www.charitycommission.gov.uk/about-the-report-serious-incident).

23. To ensure the relevant and appropriate information is captured at the time, is reported consistently, and is consistent with Charity Commission guidance, we will use the Serious Incident Reporting Form attached in Annexe B.

24. Sedos is required as part of its annual return to sign a declaration confirming that there were no serious incidents during the financial year that should have been reported to the Commission. If incidents did occur, but weren't 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.

## **REVIEW**

25. This policy will be reviewed by the Board of Trustees at least one every two years.

Approved: 27 March 2023

**ANNEXE A: EXAMPLES OF REPORTABLE INCIDENTS**

*The following examples have been adjusted from Charity Commission guidance taking into account Sedos' activities.*

Serious incidents to report	Incidents not to report
<b>Protecting people and safeguarding incidents</b>	
<p>A member or other individual connected with the charity's activities has/alleges to have suffered serious harm</p> <p>Allegation that a trustee or volunteer has been sexually assaulted by another trustee or volunteer</p> <p>A charity computer is found to contain images of child pornography</p> <p>An internal investigation has established that there is a widespread culture of bullying within the Charity</p> <p>A member 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</p> <p>Charity failed to carry out DBS checks which would have identified that a member or trustee was disqualified in law (under safeguarding legislation) from holding that position</p> <p>Charity discovers that a volunteer coming into contact with children or at risk adults is on the sex offenders register</p>	<p>Minor unusual/aggressive behaviour by audiences towards a volunteer</p> <p>Police called to a charity event because a volunteer is drunk and disorderly</p> <p>Charity becomes aware of allegations of abuse or neglect 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</p> <p>Logged accident book reports where there was no significant harm to individuals</p> <p>Minor accidental injury to a volunteer or audience member e.g. slipping on a wet floor</p> <p>A volunteer who is not in a senior position or position of specific responsibility (e.g. Welfare Officer) has bullied or harassed a fellow volunteer. There is 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 volunteer has not had their membership revoked)</p>

Serious incidents to report	Incidents not to report
<b>Fraud, cyber-crime and money laundering</b>	
<p>Charity funds lost due to an online or telephone 'phishing scam', where trustees were conned into giving out bank account details</p> <p>Attempted fraud by a volunteer but intercepted by internal financial controls</p>	<p>Attempted cyber-crimes that are blocked, except where the attempted cyber-crime is unusual in nature and the Charity wants to bring it to the attention of the Commission</p>
<b>Theft</b>	
<p>Any actual/suspected incidents of theft of cash from the box office which has been reported for criminal investigation</p> <p>Charity computers (or other devices such as tablets or phones), holding personal details of members and volunteers, are stolen</p>	<p>One-off random theft of items such as small amounts of cash, jewellery or a mobile phone at Charity events</p> <p>Theft of box office float thought to contain small amount of cash</p>
<b>Unverified or suspicious donations</b>	
<p>A significant amount over £25,000 is donated to the Charity from an unknown or unverifiable source</p>	<p>Large legacy left in a will, received via solicitor dealing with probate, on condition donor remains anonymous</p> <p>Large donation made by an anonymous donor via solicitor who is aware of their identity</p> <p>Low value donations from unknown sources</p>
<b>Other significant financial loss</b>	
<p>Significant loss of Charity funds in a poor investment scheme, commissioned by trustees, without professional advice</p> <p>Sudden loss of 20% or more of Charity's income (e.g. due to termination of major donor contract); Charity has no reserves, meaning services stopped</p> <p>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</p>	<p>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</p>

Serious incidents to report	Incidents not to report
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<b>Links to terrorism or extremism</b>	
A member or volunteer has been arrested for terrorism related offences	
<b>Other significant incidents - Disqualified person acting as a trustee</b>	
Any person acting as a Trustee while disqualified – refer to the Commission’s guidance	A Trustee voluntarily steps down from trusteeship when disqualified for having an IVA (Individual Voluntary Arrangement)
<b>Charity subject to investigation by a regulatory body</b>	
Charity is subject to official investigation by another regulator e.g. Fundraising Regulator, Police, Information Commissioner, Health & Safety Executive	
<b>Major governance issues</b>	
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
<b>Fundraising issues</b>	
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

Serious incidents to report	Incidents not to report
<b>Data breaches or loss</b>	
<p>Charity's data has been accessed by an unknown person; this data was accessed and deleted, including the Charity's email account, volunteer or donor names and addresses</p> <p>A Charity laptop, or other device containing personal details of volunteers or audiences, has been stolen and there is no encryption or other security measures that would prevent the perpetrator from accessing this information</p> <p>A Data Protection Act breach has occurred and been reported to the ICO</p>	<p>A Charity laptop or other device (not containing confidential data) has gone missing – it has been reported to the police</p>
<b>Incidents involving partners</b>	
<p>A delivery partner of the Charity is alleged to have links to terrorism and extremism</p>	<p>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</p> <p>A delivery partner of the Charity has ceased to operate and this has had some impact on the Charity's ability to achieve its charitable objects but it is not a material impact</p>
<b>Other, including criminality</b>	
<p>Any other type of incident that appears serious and likely to damage reputation or incur loss of charitable funds/assets</p>	

## ANNEXE B: SERIOUS INCIDENT REPORTING FORM

<b>Date the incident took place</b>	<i>Day/Month/Year</i>
<b>Name of the person making the report</b>	
<b>Position</b>	
<b>Authority to report this incident</b>	<i>[The Chair and/or Vice Chair have delegated authority to report Serious Incidents to the Charity Commission. The Board may decide to delegate authority to others for specific incidents]</i>
<b>Date the Board was made aware of this incident</b>	<i>Day/Month/Year</i>
<b>Is another charity affected by this incident?</b>	Y/N <i>If yes state which...</i>
<b>When did the charity become aware of the incident</b>	Date: Time:
<b>Has the charity informed any other agencies of the incident? (Police, Information Commissioner, Health &amp; Safety Executive etc..)</b>	<i>List agencies and provide any reference number you have been given</i>
<b>Describe the incident</b>	<i>Provide a brief, factual and clear account of what happened</i>
<b>Who has been affected and how</b>	<i>Include the extent of any loss or harm It is not necessary to provide the names of any individuals involved in the incident at this stage</i>
<b>Is any of the data provided in the report sensitive or confidential in nature</b>	Y/N
<b>What information and why</b>	<i>Provide detail and reasoning</i>
<b>What action has the charity taken / What action does the Charity intend on taking</b>	
<b>How will the Charity prevent this from happening again?</b>	
<b>How is the Charity responding or preparing to respond to the media</b>	
<b>Serious incident information update</b>	<i>Day/Month/Year</i>
<b>Update information</b>	<i>Provide brief but clear information on any material changes to the facts reported above  (This includes letting the Charity Commission know if individuals who were alleged to be responsible for wrongdoing are exonerated or the allegation was found to be false or groundless following further investigation by the Charity, the police or another regulator/agency)</i>





## INCIDENT REPORTING PROCEDURE

All members have a duty to report concerns or suspicions and a right to do so in confidence and free from harassment.

### AT ALL TIMES

- Remember to be clear with your communication and give reasons for your actions linked to policy in order to minimise the risk that someone may misinterpret your actions
- respect a person's right to personal privacy
- act within appropriate boundaries, even in difficult circumstances
- encourage an open and transparent culture, where members feel safe to voice their concerns and can challenge inappropriate attitudes or behaviours. report all allegations, suspicions and concerns immediately

### WHEN AN INCIDENT IS REPORTED

- Allow the person to speak without interruption and accept what they say
- Be understanding and reassuring but do not give your opinion
- Tell them you will try to help, outlining the next steps and who you will be passing the information on to

### PLEASE TAKE INTO ACCOUNT THE FOLLOWING SEDOS POLICIES

- Serious Incident Reporting Policy (including considering whether a report needs to be made to the Charity Commission)
- Safeguarding Policy
- Health & Safety Policy
- Privacy and Data Protection Policy

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