

SERIOUS INCIDENT REPORTING POLICY

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Division	Senior Management Team
For use by	Staff, Volunteers and Trustees
Purpose	To set out the serious incident reporting policy of the Charity
Key related documents	Other policies relating to safeguarding & risk management
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SERIOUS INCIDENT REPORTING POLICY

1 Introduction

- 1.1 This policy covers serious incident reporting to the Charity regulator, the *Charity Commission*, by Age UK Norfolk (AUKN). This policy provides the AUKN with an effective and easy to follow process that closely follows the *Charity Commission's* guidance.

2 Interface with Age UK (national)

- 2.1 In addition to its duty to report serious incidents to the *Charity Commission*, AUKN must also report to the national team using the reporting portal.

3 Scope

- 3.1 This policy covers all activities of the Charity and its operations. It does not cover or replace the AUKN's obligations to report incidents to statutory authorities such as the police, health and safety executive or licensing authority that AUKN may need to do from time to time in the ordinary operation of its business.
- 3.2 However, incidents that are reported to the statutory authorities can become relevant to this policy, that is become in scope, for example if the Charity is subjected to 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.

4 Background

- 4.1 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.
- 4.2 However, the *Charity Commission* recognises the challenging nature of the work undertaken and the difficult context faced by many Charities. It understands that serious incidents will happen, but it is the *Charity Commission's* 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.
- 4.3 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.

SERIOUS INCIDENT REPORTING POLICY

- 4.4 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.
- 4.5 AUKN is required to formally certify on its routine Annual Return (AR) to the *Charity Commission*, along with its Annual Accounts, that a serious incident policy is in place.

5 What is a serious incident?

- 5.1 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 the Charity through our work and any trading subsidiary
- loss of the Charity's money or assets
- damage to the Charity's property
- harm to the 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.

- 5.2 The main categories of reportable incidents set out by the *Charity 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.

SERIOUS INCIDENT REPORTING POLICY

6 Policy

- 6.1 It is AUKN's policy to report all 'serious incidents' to the *Charity Commission* within 48 hours of the Chair and Chief Executive'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.

7 What AUKN will report

- 7.1 The nature of the Charity's assets and activities mean that it may deal with incidents on a frequent basis as part of its operations.

The incidents that AUKN will report, and the incidents that it is not necessary to report are detailed in the attached *Charity Commission Examples table: deciding what to report*. 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.

8 Who is responsible for reporting?

- 8.1 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.
- 8.2 All incidents, whether deemed 'serious' or not should be reported to AUKN's CEO **immediately**, either in writing or if verbally reported, confirmed in writing immediately after notification. In the absence of the CEO, incidents should be reported to the Deputy CEO.
- 8.3 The CEO will refer any potentially reportable incident to the Chair **immediately** either by telephone or email. The Board of Trustees (or Sub-Committee of) will be consulted **within 48 hours** as to whether the incident constitutes a serious incident and requires reporting to the *Charity Commission*.
- 8.4 The report will then be made to the Charity Commission, and Age UK (national), within 48 hours of the decision to report a serious incident.
- 8.5 All discussions and decisions taken will be formally recorded and then minuted at the next available Board meeting along with any outcomes and further action taken.

SERIOUS INCIDENT REPORTING POLICY

9 Actions AUKN will take in response to a serious incident

9.1 If there is a serious incident the Trustees, together with the CEO will:

- as soon as reasonably practicable prevent or minimise any further harm, loss or damage
- report it to the Charity Commission as a serious incident
- report it to the police (and / or other relevant agencies) if it is suspected a crime has been committed, and to any other regulators the Charity is accountable to, and other agencies such as the Local Authority designated officer (LADO) for safeguarding
- report it to Age UK (national)
- put in place a communication plan for staff, volunteers, the public, the media and other stakeholders, such as founders.
- 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.

10 How AUKN will report

10.1 The Trustee Board delegates formal responsibility for reporting those incidents deemed to be serious incidents to the CEO who will report them to the *Charity Commission* using its [online reporting form](#).

10.2 If the information provided (or which AUKN wishes to provide to the Charity Commission) is particularly sensitive or confidential or if a particular exemption applies, AUKN will inform the *Charity Commission* and explain its reasoning.

10.3 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 *Charity Commission*. If incidents did occur, but were not reported at the time, AUKN will submit these before filing the Charity's Annual Return, so that the declaration is made, and legal reporting requirements are met.

11 Further guidance

11.1 Further guidance relating to reporting a serious incident when it involves a partner can be found at: <https://www.gov.uk/guidance/reporting-a-serious-incident-in-your-charity-when-it-involves-a-partner>