



## Key Principles

The Charity Commission requires charities to report serious incidents. This policy aims to ensure that should such an incident take place, there is prompt, full and frank disclosure to the Commission, detailing what happened and how the charity is dealing with it.

Some incidents may also require reporting to the police, Information Commissioner's Office (ICO), Health and Safety Executive, or Fundraising Regulator.

This guidance is adapted from that issued by the Charity Commission:

[gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity](https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity).

## What is a serious incident?

A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- harm to the charity's beneficiaries, staff, volunteers or others who come into contact with the 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 the charity's money or assets
- damage to the charity's property
- harm to the charity's work or reputation

For the purposes of this guidance, "significant" means significant in the context of the charity, taking account of its staff, operations, finances and/or reputation.

## Who should report?

The responsibility for reporting serious incidents rests with the charity's trustees. Hive delegates the responsibility to the Manager, but expects the trustees to be notified, and recognises that all trustees bear ultimate responsibility for ensuring their charity makes a report in a timely manner. The Trustees should also be notified where incidents were 'borderline', and making a report was considered but it was decided not to make one.

The Manager should decide who the incident needs reporting to (see examples above), in consultation with the trustees if necessary.

## Why report?

Reporting serious incidents to the Charity Commission has three main purposes:

- Demonstrating that the trustees have identified a risk to the charity that has materialised, and that they are taking appropriate action to deal with it, thus protecting the charity's assets, reputations and clients (which are essential trustee responsibilities). An incident is less likely to damage a charity's reputation if trustees can show that they handled it well.
- Allowing the Charity Commission to give regulatory advice or guidance, or (if necessary) to use its statutory powers.
- Allowing the Charity Commission to assess the risk to other charities, to identify trends and understand the risks facing the sector as a whole, and to issue warnings or advice to the sector.



### When to report

An actual or alleged incident must be reported promptly, which means as soon as is reasonably possible after it happens, or immediately after the charity becomes aware of it.

### Whistleblowing

This policy is for the Manager to report incidents with the charity.

Other staff, volunteers or other stakeholders who suspect serious wrongdoing within the organisation should use the Whistleblowing policy to raise their concerns. Only if they feel their concern has not been addressed by the charity should they report it directly to the Charity Commission.

### What to report

The main categories of reportable incident 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
- data breaches, losses or other significant data incidents
- reportable health and safety incidents
- other significant incidents, such as insolvency, forced withdrawal of banking services without an alternative, or incidents involving partners that materially affect the charity

It is the responsibility of the Manager, in consultation with the Trustees if necessary, to decide whether an incident is significant and should be reported. The Charity Commission guidance linked above has further guidance and an examples table, as well as detailed information on reporting each of the categories above, and the other agencies who may need to be notified alongside the Charity Commission

### Reporting criminal activity

If a reportable incident involves actual or alleged criminal activity then the Trustees will also report it to the relevant agencies:

- safeguarding incidents: allegations or incidents of abuse or mistreatment of people who come into contact with your charity through its work will be reported to:
  - the police and obtain a crime reference number
  - the local authority and other relevant agencies

(Note that safeguarding incidents need to be reported even if there is no actual or alleged criminal activity, as outlined above and detailed in the Safeguarding policies).



- fraud and cyber-crime: allegations or incidents of fraud and cyber-crime will be reported to Action Fraud via its online reporting tool, ensuring that a crime reference number is obtained, and making it clear that the report is being made on behalf of a charity.
- theft: allegations or incidents of theft will be reported to the police, ensuring that a crime reference number is obtained
- links to terrorism and extremism: links or alleged links to terrorism and extremism will be reported to the police, ensuring that a crime reference number is obtained. If this is not done immediately, a criminal offence may be being committed under Section 19 of the Terrorism Act 2000. This type of incident can be reported to the police in the following ways:
  - via the National Crime Agency website
  - call the Metropolitan Police Anti-Terrorist Hotline on 0800 789 321
  - call 101 or report it at a local police station
- criminal activity overseas: any actual or alleged criminal activity that takes place overseas will usually be reported to local law enforcement authorities and/or safeguarding organisations in the location where this occurred. There may also be circumstances where it is necessary to report this to UK authorities. The Charity Commission's guidance linked above has more information.

An incident that involves actual or alleged criminal activity will usually be reportable to the Commission. Only in exceptional circumstances, such as where the crime and the impact on the charity are minor for example one-off theft of a very small amount of money, will the Charity Commission consider an incident involving criminal activity is not reportable.

Even when other agencies are involved, it is important that charities report the incident promptly to the Charity Commission themselves and do not wait until someone is arrested, charged or convicted before doing this. Hive will always inform the Commission what action has been taken or is planned to be taken at the time of reporting.

## How to report

If something does go wrong, the charity will take immediate action to:

- 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 a crime is suspected to have been committed, and to any other regulators the charity is accountable to
- plan what to say to staff, volunteers, members, the public, the media and other stakeholders, such as funders (see the Communication Policy)
- 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

The charity will use the 'Report a serious incident' online form to report serious incidents to the Charity Commission:

[register-of-charities.charitycommission.gov.uk/report-a-serious-incident](https://register-of-charities.charitycommission.gov.uk/report-a-serious-incident)

The Charity Commission guidance linked above has more details of the reporting process, including all of the details that will need to be reported.



If, having submitted a report to the Charity Commission, the trustees become aware of any material changes to the facts that were reported, or any other significant developments, they must update the Charity Commission with the new information. This includes notifying them if an allegation is later found to be false or groundless, or an individual alleged to be responsible for wrongdoing is exonerated.

### Declaration in the annual return

As a charity with an income of over £25,000, we are required to sign a declaration confirmation there were no serious incidents during the previous financial year that should be reported to the Commission but were not. Therefore all serious incidents must be reported before the annual declaration can be signed and the annual return submitted, which is a statutory requirement under section 169 of the Charities Act 2011.

If trustees fail to report a serious incident that subsequently comes to light, the Charity Commission may consider this to be mismanagement, for example where the trustees have failed to manage the risks properly and breached their legal duties. This may prompt regulatory action, particularly if further abuse or damage has arisen following the initial incident.

### Monitoring

The Trustees maintain a risks register to ensure that risks to the charity are monitored and managed. The risks register is reviewed in full by named Trustees and staff at least every six months, or more often if there are significant changes that alter the risks to the charity.

The Manager includes details of any safeguarding, health and safety, data protection and resource management incidents, actions taken and whether they need to be reported, in their regular worker's report to the Trustees.