



Serious Incident Policy

Policy Holder	CEO	Policy Number	003
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Resources for Autism has a responsibility to report serious incidents.

The Charity Commission requires charities to on report serious incidents.

If a serious incident takes place within Resources for Autism, it is important that there is a 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, even if it has also been reported to the police, donors or another regulator.

There is also a responsibility to report these to individual commissioners of the service in which the incident took place.

Who should report?

The responsibility for reporting serious incidents rests with the Trustees. In practice, this will be delegated to the CEO.

However, all trustees bear ultimate responsibility for ensuring there is a report made in a timely manner.

In line with Government Guidance if the decision is taken not to report about something serious and the Commission later becomes involved, the CEO will need to be able to explain why Resources for Autism decided not to report it at the time.

Rationale for Reporting

Given the challenging nature of the work undertaken and the difficult context faced by many charities, the Commission understands that serious incidents will happen. When something serious happens, it is the Commission's role to ensure that trustees comply with their legal duties and that the charity manages the incident responsibly. This means the 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.

Most problems can be resolved by trustees themselves, in some cases with timely advice from professional advisers. Sometimes the Commission needs to use its powers to protect a charity. Taking action quickly will help protect Resources for Autism from further harm. Reporting also means the Commission can identify whether other charities might be affected, and can give better advice to all charities to help them protect themselves.

When to report

All staff must internally report an actual or alleged incident promptly to their line manager. Relevant Heads of Service hold the responsibility to make sure the CEO is aware. This means as soon as is reasonably possible after it happens.

The CEO will take the final decision on escalating externally.

What to report and what is a serious incident

NB. This policy should be read in conjunction with the whistle blowing policy.

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

- Harm to Resources for Autism's service users, families, staff, volunteers or others who come into contact with us.
- Loss of Resources for Autism's money or assets
- Damage to Resources for Autism's property
- Harm to Resources for Autism's work or reputation

Anything that falls in this description must be reported.

For the purposes of this policy, "significant" means significant in the context of Resources for Autism, taking account of its staff, operations, finances and/or reputation.

The main categories of reportable incident are:

- Protecting people and safeguarding incidents – incidents that have resulted in or risk significant harm to service users and other people who come into contact with Resources for Autism 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 Resources for Autism'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

Reporting criminal activity

If a reportable incident involves actual or alleged criminal activity then the CEO must also report it to the relevant agencies. See Appendix 2.

Protecting people and safeguarding incidents

Protecting people and safeguarding responsibilities is a key governance priority for Resources for Autism. We are a safe and trusted environment and trustees must take reasonable steps to protect our community from harm when in contact with our services and workforce. This will predominately be those who come into contact with their charity through its work:

- Service User, including adults at risk and children
- Staff and volunteers
- Families of service users

However it may also include other people who come into contact with the charity through its work. This might be, for example, people who attend an event run Resources for Autism that we do not have a duty of care for.

Failure by trustees to sufficiently manage safeguarding risks is of serious regulatory concern and may be considered to be misconduct and/or mismanagement. It can also damage public trust and confidence in charities and impact upon the sector as a whole.

Types of safeguarding incidents to report

The CEO would need to make a report to the Commission and external stakeholders if a serious safeguarding risk materialises. This will usually be if any of the following occur:

- Incidents of abuse or mistreatment (alleged or actual) of service users of Resources for Autism (adults or children) which have resulted in or risk significant harm to them and:
 - 1) happened while they were under the care of Resources for Autism
 - 2) someone connected with Resources for Autism, for example a trustee, staff member or volunteer, was responsible for the abuse or mistreatment (alleged or actual)
- Other incidents of abuse or mistreatment (alleged or actual) of people who come into contact with Resources for Autism through its work, which have resulted in or risk significant harm to them and are connected to the charity's activities.
- Breaches of procedures or policies at Resources for Autism which have put people who come into contact with us through our work at significant risk of harm, including failure to carry out relevant vetting checks which would have identified that a person is disqualified in law from holding their position within the charity. This might be, for example, because they are disqualified under safeguarding legislation from working with children and/or adults at risk

The above may include incidents in the workplace that have resulted in or risk significant harm to trustees, staff or volunteers. The CEO does not have to report externally every internal staffing incident. They will need to make a judgement call about which incidents either individually, or as a collection, are serious in the context of the charity.

However, a report should always be made where the level of harm to the victims and/or the likely damage to the reputation of or public trust in other charity's Chief Executive or another person in a senior position or position of specific responsibility, such as the head of safeguarding).

The Commission would also expect to receive a report if the number and nature of staffing incidents indicate there are widespread or systematic issues connected to sexual harassment, abuse and/or other misconduct in a charity.

If anyone has grounds to suspect that one of the types of incident listed above has occurred, it's important to act responsibly and take action promptly:

- Reporting internally to any of the DSL

DSL or CEO depending on whom the allegation concerns should report to

- Charity Commission
- Local Authority
- Police

Declaration in the annual return

As a matter of good practice, all charities, regardless of size or income, should report serious incidents to the Commission promptly.

As Resources for Autisms income is over £25,000, they must, as part of the annual return, sign a declaration confirming there were no serious incidents during the previous financial year that should have been reported to the Commission but were not. If incidents did occur, but weren't reported at the time, the CEO should submit these before you file your charity's Annual Return.

Until all serious incidents have been reported, Resources for Autism will not be able to make this declaration, or complete the annual return, which is a statutory requirement under section 169 of the Charities Act 2011. It's an offence under section 60 of the Charities Act 2011 to provide false or misleading information to the Commission, which includes through the annual return.

If trustees fail to report a serious incident that subsequently comes to light, the 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.

Appendix One

More information on reporting to the Charity Commission

Reporting serious incidents to the Commission has three main purposes, which enable it to meet its statutory objectives and functions:

1. The Commission needs to ensure trustees comply with their duties: By reporting a serious incident, you show that you have identified a risk to the charity that has materialised, and that the trustees are taking appropriate action to deal with it. This is very important because protecting the charity's assets, reputation and people who come into contact with it through its work are essential trustee responsibilities. An incident is less likely to damage a charity's reputation if trustees can show that they handled it well. If the media contact the Commission about an incident and it has been properly reported, we will be able to say that the trustees handled the situation responsibly and this will help protect the charity's reputation. For detailed guidance on trustee duties, see [The essential trustee: what you need to know, what you need to do \(CC3\)](#)
2. The Commission may need to provide regulatory advice or guidance or use its statutory powers: Timely reporting allows the Commission to identify problems in charities at an early stage and, where appropriate, to provide regulatory advice and guidance to trustees. Any regulatory advice and guidance provided will normally be limited to ensuring the trustees meet their legal duties. In the most serious cases the Commission may need to use its statutory powers in order to protect the charity and put it back on track.
3. The Commission can assess the risk to other charities: Serious incident reporting helps the Commission to measure the volume and impact of incidents within charities, to identify trends and to understand the risks facing the sector as a whole. This insight helps the Commission to warn charities about risks and give trustees the information and tools they need to succeed.

Appendix Two : Advice for decision making for trustees

- 1) Safeguarding incidents: you should report allegations or incidents of abuse or mistreatment of people who come into contact with your charity through its work to:
- 2) The police and obtain a crime reference number (call 101 or make a report at a local police station), and
- 3) the local authority and other relevant agencies, see [Protecting people and safeguarding incidents](#)
- 4) Fraud and cyber-crime: you should report allegations or incidents of fraud and cyber-crime to [Action Fraud](#) via its online reporting tool, ensuring you obtain a crime reference number and making clear that you're representing a charity.
- 5) Theft: you should report allegations or incidents of theft to the police (call 101 or make a report at a local police station) and obtain a crime reference number
- 6) Links to terrorism and extremism: you should report links or alleged links to terrorism and extremism to the police and obtain a crime reference number. If you don't do this immediately, you may be committing a criminal offence under Section 19 of the Terrorism Act 2000. You can report this type of incident 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

An incident that involves actual or alleged criminal activity will usually be reportable to the Commission. This will be done by the CEO.

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 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 Commission themselves and do not wait until someone is arrested, charged or convicted before doing this. Always tell us what action you have taken or are planning to take at the time of reporting.

Remember – if reporting to the police, Action Fraud or the National Crime Agency, you should also make a serious incident report to the Commission, following the advice below.

[Examples table: deciding what to report](#) (PDF, 382KB, 6 pages)

Appendix Three

Areas of Concern that are reportable requests from third parties to:

- Cash a cheque for a large sum of money
- Convert large quantities of cash into another currency
- Pay a fee to release funds to be donated to the charity

You should report any significant financial loss due to other causes, where this threatens the charity's ability to operate and serve its beneficiaries, or where the charity's financial reserves are not sufficient to cover the loss. For example:

- Significant fire, flood or storm damage destroying or seriously damaging the charity's main premises
- Having to abandon property, for example in a war zone overseas
- Losing a court case and having to pay substantial legal fees or damages out of charity funds; charities incurring costs through routine litigation, undertaken in line with charitable aims and on behalf of beneficiaries, are not expected to report
- Loss of significant institutional donors, public funding or key delivery contracts that threatens the charity's ability to operate and being unable to replace these in order to ensure the charity's survival
- Significant financial penalties for breaches or non-compliance imposed by HMRC, Financial Conduct Authority, HSE, ICO, Fundraising Regulator or other regulators

In the most serious cases, the loss could mean your charity cannot continue to operate and may need to 'wind up'.

As a guide for this type of incident, the Commission would expect you to report any loss of funds or property with a value:

- totalling £25,000 or more, or
- totalling less than £25,000 but which is in excess of 20% of the charity's income

You should report to the Commission if you become aware of allegations being made, or have evidence to suspect that:

- Your charity (including trustees, members of staff, volunteers or anyone connected with the charity) has known or alleged links to a proscribed (banned) organisation or other terrorist/ unlawful activity
- Someone within or closely connected to the charity, or one of your delivery partners, is placed on a UK or international terrorist list or is subject to an asset freeze
- Charity funds or assets have been used to pay bribes, protection money or ransoms
- Charity funds or assets have been used/ diverted (perhaps via a delivery partner) to support a terrorist group or for other terrorist purposes
- The charity has been used to circumvent asset freezing measures
- Charity personnel have been kidnapped or harmed by terrorist groups, including overseas, when representing the charity or carrying out charity work

You should also be aware of the risks to your charity of being abused for extremist purposes; for example, when carrying out activities and events involving guest speakers or when promoting literature and educational materials, perhaps via the charity's website and on social media. You should report to the Commission if:

- you know or suspect that your charity's premises, or any of the activities that your charity runs, have been misused as a platform for the expression or promotion of extremist views, or the distribution of extremist materials
- you become aware of media reports alleging that your charity has been misused for such purposes, particularly if you believe these could have a significant negative impact upon your charity's reputation

Other significant incidents

You should make a report to the Commission if:

- you discover that a trustee or a senior manager of the charity is disqualified in law from holding that position; for example, because they have an unspent conviction for fraud or theft, they are an undischarged bankrupt, they are on the sex offenders register or are disqualified as a director under company law. For an explanation of when a person is disqualified from acting as a trustee or senior manager, see the Commission's guidance on the [automatic disqualification rules](#)
- something has happened to force your charity into insolvency or to wind up, for example unmanageable debts or reduced income streams
- your charity's operations are threatened because your main or only bank has withdrawn banking services, and you can't find another bank that will accept you
- your charity is subject to a police investigation or a significant investigation by another agency/regulator. You do not need to report routine inspections by, for example, Ofsted, Care Quality Commission or Care Inspectorate Wales, unless they have resulted in significant adverse findings that:
 - place the future of the charity in doubt, or
 - are likely to damage the charity's reputation or public confidence in the charity, or
 - relate to any of the other categories of serious incidents set out in this guidance
- your charity has experienced major governance problems, such as mass resignation of staff or trustees, or other events, leaving it unable to operate
- your charity's trustees or employees are the subject of criminal proceedings, in connection with the charity or their role in it
- you discover that there has been a significant data breach or loss within your charity
- you discover that an incident has occurred involving one of the charity's partners in the UK or internationally, which materially affects your charity, its staff, operations, finances and/or reputation, such that it is serious enough to be reported. Partners in this context includes the following and the people who come into contact with them through their work (such as their beneficiaries, staff and volunteers):
 - a delivery partner of the charity
 - a subsidiary trading company of the charity
 - an organisation that receives funding from the charity
 - another charity or organisation that is linked to your charity, for example as part of a federated structure