



Kendal Snowsports Club – Serious Incident Reporting Policy

Serious incident reporting policy

Why this policy exists

This policy covers serious incident reporting to the charity regulator, the Charity Commission (“the commission”), as it relates to Kendal Snowsports Club (KSC). This policy provides KSC with an effective and easy to follow process that closely follows the commission’s guidance.

Scope

This policy covers all activities of the charity and its operations. It does not cover or replace the charity's obligations to report incidents to statutory authorities such as the police, health and safety executive or licensing authority that KSC may need to do from time to time in the ordinary operation of its business.

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.

Background

The commission states that it is vital that charities, whether they work domestically or around the world, report serious incidents to the regulator. The commission also states that data on serious incident reporting allows it to better understand risks facing the sector and take appropriate action.

However, the 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 commission's role to ensure that trustees comply with their legal duties and that the charity manages the incident responsibly. The 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.

The commission acknowledges that many problems can be resolved by trustees or nominees themselves. However, sometimes it needs to use its powers to protect a charity. 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.

What is a serious incident?

The 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:

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- Harm to people who come into contact with our charity through our work and our trading subsidiary.
- Loss of our charity's money or assets.
- Damage to our charity's property.
- Harm to our 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.

The main categories of reportable incidents set out by the 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.

KSC Policy

It is KSC policy to report all 'serious incidents' to the commission within 48 hours of the chair'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.

What we will report

The nature of the charity's assets and activities mean that it deals with incidents on a frequent basis as part of its operations.

The incidents that KSC will report and the incidents that it is not necessary to report are detailed in appendix 1, and is based on Commission guidance. 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.

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Who is responsible for reporting?

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.

All incidents, whether deemed 'serious' or not should be reported to KSC Chair **immediately**, either in writing or if verbally reported, confirmed in writing immediately after notification. The Chair will refer any potentially reportable incident to the trustees **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.

The report will then be made to the commission within 48 hours of the decision to report a serious incident.

All discussions and decisions taken will be formally recorded and then minuted at the next available Turstee meeting along with any outcomes and further action taken.

Actions we will take in response to a serious incident

If there is a serious incident the trustees, together with the KSC Chair will:

- As soon as reasonably practicable 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 we suspect 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.
- 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.

How we will report

The trustee board delegates formal responsibility for reporting those incidents deemed to be serious incidents to the KSC Chair who will report them to the Charity Commission using its [online reporting form](#).

If the information provided (or which KSC wish to provide to the commission) is particularly sensitive or confidential or if a particular exemption applies, we will inform the commission and explain our reasoning.

To ensure that the relevant and appropriate information is captured at the time and reported consistently we will use the serious incident reporting form attached to this policy at appendix

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2, which is available on request. This form is intended for internal use only as currently the online form cannot be saved or printed.

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 commission. If incidents did occur, but were not 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.

Version Control - Approval and Review

Version No	Approved By	Approval Date	Main Changes	Review Period
V001	Trustees	Apr 24	Initial draft approved	Annually

Further guidance

Further guidance relating to reporting a serious incident when it involves a partner can be found at appendix 3, available on request, and at:

- <https://www.gov.uk/guidance/reporting-a-serious-incident-in-your-charity-when-it-involves-a-partner>

Guidance surrounding the reporting of a serious incident relating to the coronavirus pandemic can be found at appendix 4, available on request, and at:

- <https://www.gov.uk/guidance/reporting-serious-incidents-to-the-charity-commission-during-the-coronavirus-pandemic>

Appendix 1

CHARITY COMMISSION
FOR ENGLAND AND WALES

Examples table: deciding what to report

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

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

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 diligence 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	

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	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

Fundraising issues	
Suspicious 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

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	

Appendix 2

<https://register-of-charities.charitycommission.gov.uk/report-a-serious-incident>