



## SERIOUS INCIDENT REPORTING POLICY (61)

March 2024

We strive to be an effective and supportive organisation providing meaningful work and training in a non-threatening environment for people with mental illness, physical disabilities and learning difficulties.

# Serious Incident Reporting Policy

## Policy Statement

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

## 1. Purpose

1.1 The purpose of this policy is to:

- 1.1.1. ensure there is a systematic process for reporting, managing, and learning from serious incidents; and
- 1.1.2. ensure trustees comply with their legal duties, in managing serious incidents responsibly.

## 2. Scope

2.1 This policy covers all activities of Pelican Trust and its operations. It does not cover or replace Pelican Trust’s obligations to report incidents to statutory authorities such as the Police, the Health and Safety Executive or other licencing authorities that Pelican Trust 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. For example, if Pelican Trust 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 Pelican Trust as a result.

2.2. This policy assures the Commission that Pelican Trust is taking steps to limit the immediate impact of any serious incidents that may occur and, where possible, prevent it from happening again.

## 3. What is a Serious incident?

3.1 Serious incident is defined by the Commission as an adverse event, whether actual or alleged, which results in or risks significant:

3.1.1. harm to Pelican Trust beneficiaries, staff, volunteers, or others who come into contact with Pelican Trust through its work (who are collectively referred to throughout this policy as Stakeholders)

3.1.2. loss of Pelican Trust’s money or assets;

3.1.3. damage to Pelican Trust’s property; and

3.1.4. harm to Pelican Trust’s work or reputation.

3.2. An act of discrimination against any person with a protected characteristic listed in the Equality Act 2021 will also be treated as a serious incident.

3.3. For the purpose of this policy, “significant” means significant in the context of Pelican Trust taking account of itself, operations, finances and/ or reputation.

#### 4. Who is responsible for reporting?

##### 4.1. Internal reporting

4.1.1. All incidents, whether deemed ‘serious’ or not should be reported to the Chief Executive Officer (CEO) **immediately**, either in writing or if verbally reported, confirmed in writing immediately after notification.

4.1.2. On the day of notification or as soon as practicable thereafter, but no more than 48 hours later the CEO will refer any potentially reportable incident to the Chair of Pelican Trust (The Chair).

4.1.3. The Pelican Trust Board of Trustees (The Board) will be consulted by The Chair **within 48 hours** as to whether the incident constitutes a serious incident and requires reporting to the Commission.

##### 4.2. External reporting

4.2.1. The responsibility for reporting serious incidents to the Commission rests with The Board. The Board has agreed to nominate a designated safeguarding trustee, who will bear ultimate responsibility for ensuring Pelican trust makes a report and does so in a timely manner. This process will be supported by the Safeguarding lead.

4.2.2. In the absence of a designated safeguarding trustee, the responsibility for reporting serious incidents to the Commission will rest with an interim group consisting of The Chair and CEO.

4.2.3. For the purpose of this policy, the following individuals are identified as a **Responsible Person**, in relation to serious incidents:

- The Chair
- The CEO

4.3. 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.

4.4. If The Board decides not to make a report about something serious that has happened in the charity and the Commission later becomes involved, The Board will need to be able to explain why they decided not to report the incident at the time.

#### 5. What should be reported to the Commission?

5.1. Pelican Trust should report an incident if it results in or risks significant:

- 5.1.1. harm to Stakeholders;
- 5.1.2. loss of its money or assets;
- 5.1.3. damage to its property; or
- 5.1.4. harm to its work or reputation.

5.2. According to the Commission, the main categories of reportable incident are:

- 5.2.1 Protecting people and safeguarding incidents: incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with Pelican Trust through its work.
- 5.2.2. Financial crimes: fraud, theft, cyber-crime, and money laundering.
- 5.2.3. large donations from an unknown or unverifiable source, or suspicious financial activity using Pelican Trust's funds.
- 5.2.4. Other significant financial loss.
- 5.2.5 Links to terrorism or extremism, including 'prescribed' (or banned) organisations, individuals subject to an asset freeze, or kidnapping of staff.
- 5.2.6. 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 Pelican Trust.

5.3. Examples table: deciding what to report.

The incidents that Pelican Trust will report and the incidents that are not necessary to report are detailed in [appendix 1](#), which is based on the Commission guidance. The table is not a definitive list of reportable incidents but indicates the types of incidents that should and should not be reported.

5.4. Reporting criminal activity

If a reportable incident involves actual or alleged criminal activity, then The Board must also report it to the relevant agencies:

**5.4.1 Safeguarding incidents:** The Board should report allegations or incidents of abuse or mistreatment of people who come into contact with Pelican Trust through its work to:

- 5.4.1.1. the Police and obtain a crime reference number; and
- 5.4.1.2. the local authority and other relevant agencies.

**5.4.2. Fraud and cyber-crime:** The Board should report allegations or incidents of fraud and cyber-crime to Action Fraud via its online reporting tool, ensuring the Responsible Person obtains a crime reference number, and making clear that they are representing a charity.

**5.4.3. Theft:** The Board should report allegations or incidents of theft to the police and obtain a crime reference number.

5.5. 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 Commission consider an incident involving criminal activity is not reportable.

Even when other agencies are involved, it is important that Pelican Trust reports the incident promptly to the Commission themselves and do not wait until someone is arrested, charged, or convicted before doing this. Pelican Trust must always tell the Commission what action it has taken or is planning to take at the time of reporting.

## **6. When to report**

6.1. A Responsible Person should report an actual or alleged incident as soon as it is reasonably practicable after the incident happens, or immediately after The Board has been consulted.

## **7. How to report**

7.1. The Board delegates formal responsibility for reporting those incidents deemed to be serious incidents to the group consisting of The Chair and the CEO. These Responsible Persons will report serious incidents to the Commission using its [online reporting form](#).

7.2. If there is a serious incident, a Responsible Person should take immediate action to:

- prevent or minimize 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 Pelican Trust suspects that a crime has been committed, and to any other regulators Pelican Trust is accountable to;
- plan what to say to staff, volunteers, members, the media, and other stakeholders, such as funders; and
- review what happened and prevent it from happening again. This may include reviewing internal controls and procedures, further training, internal or external investigation and/or seeking appropriate help from professional advisers.
- Review relevant aspects of the Risk Register

7.3 If the information being provided to the Commission is particularly sensitive or confidential or if a particular exemption applies, a Responsible Person must inform the Commission and explain their reasoning.

7.4. If a Responsible Person reporting the incident is a Trustee, they need to confirm that they have authority to report on behalf of The Board. If a Responsible Person is not a trustee (i.e. the CEO), they should explain who they are, their relationship with Pelican Trust and confirm that they have the authority of The Board to report the incident.

7.5. When making a serious incident report, a Responsible Person will need to provide the following information:

7.5.1. Contact details, including:

- their own contact details;
- the charity name and registration number;
- reference numbers and contact details if they reported the incident to other organisations, like the police; and
- names and registration numbers of other charities involved in the incident, if relevant.

7.5.2. Details of the incident, including:

- the date of the incident;
- what happened;
- date Pelican Trust found out about the incident;
- how Pelican Trust found out about the incident;
- what impact the incident has had on Pelican Trust's finances, staff, operations, or reputation; and
- whether The Board is aware of the incident.

7.5.3. Details on how Pelican Trust is handling the incident, including:

- which of Pelican Trust's policies or procedures relate to the incident and whether they were followed;
- what steps Pelican Trust has taken to deal with the incident;
- what steps Pelican Trust has taken to prevent similar incidents; and
- where applicable, Pelican Trust's media handling or press lines, including a link to a press release if available.

7.5.4. It is important that a Responsible Person provides enough detail in the report, to give the Commission a clear picture of what happened and when, the extent of any loss or harm, how Pelican Trust is dealing with it and the next possible steps.

7.5.5. It is not necessary to provide the names, or any other personal details of any individuals involved in the incident in the initial report. The Commission will come back to a Responsible Person if it needs this information.

7.6. What happens next?

7.6.1. The Commission will let a Responsible Person know that it has received their report. An incident reference number will be provided in a confirmation email. This number will be required for any updates to the report that need to be made.

7.6.2. All records of reports to, and responses from, The Commission will be provided to Pelican Trust's secretary for filing appropriately within Pelican Trust records.

7.6.3. Pelican Trust CEO will keep a running log of all Serious Incident reports to support the making of the annual declaration.

7.7. Providing the Commission an update to your report

7.7.1. If having submitted a report to the Commission, a Responsible Person becomes aware of any material changes to the facts that were reported, or any significant developments, it is important that they let the Commission know as soon as they become aware of these. This includes letting the 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 Pelican Trust, the police or another regulator or agency.

7.7.2. The same [online reporting form](#) should be used to provide an update on a Report to the Commission. A Responsible Person will need their:

- contact details; and
- incident reference number from their confirmation email.

## 8. Potential consequences for trustees

8.1. if trustees of Pelican Trust fail to report a serious incident that subsequently comes to light, the Commission may consider this to be mismanagement and take regulatory action, particularly if further abuse or damage has risen, following the initial incident.

## 9. Declaration in the annual return

9.1. Charities with an income over £25,000 must, as part of the annual return, sign a declaration confirming there were no serious incidents during the previous financial year, which should have been reported to the Commission, but were not.

9.2. If incidents did occur, but were not reported at the time, a responsible Person should submit these before filing of Pelican Trust's annual return takes place, to make the declaration.

Policy Owner

Any queries regarding this policy should be addressed to the CEO

## Policy Review

This policy was reviewed by Pelican Trust in March 2024 .....

This policy will be reviewed 24 months from the date of the last review.

Last reviewed – March 2024

Next review – March 2026

Approved by Trustee's and CEO – Stacey Gillott

SIGNED by 

Name (print) STACEY GILLOTT

Position CEO

Date: - March 24