Gateway Baptist Church

SERIOUS INCIDENT REPORTING

POLICY AND PROCEDURES

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GBC: SERIOUS INCIDENT POLICY AND PROCEDURE

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1.0 POLICY STATEMENT

Gateway Baptist Church (GBC) will comply with the Charity Commission (CC) requirement for charities to report serious incidents, as defined by the published guidance. The GBC trustees are responsible for ensuring that this policy is adhered to by all internal GBC functions and external organisations with which GBC is connected.

2.0 INTRODUCTION

2.1 Reporting serious incidents to the Charity Commission

Whether or not they are registered with the Charity Commission, Baptist churches in the UK are charities, receiving the benefits of being charities – like the ability to claim Gift Aid and Business Rates Relief. With those benefits come responsibilities and a Regulator, the Charity Commission for England and Wales.

The Charity Commission (CC) is the non-ministerial government department that regulates charities in England and Wales. The Charity Commission answers directly to the UK Parliament rather than to government ministers.

The Charity Commission requires charities to report serious incidents. If a serious incident takes place within a charity, such as GBC, it is important that there is 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 we have also reported it to the police, a solicitor or our local (SEBA) Association. **We are required to do this as soon as possible.**

2.2 Charity Commission Guidance

The Charity Commission provides guidance on this topic. It can be found at: https://www.gov.uk/guidance/how-to- report-a-serious-incident-in-your-charity. This document is aligned to the CC's guidance. All church leaders must read the CC guidance in full and GBC must follow it in the event of an incident.

3.0 WHAT WE NEED TO DO

3.1 What is a serious incident in this context?

Quoting the CC guidance, a serious incident is an adverse event, whether actual **or alleged**, which results in **or risks** significant:

- harm to your charity's beneficiaries, staff, volunteers, or others who come into contact with your charity through its work.
- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work or reputation

For the purposes of this policy, 'significant' means an incident which has, or may have, substantial impact in the context of GBC, taking account of its staff, operations, finances, and/or reputation.

3.2 What do we need to report?

It is not possible to list every type of incident that we need to report. To provide guidance on this the CC has set out a list of examples of what to report and what not to report. It is available on the CC website here.

In the context of GBC this could include:

- A safeguarding incident
- A member of the fellowship reporting having been harmed by another member or church worker

Bullets

Cyber fraud – e.g. the church IT system(s) being hacked, with impact on email systems or financial information / accounts or website?
A Data Protection Breach which has been reported to the Information Commissioner (ICO)

- A spate of thefts of money or property from the church.

If we have been (or even suspect we have been) the victim of a fraud, we must report this as a serious incident to the Charity Commission. We must also report the matter to Action Fraud (www.actionfraud.police.uk), ensuring we obtain a crime reference number and making clear that we are representing a charity.

Any actual or suspected criminal activity within or involving GBC is a serious incident. We are required to report a serious incident to the Charity Commission if GBC or an associated charity is being investigated by the police or another regulator for any reason. We 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.

For safeguarding incidents, we should report allegations or incidents of abuse or mistreatment of people who come into contact with the church through its work to the police (call 101 or make a report at local police station), the local authority and other relevant agencies. A crime reference number must be obtained from the police.

We need to be aware that if the church's trustees fail to report a serious incident, the Charity Commission may consider this to be mismanagement and take regulatory action.

3.3 Actions we need to take

If something does go wrong, we should take immediate action to:

- 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 we suspect a crime has been committed, and to any other regulators the charity is accountable to
- plan what to say to our staff, volunteers, members, the public, the media, and other stakeholders, such as funders who may be impacted
- 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 Commission expects us to make a report as soon as we are clear that the event should be reported. We should not wait for the outcome of an investigation, whether internal or by an external agency. We can use the 'Report a serious incident' online form to report serious incidents to the Charity Commission.

N.B. We should report what happened and explain how we are dealing with it, *even if we* have already reported it to the police or another regulator and *even if* it is still under

investigation.

If an individual is reporting the incident as a charity trustee, it will need to be confirmed that they have authority to report on behalf of the trustee body.

As GBC is registered with the Charity Commission we must, as part of the Charity Commission's annual return process, 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 any incidents did occur, but were not reported at the time, we should submit these before we file our Annual Return (Accounts and Trustees Report) so we can then make the declaration.

We should also consider whether we need to inform our insurance company about the incident, whether or not we intend to make a claim.

3.4 Reporting a serious incident involving a partner charity

The Charity Commission has published detailed guidance on when a church should report a serious incident that has occurred in a partner charity. This detailed guidance can be found here.

GBC Trustees should make a serious incident report when an incident has occurred involving one of the church's partners in the UK or internationally, which materially affects the charity, its staff, operations, finances, and/or reputation, such that it is serious enough to be reported.

The Charity Commission defines partners in this context to include the following:

- a delivery partner or sub-contractor 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 the charity, for example as part of a federated structure

For GBC, an example would be where a serious incident has occurred in the church's pre-school, Fish & Bricks. The pre-school is a separate charity but its close links to the church are likely to mean that, in the event of an incident, the church's reputation could also be damaged. In this scenario, both organisations will need to report the incident.

Any incident in GBC that might have implications for the reputation of BUGB, or our local Association (SEBA), should be made known to them so that they can consider whether they ought to also file a report. Both BUGB and SEBA will want to offer support to a church that is faced with a serious incident anyway, so it is likely that we will already be in touch with them about the circumstances.

With regard to incidents in partner charities, the Commission's concern is to ensure that a charity has the right level of oversight in relation to incidents which materially affect their operations, finances, people, reputation, or the reputation of the charity as a whole.

3.5 Other considerations

Until the detail of a specific event is known, it is difficult to confirm all the other considerations we will need to take into account. However, at least some of the following are likely to apply:

- Who should we inform internally? As a minimum we need to share it with the trustees / church leadership as they are ultimately responsible to the Charity Commission.
- Which of the church's policies and procedures need to be followed? For example, there may be actions to take to comply with GBC Safeguarding or Health & Safety Policies.
- Can we deal with the situation immediately? If not, how can we minimise the impact? We may need to consider taking further advice (e.g. legal).
- Does the nature of incident require a Serious Incident Report to be filed with the Charity Commission
- Does the nature of the incident require a review / update of GBC policies and procedures to reduce the likelihood of anything similar occurring again
- This procedure needs to be read in conjunction with the *Policy, Standards and Procedures for Safeguarding Children, Young People and Adults at Risk at Gateway Baptist Church*.

3.6 Support from the BUGB and our Association

Whilst they can help churches draft a Serious Incident Report, neither our Association (SEBA) nor the Specialist Team staff at Baptist House can:

a) tell our church's charity trustees whether to report a particular incident; we must decide this ourselves, being sure to record our reasoning if we decide not to make a Serious Incident Report (SIR)

b) make the SIR on behalf of the church.

However, if Association or BUGB staff or volunteers are involved in the incident in a way that requires them to make a Serious Incident Report, then we could make the report together.

If we need urgent legal advice on a serious incident we can contact at Anthony Collins LLP (info@anthonycollins.com or +44 (0) 121 200 3242). Is this a GBC lawyer or BU one?

4.0 GBC SERIOUS INCIDENT MANAGEMENT PROCESS

Raising concerns
Anyone can make the church leadership / trustees aware that an actual or alleged serious incident has occurred.

Leaders / Trustees Actions

- Noting the advice above on what constitutes a serious incident, the church leadership / trustees will meet to discuss this further and agree actions to be taken.

- The speed at which this happens will be determined by the severity of the incident. Some form of online meeting may be the best option to start with. As a minimum this needs to include the Pastor, Elder(s), Treasurer and Secretary. It may also need the GBC Designated Person for Safeguarding who may or may not be a current leader / trustee.

- This first meeting will discuss the considerations noted above and agree actions as appropriate. This meeting would be chaired by either the Pastor, Elder(s), Treasurer or Secretary. The meeting will agree the frequency and timing of future meetings until such times as the incident has been resolved / fully closed out.

- Meeting minutes will be produced to support a potential report to the Charity Commission / other external organisation(s) and use as the basis for potential updates to GBC policies and procedures.

- A decision will be required on who from the leadership / church membership or an external organization will lead on the investigation and what is expected from that person / people. It is recognised that this may require the appointment of an external specialist advisor and the associated costs of same.

Reporting to the Charity Commission

Following investigation, the church leadership / trustees will confirm if the incident needs to be reported to the Charity Commission and any other external organisations, such as SEBA and BUGB. This will include confirming who is responsible for this reporting.

Informing the church family

The leaders / trustees will agree when and how this will happen, using existing lines of communication where appropriate, and ensure that the wider church family can discuss related concerns.

Investigation Report

The investigation report will be presented to the leadership / trustees who will agree the proposed actions / recommendations, and their ownership, and timescales. This will include a further update to the wider church family and, where appropriate, community organisations who use GBC's premises.

Update of policies and procedures

Owners of existing GBC policies and procedures will use the investigation report to update or amend their documents as appropriate. Where this happens, approval of revised policies and procedures will take place at a suitable leaders / trustees meeting.

5.0 DOCUMENT OWNERSHIP AND CONTROL

5.1 Ownership and Responsibilities

The GBC Church Secretary is the document owner and is responsible for ensuring that it is maintained, reviewed and updated.

5.2. Maintenance and Review / Update

The GBC Serious Incident Policy and Procedure document must be reviewed annually to ensure that :

- all relevant functions within GBC are familiar with it
- it continues to ensure GBC compliance to Charity Commission requirements

At any other time, if significant changes are made to / within GBC (for example, but not limited to, organisation, location, Charity Commission regulations), or any third party or part of GBC which may be covered by this policy and related procedure(s), it must be reviewed, and appropriate changes applied.