



Reporting Serious Incidents Policy

Our aim. This policy is intended to facilitate the identification of serious incidents or potential serious incidents by Trustees, employees, volunteers or partners working in Kenya on our behalf and to support the effective reporting of such matters. It sets out steps to be taken to identify, investigate, manage, respond to and learn from serious incidents.

It is a Charity Commission requirement that trustees report all serious incidents at their charity to the Commission, so that the Commission can ensure that such incidents are being dealt with appropriately. As part of such reporting, the Commission will need to receive information not just about the incident itself but also about the Charity's response to the incident.

Our Responsibility

A serious incident requiring investigation is defined by the Charity Commission as an incident that results in, or risks, significant:

- loss of a charity's money or assets;
- damage to a charity's property; and/or
- harm to a charity's work, beneficiaries or reputation

Further guidance from the Charity commission on what constitutes a serious incident is attached.



Example Table of
What To Report.pdf

If the incident involves one of our partners hospice Care Kenya (HCK) will follow the further Charity Commission Guidance as detailed at Appendix A.

HCK will respond to serious incidents in a timely, comprehensive and systematic manner in order to reassure concerned parties and improve future service.

HCK will inform the relevant authorities and regulators as soon as practicable when any serious incident occurs, to comply with its regulatory duties and to ensure the authorities' powers can be used if necessary to protect the Charity.

- safeguarding incidents - allegations or incidents of abuse or mistreatment of people who come into contact with HCK through its work will be reported to:
 - the police obtaining a crime reference number (call 101 or make a report at a local police station), and
 - the local authority and other relevant agencies,
- fraud and cyber-crime: allegations or incidents of fraud and cyber-crime will be reported to Action Fraud via its online reporting tool, ensuring we obtain a crime reference number and making clear that we are a charity.
- theft - allegations or incidents of theft will be reported to the police (call 101 or make a report at a local police station) and obtaining a crime reference number

- terrorism or extremism - links or alleged links to terrorism and extremism will be reported to the police and a crime reference number obtained. 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

any actual or alleged criminal activity that takes place overseas will 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. For further guidance on this, please see the Commission's guidance on criminal reporting.

Our commitment

If an individual becomes aware of an incident, this must be reported to the Director or if it involves the Director then the chair. They must determine whether this constitutes a 'Serious Incident' and needs to be reported to the Charity Commission.

Director email hck@hospicecarekenya.com tel 01723 890283

Chair email sally@hullonline.org.uk

In the event that the incident is not deemed to constitute a serious incident or is a 'near miss', details will be reported through the monthly Directors report, so Trustees still have visibility of such situations.

If it is decided that the incident does constitute a serious incident the Director will then notify the Trustees.

The Director (or Chair if the Director is involved) will investigate/collate/gather all the information required by the Trustee(s) to report the incident to the Charity Commission.

The Director will liaise with Trustees and decisions will be made as to who reports the serious incident. In most cases, the serious incident will be reported by the Director, acting on behalf of the Trustees.

The incident should be reported using the attached template (Appendix B) and sent via email to RSI@charitycommission.gov.uk

The Director will act as the point of contact with the Charity Commission and will coordinate any further requests for information as part of their on-going investigation.

It is vital that once the Charity Commission has concluded its investigation, the findings are fully implemented and an evaluation report is produced, so that HCK can demonstrate that it has learned from the incident and can reassure Trustees (and the Charity Commission) that it has:

- investigated the incident so as to clearly identify the nature, scope and impact of the incident;
- taken steps to cease/mitigate the impact of the incident, whether on HCK or on beneficiaries or other parties; and
- learnt lessons from the incident, i.e. identifying and taking steps to prevent similar incidents from occurring in the future.

The Director will produce an implementation plan and present the evaluation report to Trustees. A timetable for this will be agreed on a case by case basis.

Monitoring

This policy will be reviewed every three years or when guidance or legislation changes.

Date approved June 2020

Date to be reviewed June 2023

Appendix A

Determining when to report a serious incident involving a partner.

Trustees should make a serious incident report when an incident has occurred involving one of the charity'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.

Trustees need to consider what to report taking into account the charity's activities, size, funding and the nature of the relationship with the partner, as well as the nature and severity of the incident, but the Commission suggests the guiding principles about what to report start from the following three different positions:

The incident involves the charity's funds, brand, people or an activity that it funds or is responsible for.

This is the highest risk category due to the close links between the charity and the incident. These kinds of incidents are most likely to trigger the requirement to report a serious incident to the Commission. However, not all incidents in this category will need to be reported; this will depend on how serious the incident is and how significant an impact the incident is likely to have on the charity, its operations, finances, people and/or reputation.

It is a matter for the charity's trustees to decide whether an incident is serious enough to be reported. However, their starting point should be if they would have reported the incident if it had happened in their charity, they should carefully consider reporting any incidents involving partners which fall into this category.

The incident does not involve the charity's funds, brand or people but could have a significant impact on the charity

Incidents are less likely to need to be reported to the Commission when the charity does not have close links to them. However, they may still need to be reported where the particular incident:

- a. causes or is likely to cause material reputational damage to the charity and/or
- b. raises or is likely to raise material issues around due diligence in terms of whether the partner involved remains capable of delivering the charity's work or continues to be a suitable partner for the charity to work with and/or
- c. is a trigger event (a matter or event type prescribed and defined within the charity's own funding or partnership agreement) that the charity considers to be so significant it would trigger suspension or termination of the agreement or arrangement

The incident does not involve the charity's funds brand or people and has little or no impact on the charity

This category concerns incidents that do not involve the charity's funds, staff/volunteers or branding and are sufficiently remote from the charity's work that they have little or no impact on the charity's reputation or the partner's ability to deliver its work with the charity.

This type of incident would not usually trigger the requirement for reporting to the Commission. However, the charity should still consider whether there are any areas for improvement or changes required to policy or procedures in relation to such incidents.

Appendix B

Serious Incident Reporting Template for Trustees

This information is required by the Charity Commission when reporting to RSI@charitycommission.gsi.gov.uk.

This can be completed by the trustee or in conjunction with the Director

ACTION	COMMENT
Name of Person reporting and role	
Date of report	
Has the incident happened or has there been serious allegations or suspicions that it has happened?	
When did the incident happen, who was involved, include their position in the Charity	
Is this person still involved with the Charity?	
What is the effect of the incident on the Charity or its beneficiaries or both;	
What is the financial loss to the Charity (if appropriate)?	
What action, if any, has been taken since the incident?	
Has there been any publicity about the incident?	
Has the Charity conducted its own inquiry or investigation into the incident and what was the outcome;	
If the police, another regulator or law enforcement or government agency is involved, please specify the name of the agency and what action it has taken, if any – where relevant provide the reference number	
Confirmation that the Trustees have reported the incident to their local Safeguarding Board if it involves abuse or welfare concerns about vulnerable beneficiaries	

Has the Charity any policies or procedures that apply to the incident in question, confirming they were followed, and if not why (consider explaining the procedures and/or sending a copy of the relevant policy);	
Whether as a result the Trustees have determined that current policies or procedures need to be revised, or new ones put in place if they do not already exist.	