



THE CHURCH
OF ENGLAND

Guidance for DBFs, PCCs and Religious Communities: Identifying and Reporting Safeguarding Serious Incidents to the Charity Commission

House of Bishops

	Version Control	
V.1	January 2019	Published (Approved by the Charity Commission on 24 th October 2018)
v.2	1 August 2019	Published (Approved by the Charity Commission on 9 th July 2019)

Introduction

All PCCs, DBFs and most Religious Communities¹ are charities. The Charity Commission's guidance² emphasises the duty of care that charity trustees have towards their beneficiaries and others connected with their charity's activities and the importance of all charities adopting and implementing appropriate policies on safeguarding.

The directors of a DBF and the members of a PCC are charity trustees and so are held responsible for compliance with the law and the Charity Commission's guidance in relation to their charity. One of the responsibilities of charity trustees is to report any "**Serious Incidents**" occurring within their charity to the Charity Commission.

A Serious Incident is an adverse event, whether actual or alleged, which results in or risks significant harm to the charity's beneficiaries, employees, office holders, volunteers or to others who come into contact with the charity through its work, loss of the charity's money or assets, damage to the charity's property or harm to the charity's work or reputation. What is considered to be "significant" is a matter for the trustees to determine, as it will depend on the context of the charity, taking into account its operations, staff, finances and reputation.

This House of Bishops' guidance explains how to identify when a **safeguarding Serious Incident** occurs and sets out the procedure you should follow to report it to the Charity Commission. For detailed guidance on how to prepare and submit a safeguarding Serious Incident Report please see the Practical House of Bishops' Guidance at <https://www.churchofengland.org/safeguarding/promoting-safer-church/policy-practice-guidance>.

For guidance on Serious Incidents that do not relate to safeguarding, such as financial crime, significant financial loss and data protection breaches, please see the relevant guidance for PCCs and for DBFs and Religious Communities at <https://www.parishresources.org.uk/pccs/trusteeship/serious-incident-reporting/>.

It is important to remember that the requirement to report a Serious Incident to the Charity Commission is in addition to any requirement to notify the police, local authority, statutory agency or other relevant authority.

1. What is a safeguarding "Serious Incident"?

A safeguarding Serious Incident occurs where there are allegations or incidents of abuse or mistreatment of beneficiaries, employees, volunteers, office holders or others who come into contact with the charity through its work. A Serious Incident report should be made to the Charity Commission in any of the following circumstances:

- beneficiaries have been, or are alleged to have been, abused or mistreated while under the care of the charity, or by someone connected with the charity, for example a trustee of the PCC or DBF, a member of the clergy, Church Officer, an employee or a volunteer;
- a person who comes into contact with the charity through its work (including an Church Officer, employee or volunteer) has been abused or mistreated (alleged or actual) and the abuse or mistreatment is connected with the activities of the charity (for example it occurred during a religious service, a home visit by clergy or a pastoral visitor or an activity or event run by the PCC or DBF);

¹A very small number of Religious Communities are "closed" and are not charities as they do not provide sufficient public benefit. Religious Communities that are not charities do not need to report Serious Incidents to the Charity Commission.

² Charity Commission Guidance for charity trustees about Serious Incidents: how to spot them and how to report [how to spot them and how to report](https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity) (14 June 2019) <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

- there has been a breach of the House of Bishops' guidance or other safeguarding procedures or policies at the charity which has put beneficiaries and other persons who come into contact with the charity through its work at significant risk of harm, including a failure to report safeguarding concerns to statutory agencies or to carry out relevant vetting checks which would have identified that a person is disqualified in law, under safeguarding legislation, from working with children, young people or adults; or
- alleged or actual incidents in the workplace which have resulted in or risk significant harm to trustees, employees, office holders or volunteers and are considered to be "serious" in the context of the charity. An incident should always be reported where the level of harm to the victims and/or the likely damage to the reputation of or public trust in the charity is particularly high. For example: allegations of serious sexual abuse of and by a staff member, office holder or volunteer; abuse by a senior member of staff or office holder or if a widespread of culture of bullying, abuse or sexual harassment is uncovered.

Any incident which is connected with the activities of the charity and involves actual or alleged criminal activity should always be reported to the police and/or the local authority, as well as to the Charity Commission as a Serious Incident. You should not wait until someone has been arrested, charged or convicted, before reporting an incident.

2. Why do Serious Incidents need to be reported to the Charity Commission?

The Charity Commission has a limited and very specific regulatory role and will not investigate whether a criminal offence has occurred (that being the role of the police). However, the Charity Commission will scrutinise the conduct of the charity's trustees and the steps they have taken in order to protect the charity, its beneficiaries and those connected with the charity's activities, now and in the future. This includes making sure that the charity's trustees have proper procedures and systems in place to handle allegations, are dealing with them responsibly and are reporting incidents where appropriate to the police, social services and other relevant agencies. The Charity Commission considers safeguarding to be a governance priority for all charities and so it will also want to be satisfied that the charity's trustees are managing the risks of such incidents occurring again, so far as is practicable, by making any necessary changes to existing procedures and practice as a result of a Serious Incident. If the charity's trustees do not manage safeguarding risks sufficiently, the Charity Commission may consider there to be misconduct and mismanagement by the trustees.

When a Serious Incident is reported to it, the Charity Commission considers whether it is appropriate to provide the reporting charity with regulatory advice or guidance. In the most serious cases, the Charity Commission may need to exercise its statutory powers. In addition, the Charity Commission will consider whether it needs to take any steps to protect other charities, for example where the alleged perpetrator is also a trustee or office holder, or volunteers at or works, in another charity.

The person who submits a registered charity's Annual Return to the Charity Commission each year on behalf of the trustees is required to make a declaration that no Serious Incidents occurred in the charity during the previous financial year that should have been reported but were not. Therefore, unless all Serious Incidents have been duly reported, the charity will not be able to make the declaration required in order to submit its Annual Return, as it is an offence to provide false or misleading information to the Charity Commission.

3. Who should make the Serious Incident Report?

Although the responsibility for making a Serious Incident report in a timely manner rests with the charity's trustees, this responsibility can be delegated. It is important that this delegation sets out clearly what the parameters of the delegated responsibility are and includes a requirement for reports to be made to the trustees on any safeguarding Serious Incidents reported pursuant to the delegated powers. The trustees should ensure that they are informed about the most high-risk Serious Incidents being reported, as well as those where a decision was taken not to report as the incident was considered to be a borderline case.

It should be the responsibility of the Diocesan Safeguarding Adviser, in consultation with the Diocesan Secretary, to prepare the individual and bulk Serious Incident reports. The responsibility for submitting the Serious Incident reports to the Charity Commission rests with the Diocesan Secretary.

- The trustees of each DBF should delegate the responsibility for submitting safeguarding Serious Incident reports to the Charity Commission to the Diocesan Secretary.
- The trustees of each PCC should delegate the responsibility for submitting safeguarding Serious Incident reports to the Charity Commission to their Diocesan Secretary, who will need to inform the Charity Commission that they are submitting the Serious Incident report on behalf of the charity trustees of the PCC.

4. When should a Serious Incident be reported to the Charity Commission?

The Charity Commission expects Serious Incidents to be reported to it "promptly", i.e. as soon as is reasonably possible after it happens, or immediately after you become aware of it³. In practice, a report should be made once sufficient information has been gathered for the report to be meaningful. However, there may be occasions where it is appropriate for a brief initial report to be made, with an indication that a follow-up report will be made once additional information has been obtained.

It is important to report Serious Incidents in a timely manner, as a failure to report a Serious Incident that subsequently comes to light may be considered by the Charity Commission to be mismanagement, or a serious governance failure. This could result in the Charity Commission taking regulatory action, particularly if further abuse has taken place following the initial Serious Incident that was not reported.

5. When should a safeguarding Serious Incident in a partner entity be reported to the Charity Commission?

The Charity Commission expects your charity to demonstrate that it has suitable governance structures in place to provide an appropriate level of oversight in relation to incidents which materially affect your charity's operations, finances, people or reputation and that these incidents are being properly managed by your charity. This includes consequences and risks which result from safeguarding Serious Incidents that take place in partner organisations.

You should make a Serious Incident Report to the Charity Commission when you become aware that a safeguarding Serious Incident has occurred in one of your charity's

³ See also Section 8 on bulk reporting.

partners which materially affects your charity, its staff, operations, finances and/or reputation to such an extent that it is serious enough to be reported by your charity.

Partners in this context include the following:

- a delivery partner or sub-contractor of your charity;
- a subsidiary trading company of your charity;
- an organisation that receives funding from your charity; and
- another charity or organisation that is linked to your charity.

Trustees need to consider whether a safeguarding incident in a partner organisation should be reported, taking into account their own charity's activities, size, funding and the nature of their charity's relationship with the partner, as well as the nature and severity of the safeguarding incident.

When deciding whether or not a report needs to be made, you should use the guiding principles below. These principles categorise Serious Incidents which happen in a partner into three areas: (A) those which are most likely to need to be reported; (B) those which may need to be reported; and (C) those which are least likely to need to be reported.

These principles should help you to assess whether your charity needs to report a safeguarding incident occurring in a partner organisation as a Serious Incident. Your assessment should take into account the specific circumstances of the event or incident, the actual or likely impact on your charity and the likely risk to your charity.

- (A) The incident involves the charity's funds or its staff/ volunteers; or it occurred during an activity or programme which the charity funds, has responsibility for or is involved with as a joint activity/programme; or the charity has the same branding as the partner.

This is considered to be the highest risk category due to the close links between your charity and the Serious Incident. However, whether a Serious Incident in this category will need to be reported by your charity as a Serious Incident will depend on:

- how serious the incident is; and
- how significant an impact the incident is likely to have on your charity, its operations, finances, people and/or reputation.

Where your charity has the same branding as the partner, so that the public may identify your charity as being part of the same entity as the partner, there may be a significant impact on the reputation of your charity, or on public trust and confidence in your charity. This is because the public may not distinguish between the two organisations. This may mean that your charity also needs to report the incident as a Serious Incident, even if there is little or no impact on your charity's activities, finances or people.

You should consider whether you need to report any safeguarding incidents involving partner organisations which fall into this category. When deciding whether an incident is serious enough to be reported by your charity, the starting point should be whether the incident would have been reported as a Serious Incident if it had happened in your charity.

- (B) The incident does not involve your charity's funds, brand or people but could have an impact on your charity.

Serious Incidents in a partner organisation are less likely to need to be reported to the Charity Commission when your charity does not have close links to the partner in which the safeguarding Serious incident happened. However, your charity may still need to make a report where the particular incident:

- causes or is likely to cause material reputational damage to your charity and / or;

- raises or is likely to raise material issues around due diligence in terms of whether the partner concerned remains capable of delivering your charity's work or continues to be a suitable partner for your charity to work with and / or;
 - is a trigger event (as defined within your charity's funding or partnership agreement with that partner) that your charity considers to be so significant that it would trigger suspension or termination of the agreement or arrangement with the partner.
- (C) The incident does not involve your charity's funds, brand or people and is sufficiently remote from your charity's work that it has little or no impact on your charity's reputation or the partner's ability to deliver its work with your charity.

This type of incident would not usually need to be reported to the Charity Commission.

6. What should you do if a safeguarding Serious Incident is identified?

If a safeguarding Serious Incident is identified, immediate action is required in accordance with all and any applicable House of Bishops' Policies and Practice Guidance in place from time to time, to:

- Prevent or minimise any further harm, loss or damage.
- In an emergency situation, where there is an immediate risk, report the Serious Incident to the police and then to the Diocesan Safeguarding Adviser, who will take over the management of the Serious Incident.
- In a non-emergency situation, report the Serious Incident to the Diocesan Safeguarding Adviser within 24 hours of becoming aware of a safeguarding concern or allegation. The Diocesan Safeguarding Adviser will respond to the concerns and report and liaise with the statutory agencies including the police as required and will take over the management of the Serious Incident.
- Report the safeguarding Serious Incident to the Charity Commission using its online form at <https://ccforms.charitycommission.gov.uk>.
- At the end of all investigations a Lessons Learnt Case Review should be undertaken to ascertain what happened and how it can be prevented from (or the chances reduced of it) happening again.

7. Making a Serious Incident Report

It is important that reporting to the Charity Commission does not prejudice any criminal investigation and the Diocesan Safeguarding Adviser and Diocesan Secretary should seek advice from the Diocesan Registrar where required. Although the initial report to the Charity Commission will be anonymised, the Charity Commission may require further details and information in relation to any safeguarding Serious Incident reported to it.

It is important that you provide the Charity Commission with enough information in your report to present a clear picture of what happened and when, the nature and extent of the harm caused, how you are dealing with it and the steps being taken as a result of the incident.

For further details as to the information you need to provide to the Charity Commission in a Serious Incident Report, please see section 7 of the Practical Guidance.

The Diocesan Secretary should be the named contact provided to the Charity Commission, should it have any follow-up queries or require further information, or should the Charity Commission consider it necessary to provide any regulatory advice or guidance to the reporting charity. Where follow-up queries are received, they should seek such assistance as they may require from the relevant PCC's Safeguarding Officer, the Diocesan Safeguarding Adviser, the Diocesan Registrar, the Diocesan Bishop and/or the National Safeguarding Team (**NST**).

The Diocesan Secretary must keep a record of all Serious Incident reports submitted, and any follow-up correspondence, together with copies of any papers that are sent to the Charity Commission. The records must be stored securely, so that they can be referred to at a later date if necessary. Where a Serious Incident report is made on behalf of a PCC, a copy of the report should also be sent to the PCC's Safeguarding Officer and stored securely.

8. Bulk reporting of Serious Incidents

The Charity Commission acknowledges that there is a higher likelihood of safeguarding allegations being made and incidents occurring in certain types of charities, including those which have regular contact with the public and vulnerable beneficiaries. The Charity Commission has agreed that DBFs (including on behalf of PCCs) may submit safeguarding Serious Incident Reports to it by way of periodic bulk reports, rather than reporting each incident separately, provided that particularly serious or significant incidents, and/or those likely to attract media attention, are reported immediately.

The Charity Commission has agreed that a Diocesan Secretary should prepare bulk reports every six months for the DBF and the PCCs in the Diocese, when required. Bulk reports should be prepared using the Charity Commission's bespoke bulk reporting template for DBFs, which is available for download from the Church of England's Safeguarding Policy and Practice Guidance webpage.⁴ For more information on bulk reporting see the Practical Guidance on submitting safeguarding Serious Incident reports to the Charity Commission.

The bulk reports should be submitted to the Charity Commission by email to bulkrsi@charitycommission.gov.uk.

9. Informing the NST of safeguarding Serious Incidents

The Diocesan Secretary must send the NST⁵ a copy of each Serious Incident report which has been individually submitted to the Charity Commission. The Diocesan Secretary must also send the NST a copy of each of the six-monthly bulk Serious Incident reports filed with the Charity Commission.

Providing the NST with this information will enable it to take a "Whole Church" approach by creating a national picture of safeguarding Serious Incidents. The NST will then be able to consider whether the House of Bishops' Guidance, and any other policies and procedures, may require revising, or further training may be needed, in order to address any concerns identified.

The NST will also be responsible for considering whether anyone within the wider Church needs to be informed about any Serious Incident that has been reported and, if so, the NST will take the necessary steps to inform the relevant persons, complying at

⁴ <https://www.churchofengland.org/safeguarding/promoting-safer-church/policy-practice-guidance>. If you have any difficulty locating or downloading the template, please email rsi.nst@churchofengland.org for assistance.

⁵ at rsi.nst@churchofengland.org

all times with any requirements to maintain confidentiality and to protect sensitive personal data.

10. Religious Communities

Religious Communities which are charities are required to report all Serious Incidents (safeguarding and otherwise) to the Charity Commission, using the Charity Commission's online form at <https://ccforms.charitycommission.gov.uk/>.

As Religious Communities are often spread across a number of Dioceses, any safeguarding Serious Incidents should be submitted to the Charity Commission by the responsible person within the Religious Community itself, rather than through the Diocesan Safeguarding Adviser and Diocesan Secretary of the Diocese in which the incident occurred.

Religious Communities should comply with the relevant House of Bishops' Policies and Practice Guidance in responding to a safeguarding serious incident and the Practical Guidance when preparing and submitting a safeguarding Serious Incident Report to the Charity Commission.

When a Religious Community submits a safeguarding Serious Incident report to the Charity Commission, Religious Communities are also expected to send copies of the anonymised safeguarding Serious Incident report to:

- the Diocesan Safeguarding Adviser of the Diocese in which the incident occurred;
- the Episcopal Visitor for the Religious Community; and
- the NST⁶.

Further guidance on Serious Incident reporting can be found on the Charity Commission website⁷.

⁶ at rsi.nst@churchofengland.org

⁷ Charity Commission Guidance for charity trustees about Serious Incidents: [How to spot them and how to report](#) (14 June 2019) <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>