



ALEXANDRA PARK AND PALACE CHARITABLE TRUST BOARD

4th March 2019

Report Title: **Serious Incident Reporting Policy**

Report of: Louise Stewart, Chief Executive Officer

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Purpose: This report sets out the requirement for the Charity to report Serious Incidents to the charity regulator, the Charity Commission, and sets out the policy and procedure for doing so and other related actions. This is a new policy.

Local Government (Access to Information) Act 1985 N/A

1. Recommendations

- 1.1 To approve the Serious Incident Reporting Policy, and;
- 1.2 To delegate the responsibility for reporting to the Chief Executive, on the conditions outlined.
- 1.2 To review the policy in 12 months, or sooner if the Charity Commission guidance changes significantly.

2. Background

- 2.1 The Charity Commission requires charities to report serious incidents. If a serious incident takes place within the Charity, it is important that there is prompt, full and frank disclosure to the Commission. The Charity needs 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, donors or another regulator.
- 2.2 The Charity 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:

- harm to your charity’s beneficiaries, staff, volunteers or others who come into contact with your charity through its work (who are collectively referred to throughout this guidance as people 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

2.3 The Charity Trustees are responsible for reporting, although the Commission acknowledge that responsibility may be delegated to someone else within the Charity, such as an employee or the Charity’s professional advisers. Although it should be remembered that *‘all trustees bear ultimate responsibility for ensuring their charity makes a report, and does so in a timely manner’*.

2.4 It is important for Alexandra Palace to define what we will report, as our operations are complex and we deal with significant operational incidents frequently. It is also important because if we decide not to make a report about something serious that has happened and the Commission later becomes involved, we will need to be able to explain why we decided not to report it at the time.

2.5 It is worth noting that this is an evolving area of regulatory guidance. The Charity Commission has made the suggestion that the serious incident reporting regime could become a statutory requirement for charities.

2.6 This is an overhauled and updated version of the policy approved by the Board in July 2017, which had a heavy focus on safeguarding. This revised policy has been created as new, not an update and is therefore being treated as a new policy.

2.7 The FRRAC endorsed the policy at their meeting on 29th January. This policy has implications for APTL and therefore the APTL Board of Directors considered and endorsed this policy at their meeting on 29th January.

3. **APPCT Serious Incident Reporting Policy**

3.1 The draft policy is attached at Appendix 1. Key aspects of the policy are;

- It applies to all of the Charity’s activities including trading operations, tenants, leaseholders and clients.
- The serious incidents that we will report have been clearly set out and will act as a guide if incidents occur that do not fall strictly within these definitions – Attachment 1 of the policy. The Alexandra Palace Policy follows the Charity Commission guidance very closely. The areas not relevant to Alexandra Palace (but in the CC guidance) are displayed in bold italics and will be removed in the final version following approval by the Board.
- A clear process for deciding whether to report is set out:
 - The Board is notified by email when an incident takes place. In the case of a serious incident, the Board will, advised by the CEO, decide whether to meet to decide whether it should be reported to the regulator
 - When the Board take a resolution to not report the reasons for this decision will be recorded

- The Corporate Trustee will be informed of the need to report and given details of the incident before the report is made to the Charity Commission
- The CEO will obtain advice from the Charity's legal advisors if the need to report is uncertain
- Once the Board have resolved to report a serious incident the responsibility for reporting to the Charity Commission is delegated to the CEO.

4. Legal Implications

- 4.1 It is an offence under section 60 of the Charities Act 2011 to provide false or misleading information to the Commission, which includes through the annual return.
- 4.2 If the Charity is not able to complete the declaration that there have been no serious incidents, that should have been reported, for the annual report it will not be able to submit the annual return, which is a statutory requirement under section 169 of the Charities Act 2011, until all serious incidents have been reported.
- 4.3 If trustees fail to report a serious incident that subsequently comes to light, the Commission may consider this to be mismanagement, for example where the trustees have failed to manage the risks properly and breached their legal duties. This may prompt regulatory action, particularly if further abuse or damage has arisen following the initial incident.
- 4.4 The Council's Assistant Director of Corporate Governance has been consulted in the preparation of this report, and in noting the Legal Implications section above, coupled with comments on the policy commissioned from the Council's Serious Incident Reporting Officer, has no comments.

5. Financial Implications

- 5.1 The Council's Chief Financial Officer has been consulted in the preparation of this report, and any comments will be tabled.

6. Use of Appendices

Appendix 1 – Serious Incident Reporting Policy