



Alexandra Park and Palace Charitable Trust Serious Incident Reporting Policy	Date approved by APPCT: 4 th March 2019 Date approved by APTL: 29 th January 2019
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1. Introduction

This policy covers Serious Incident Reporting to the Charity regulator, the Charity Commission, as it relates to Alexandra Park and Palace Charitable Trust (APPCT) and its trading subsidiary APTL, hereafter known as 'Alexandra Palace'. The Policy is also relevant to Alexandra Park and Palace leaseholders, tenants and clients on site.

The policy below provides Alexandra Palace with an effective and easy to follow process, closely in line with Charity Commission guidance.

2. Background

The Charity Commission states that it is vital that charities, whether they work domestically or around the world, report serious incidents to the regulator. The Commission also states that data on serious incident reporting allows it to better understand risks facing the sector and take appropriate action.

However the Commission recognises the challenging nature of the work undertaken and the difficult context faced by many charities. It understands that serious incidents will happen but it is the Commission's role to ensure that trustees comply with their legal duties and that the charity manages the incident responsibly. The Commission will be looking for assurance that the Charity has taken steps to limit the immediate impact of any serious incidents that may occur and, where possible, prevent it from happening again.

The Commission acknowledges that most problems can be resolved by trustees themselves. However, sometimes it needs to use its powers to protect a charity. Reporting also means the Commission can identify whether other charities might be affected, and can give better advice to all charities to help them protect themselves.

2.1 What is a Serious Incident?

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 people who come into contact with our Charity through our work and our trading subsidiary
- loss of our Charity's money or assets
- damage to our Charity's property
- harm to our Charity's work or reputation

An act of discrimination against any person with a protected characteristic listed in the Equality Act 2010 will also be treated as a serious incident.

The main categories of reportable incidents set out by the Charity Commission are:

- protecting people and safeguarding incidents – incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with the charity through its work
- financial crimes – fraud, theft, cyber-crime and money laundering
- large donations from an unknown or unverifiable source, or suspicious financial activity using the charity's funds
- other significant financial loss
- links to terrorism or extremism, including 'proscribed' (or banned) organisations, individuals subject to an asset freeze, or kidnapping of staff
- 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 the charity

3. Scope

This policy covers all activities of the Charity and its operations, including the activities of APTL, leaseholders, tenants and clients on site, should they create a 'serious incident' for the Charity.

It does not cover or replace the Charity's obligations to report incidents to statutory authorities such as the Police, Health and Safety Executive or Licensing Authority that the organisation 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, i.e. become in scope, for example if the Charity 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 the Charity as a result.

4. Policy

4.1 It is our policy to report all 'serious incidents' to the Charity Commission within 72 hours of the Trustee Board's decision to report a serious incident, providing an appropriate level of information and to respond to any resulting requests for information within 2 weeks.

4.2 What we will report

The nature of the Charity's assets and activities mean that it deals with incidents on a frequent basis as part of its operations. Very few of these incidents are likely to be reportable.

The incidents that we will report and the incidents that it is not necessary to report are detailed in attachment 1. This is based on Charity Commission guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752170/RSI_guidance_what_to_do_if_something_goes_wrong_Examples_table_deciding_what_to_report.pdf .

This not a definitive list of reportable incidents but indicates the types of incidents categorised as 'serious' and reportable and will act as a guide as to what should and shouldn't be reported.

4.3 Who is responsible for reporting?

The responsibility for reporting serious incidents rests with the Charity's Trustees. All Trustees bear ultimate responsibility for ensuring their Charity makes a report, and does so in a timely manner and the Board will decide which serious incidents to report.

The Board does not have powers to take decisions outside of meetings or by written resolution. Therefore a special meeting may need to be called at short notice (with a minimum of 3 board members present and voting to make a valid decision).

The Board will be given details of the incident in advance of the meeting. The CEO or other relevant Executive Team Member may recommend a particular course of action at or prior to the meeting (i.e. to report the serious incident or not to report). The Board may seek advice from the Charity's legal advisors if the need to report is uncertain.

Due to the likely nature of any serious incident it may be considered under exempt items (with reference to the relevant category of information in the Local Government Act, Access to Information Schedule 12). Decisions will be recorded, including reasons if the Board decide not to report an incident.

Once the decision has been taken the Corporate Trustee will be given details of the incident before the report is made to the Charity Commission

The report will then be made to the Charity Commission within 72 hours of the Board's decision to report the serious incident.

4.4 Actions we will take in response to a serious incident

If there is a serious incident we will:

- prevent or minimise 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 we suspect a crime has been committed, and to any other regulators the Charity is accountable to and other agencies such as the Local Authority Designated Officer (LADO) for Safeguarding
- put in a place a communication plan for staff, volunteers, the public, the media and other stakeholders, such as funders
- 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

4.5 How we will report

The Trustee Board delegates responsibility for reporting serious incidents to the CEO who will report serious incidents to RSI@charitycommission.gsi.gov.uk.

If the information we provide (or wish to provide) is particularly sensitive or confidential or if we feel a particular exemption applies, we will inform the Charity Commission and explain our reasoning.

To ensure that the relevant and appropriate information is captured at the time and reported consistently we will use the Serious Incident Reporting Form attached to this policy, attachment 2.

The Charity is required as part of its annual return, to sign a declaration confirming there were no serious incidents during the financial year that should have been reported to the Commission. If incidents did occur, but weren't reported at the time, we will submit these before we file our Charity's Annual Return, so that we can make the declaration and meet our legal reporting requirements.

5. Associated documentation and further information:

Related policies: Safeguarding, Health & Safety, Data Protection, Whistleblowing (fraud reporting), Risk Management, Disciplinary/Grievance, Bullying and Harassment, Equal Opportunities.

AP is committed to providing effective supervision, support and training. Staff will receive mandatory training on Equality and Diversity, Data protection, Safeguarding, Health and Safety appropriate to their role.

6. Status of policy

Date	Version	Author	Amendments

7. Attachments:

Attachment 1 – Alexandra Palace guidance regarding reportable and not reportable incidents
Attachment 2 – **Alexandra Palace** Serious Incident Reporting Form

Attachment 1 – Examples Table Deciding what to report

Serious incidents to report	Incidents not to report
Protecting people and safeguarding incidents	
<p>A beneficiary or other individual connected with the Charity's activities has/alleges to have suffered serious harm</p> <p>Allegation that a staff member has physically or sexually assaulted or neglected a beneficiary whilst under the Charity's care</p> <p>The Chief Executive of the Charity has been suspended pending the outcome of an investigation into their alleged sexual harassment of a fellow member of staff</p> <p>Allegation that a trustee, staff member or volunteer has been sexually assaulted by another trustee, staff member or volunteer</p> <p>A staff computer is found to contain images of child pornography</p> <p>An internal investigation has established that there is a widespread culture of bullying within the Charity</p> <p>A beneficiary or individual connected with the Charity's or APTL's activities has died or been seriously harmed; a significant contributory factor is the Charity's failure to implement a relevant policy</p> <p>Charity failed to carry out DBS checks which would have identified that a member of staff or trustee was disqualified in law (under safeguarding legislation) from holding that position</p> <p>Repeated medication errors to beneficiaries in a care home indicating a systemic problem</p> <p>Charity discovers that an employee or volunteer coming into contact with children or at risk adults is on the sex offenders register</p>	<p>Minor unusual/aggressive behaviour by a beneficiary towards a member of staff</p> <p>Police called to Charity premises because a beneficiary is drunk and disorderly</p> <p>Charity becomes aware of allegations of abuse or neglect of a beneficiary that occurred outside the Charity; the Charity has reported the allegations to the appropriate agencies, and there is no harm to the Charity's reputation</p> <p>Beneficiary in a care home received the wrong medication as a 'one-off' error and there was no significant harm</p> <p>Logged accident book reports where there was no significant harm to individuals</p> <p>Details of reports under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) where there has been no significant harm to individuals</p> <p>Minor accidental injury to a Charity service user e.g. slipping on a wet floor</p> <p>A staff member who is not in a senior position or position of specific responsibility (e.g. head of safeguarding) has bullied or harassed a fellow staff member. There is no indication of a widespread culture of bullying or harassment within the Charity and the incident is dealt with by minor disciplinary action (for example, the staff member responsible has not been suspended or dismissed).</p> <p>A staff member who is not in a senior position or position of specific responsibility is dismissed for marrying a member of the community in which the Charity is working, in breach of the Charity's code of conduct but not in breach of local laws</p>

Serious incidents to report	Incidents not to report
Fraud, cyber-crime and money laundering	
<p>Charity's Chief Executive and Treasurer produced false invoices for charity services</p> <p>A bogus fundraising scheme is being promoted online, using Charity's name</p> <p>Charity funds lost due to an online or telephone 'phishing scam', where trustees were conned into giving out bank account details</p> <p>Attempted fraud by a member of Charity staff but intercepted by internal financial controls</p>	<p>Attempted cyber-crimes that are blocked by the Charity's computer network security systems, except where the attempted cyber-crime is unusual in nature and the Charity wants to bring it to the attention of the Commission</p>
Theft	
<p>Any actual/suspected incidents of theft of cash from cash tills, cash office or donation collection tins which has been reported for criminal investigation</p> <p>Charity office has been broken into and computers, holding personal details of beneficiaries and donors, stolen</p>	<p>One-off random theft of items such as jewellery or a mobile phone at the Charity's premises</p> <p>Theft of small amounts of cash belonging to a beneficiary, by another beneficiary, at a Charity event</p> <p>Theft of a collection tin thought to contain small amount of cash</p>
Unverified or suspicious donations	
<p>A significant amount over £25,000 is donated to the Charity from an unknown or unverifiable source</p>	<p>Large legacy left in a will, received via solicitor dealing with probate, on condition donor remains anonymous</p> <p>Large donation made by an anonymous donor via solicitor who is aware of their identity</p> <p>Low value donations from unknown sources - refer to our guidance on due diligence and monitoring end use of funds</p>
Other significant financial loss	
<p>Significant loss of Charity funds in a poor investment scheme, commissioned by trustees, without professional advice</p> <p>Sudden loss of 20% or more of Charity's income (e.g. due to termination of major donor contract); Charity has no reserves, meaning staff will be laid off and services stopped</p> <p>Substantial loss of Charity funds due to legal costs incurred in a court case; excludes those charities routinely undertaking budgeted litigation on behalf of beneficiaries</p> <p>The Charity's main premises is severely damaged in a fire and the Charity is unable to deliver services to its beneficiaries</p>	<p>Loss of Charity funds where the value lost represents less than £25,000 of Charity assets and is less than 20% of the Charity's income. There is no significant impact on the Charity's services.</p> <p><i>Charity property overseas is damaged due to bad weather conditions (e.g. office roof blown off during a storm) but doesn't prevent Charity from delivering services to beneficiaries</i></p> <p>A vehicle owned by the Charity is badly damaged in an accident. Nobody was hurt, the damage is covered by insurance and the Charity is still able to deliver services to its beneficiaries</p>

Serious incidents to report	Incidents not to report
Links to terrorism or extremism	
<p><i>Charity discovers that an overseas partner has passed money to a member of Charity's personnel who is a designated individual, subject to financial restrictions</i></p> <p>A member of Charity staff or volunteer has been arrested for terrorism related offences</p> <p><i>Charity's warehouse in a war zone has been raided and vehicles/ stock taken at gunpoint</i></p> <p><i>Charity personnel have been detained or kidnapped by a terrorist group overseas</i></p> <p>A visiting speaker has used a Charity event to promote extremist messages, via live speech or social media</p>	
Other significant incidents - Disqualified person acting as a trustee	
<p>Any person acting as a trustee or senior manager while disqualified – refer to the Commission's guidance</p>	<p>A trustee or senior manager voluntarily steps down from trusteeship when disqualified for having an IVA (Individual Voluntary Arrangement)</p>
Charity subject to investigation by a regulatory body	
<p>Charity is subject to official investigation by another regulator e.g. Fundraising Regulator, Police, UK Visas & Immigration, Ofcom, Information Commissioner, Care Quality Commission or Care Inspectorate Wales</p>	<p><i>Routine inspections by a sector regulator e.g. Ofsted, CQC or CIW, do not need to be reported to the Commission unless there are adverse findings that place the future of the Charity in doubt, relate to other categories of serious incidents or are likely to attract negative media attention</i></p>
Major governance issues	
<p>Mass resignation of trustees, leaving the Charity unable to function</p> <p>Evidence that trustees have routinely signed blank cheques</p>	<p>One or two trustees stepping down at year-end, due to other commitments</p>
Fundraising issues	
<p>Suspicious of unauthorised public collections in the name of the Charity</p> <p>Charity hasn't complied with law on requirements for solicitation statements or professional fundraising agreements</p> <p>Significant funds, due under a fundraising arrangement, have not been paid by the professional fundraiser, or commercial partner to the Charity</p> <p>Incident has taken place involving a fundraising agency which will incur serious damage to the Charity's reputation</p>	<p>A missing collection tin thought to contain a small sum of money</p> <p>Failure of a sponsor, e.g. of a local fun run, to submit small amounts of money raised for the Charity</p>

Serious incidents to report	Incidents not to report
Data breaches or loss	
<p>Charity's data has been accessed by an unknown person; this data was accessed and deleted, including the Charity's email account, donor names and addresses</p> <p>A Charity laptop, containing personal details of beneficiaries or staff, has been stolen and there is no encryption or other security measures that would prevent the perpetrator from accessing this information</p> <p>A Data Protection Act breach has occurred and been reported to the ICO</p>	<p>A Charity laptop or mobile phone (not containing confidential data) has gone missing – it's been reported to the police</p>
Incidents involving partners	
<p>A delivery partner of the Charity is alleged to have links to terrorism and extremism</p> <p>A delivery partner of the Charity has ceased to operate and this has prevented the Charity from providing assistance to its beneficiaries</p> <p>The Charity's subsidiary trading company has gone into liquidation and this has resulted in financial difficulties which place the future of the Charity in doubt</p> <p>Staff of another organisation within the same federated structure are found to have been committing systematic abuse of beneficiaries and this has significantly damaged the reputation of the Charity</p>	<p>A serious incident has taken place involving a partner but it has no or minimal impact on the Charity's reputation or the partner's ability to deliver its work with the Charity</p> <p>A delivery partner of the Charity has ceased to operate and this has had some impact on the Charity's ability to provide assistance to its beneficiaries but it is not a material impact and the assistance to beneficiaries hasn't stopped</p>
Other, including criminality	
<p>Any other type of incident that appears serious and likely to damage reputation or incur loss of charitable funds/assets</p>	

Serious Incident reporting form

Date the incident took place	<i>Day/month/year</i>
Name of person making the report	
Position/job title	<i>Chief Executive</i>
Authority to report this incident	Authority to report Serious Incidents to the Charity Commission is delegated by the Trustee Board, to the CEO, in the Charity's Serious Incident Reporting Policy
Date the Trustee Board was made aware of this incident	
Date the Corporate Trustee was informed	
Is another Charity affected by this incident	<i>Y/N</i> <i>If yes state which...</i>
When did the Charity become aware of the incident	<i>Date:</i> <i>Time:</i>
Has the Charity informed any other agencies of the incident? Local Authority, Police, HSE, other....	<i>List agencies and provide any reference numbers you have been given</i>
Describe the incident	<i>Provide a brief, factual and clear account of what happened</i>
Who has been affected & how	<i>Include the extent of any loss or harm include the extent of any loss or harm</i> <i>It is not necessary to provide the names of any individuals involved in the incident at this stage</i>
Is any of the data provided in the report sensitive or confidential in nature	<i>Y/N</i>
What information & why	<i>Provide detail and reasoning</i>
What action has the Charity taken/What action is the Charity intending to take	
How will the Charity prevent this from happening again?	
How is the Charity responding or preparing to respond to the media	<i>Provide key lines to take</i>
Serious Incident information update	<i>Date:</i>
Update information	<i>Provide brief but clear information on any material changes to the facts reported above.</i> <i>(This includes letting the Charity 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 the Charity, the police or another regulator/agency.</i>

