

## **ALEXANDRA PARK AND PALACE** **CHARITABLE TRUST BOARD**

**18 JULY 2017**

**Report Title:** Serious Incident Reporting

**Report of:** Erica Wilkinson, Company Secretary

**Report Authorised by:** Louise Stewart, Chief Executive Officer, Alexandra Park and Palace Charitable Trust (APPCT)

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**Purpose:** Alexandra Park and Palace Charitable Trust (APPCT) Trustees have a responsibility to ensure that any serious incidents are reported to the Charity Commission. The purpose of this report is to introduce a policy and process for serious incident reporting to ensure that we have systems in place to fulfil these responsibilities.

### **Local Government (Access to Information) Act 1985**

N/A

#### **1. Recommendations**

- 1.1 To approve and support the implementation of the proposed Policy.
- 1.2 To authorise the Chair of the Trustee Board to sign the Policy on behalf of Alexandra Park and Palace Charitable Trust.
- 1.3 That all Trustees complete and submit the form at Appendix 2 by the end of July 2017.

#### **2. Background**

- 2.1 Under section 169 of the Charities Act 2011 there is a requirement for trustees to submit, as part of the Annual Return, information specified by the Commission in its regulations and sign a declaration that there are no serious incidents or other matters relating to APPCT's previous financial year that should have been brought to the Commission's attention but has not.

The following issues have been identified as being higher risk by the Commission:

- significant financial loss to a charity
- serious criminality and/or illegal activity within or involving a charity (including fraud and money laundering)
- charities deliberately being used for significant private advantage
- where a charity's independence is seriously called into question
- other significant non-compliance, breaches of trust or abuse that otherwise impact significantly on public trust and confidence in the charity and charities generally

- 2.2 It is normally an offence to act as a trustee while disqualified unless the Commission has given a waiver under section 181 of the Charities Act 2011 (or in relation to charitable companies, permission has been given by the court).

Therefore a key action under the policy is for Trustees to declare that they are eligible to act which shows that the trustees are discharging their legal duties and responsibilities as trustees. This form is provided at Appendix 2.

- 2.3 In future this will form part of the induction process for new Trustees.
- 2.4 The Finance, Risk and Audit committee endorsed the recommendation in this report at its meeting on 27<sup>th</sup> June 2017.

### **3. Reason for the decision**

- 3.1 There is currently no Serious Incident Reporting Policy in place, adopting this policy and practice will mitigate the risks associated with legal non-compliance of our statutory responsibilities under section 169 of the Charities Act 2011

### **4. Legal Implications**

- 4.1 The Council's Assistant Director of Corporate Governance has been consulted in the preparation of this report, and understands that the policy had been drafted in line with "Charity Commission Regulation" and so has no further comments.

### **5. Financial Implications**

- 5.1 The Council's Chief Financial Officer has been consulted in the preparation of this report, and has no comments.

### **6. Use of Appendices**

Appendix 1 – Serious Incident Reporting Policy