

Religious Communities: Explanatory Note

New House of Bishops' guidance on reporting safeguarding Serious Incidents to the Charity Commission and guidance on reporting other Serious Incidents to the Charity Commission

Most religious communities are charities¹ and their trustees are required to report any Serious Incidents, both safeguarding and non-safeguarding, to the Charity Commission.

Why the new guidance?

Following recent high-profile safeguarding-related incidents in the charity sector, the Charity Commission updated its guidance on Serious Incident Reporting in October 2018, with a particular focus on the reporting of SAFEGUARDING Serious Incidents. The Church has worked with the Charity Commission to agree bespoke guidance for Religious Communities on how to identify and report a Serious Incident.

Timing

Religious Communities are already required to report any Serious Incident to the Charity Commission. However, from 1 January 2019, they should do so in accordance with this new guidance.

1. REPORTING SAFEGUARDING SERIOUS INCIDENTS

What is a Safeguarding Serious Incident?

A safeguarding Serious Incident that needs to be reported to the Charity Commission is an actual or alleged safeguarding incident, which results in or risks significant harm either (a) to your Religious Community's beneficiaries, office holders, employees, volunteers or to others who come into contact with your Religious Community through its activities, or (b) to your Religious Community's reputation.

Will it change how the Religious Community deals with safeguarding?

No, the House of Bishops' safeguarding policy and guidance must still be followed. The guidance that applies to safeguarding concerns or allegations in Religious Communities is "2015 Safeguarding Guidance for Religious Communities" and "Roles and Responsibilities 2017", which require the Designated Safeguarding Person (DSP) in the Religious Community to inform and take advice from the Diocesan Safeguarding Adviser (DSA) should a safeguarding concerns or allegation arise.

Will it change how a Religious Community reports safeguarding Serious Incidents to the Charity Commission?

Yes. The new templates will need to be used for reporting safeguarding Serious Incidents to the Charity Commission at rsi@charitycommission.gsi.gov.uk, using the templates provided in the Guidance. The new system for reporting safeguarding Serious Incidents will enable the Church to monitor, at national level, the safeguarding Serious Incidents that occur. This is because copies of all safeguarding Serious Incident reports submitted to the Charity Commission will also be sent to the National Safeguarding Team at rsi.nst@churchofengland.org.

What actions must be taken under this guidance?

If you think a safeguarding Serious Incident has occurred which needs to be reported, you must inform your community's DSP. A decision as to whether the incident needs to be reported to the Charity Commission should be made in accordance with the Guidance for Identifying

¹ There are a small number of 'closed' Religious Communities which are not charities and so do not need to report Serious Incidents to the Charity Commission.

and Reporting safeguarding Serious Incidents (attached) and the delegation of responsibility (a template example of which is also attached).

Who makes the report to the Charity Commission?

The DSP should submit any safeguarding Serious Incident reports directly to the Charity Commission, with the approval of the Community's charity trustees, using the template report in the Practical Guidance on how to make a safeguarding Serious Incident Report (attached). It is not the responsibility of the DSA or the Diocesan Secretary to submit these reports for your Religious Community.

Further action once a Safeguarding Serious Incident has been reported to the Charity Commission

Once submitted to the Charity Commission copies of the reports must also be sent to the DSA of the diocese in which the incident occurred², the Episcopal Visitor for the Religious Community and the National Safeguarding Team.

What is the status of this guidance?

The House of Bishops has commended this guidance (including its Annexes) to Religious Communities, in the expectation that they will comply with it. Failure to do so could also lead to an investigation by the Charity Commission.

2. REPORTING OTHER SERIOUS INCIDENTS

What are other types of Serious Incident?

Non-safeguarding Serious Incidents are actual or alleged adverse incidents, which results in or risks loss of the Religious Community's money or assets, damage to its property or harm to its work or reputation.

How do we report other types of Serious Incident to the Charity Commission?

Religious Communities should report any Serious Incidents that do not relate to safeguarding to the Charity Commission at rsi@charitycommission.gsi.gov.uk, using the template form in the bespoke non-safeguarding guidance attached.

3. WHAT DO YOU NEED TO DO?

- Select a suitable person who will have delegated responsibility to prepare and submit non-safeguarding Serious Incident reports to the Charity Commission.
- Pass delegation resolutions to delegate the responsibility for preparing and submitting Safeguarding Serious Incident reports AND non-safeguarding Serious Incident reports to the Charity Commission in accordance with the relevant Guidance (see template example delegation resolutions attached).
- Make sure that all trustees, officers and employees of the Religious Community are aware of the new guidance and procedures.

Annexes: Further information

- *Guidance for DBFs, PCCs and Religious Communities on identifying and reporting Safeguarding Serious Incidents*
- *Practical Guidance on how to make a Safeguarding Serious Incident Report*
- *Guidance for DBFs and Religious Communities on identifying and reporting non-safeguarding Serious Incidents.*
- *Template Delegation for the Religious Community trustees*

²Unless special arrangements have been made e.g. some RCs use the diocese of their Bishop Protector for all safeguarding matters.