



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		
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## Introduction

All PCCs, DBFs and most Religious Communities<sup>1</sup> are charities. The Charity Commission's guidance<sup>2</sup> 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 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, including template forms, please see the guidance [here](#).

For guidance on how to report 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 [here](#) and for DBFs and Religious Communities [here](#).

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.

This guidance is effective from 1 January 2019.

### 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);
- 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

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<sup>1</sup>A 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.

<sup>2</sup> 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) (17 October 2018) <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

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 confirm to 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 it<sup>3</sup>. 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.

If a charity's trustees become aware that a Serious Incident has been identified in a charity which it funds, and the Serious Incident has been reported to the Charity Commission, the funder charity should NOT also report the Serious Incident to the Charity Commission UNLESS:

- the association between the funder charity and the funded charity in which the Serious Incident occurred would, in the minds of the public, risk causing significant reputational damage to the funder charity; and/or
- the Serious Incident has a significant impact on the staff, work or operations of the funder charity.

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<sup>3</sup> See also Section 7 on bulk reporting.

It is anticipated that such “double reporting” would only be needed in exceptional circumstances.

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

If a safeguarding Serious Incident is identified, immediate action is required in accordance the House of Bishops’ Policy and Practice Guidance “*Responding to, Assessing and Managing Safeguarding Concerns or Allegations against Church Officers*”, the Parish Handbook and all and any other policies and guidance in place from time to time:

- 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.
- The Diocesan Safeguarding Adviser will then prepare the Serious Incident report for the Diocesan Secretary to submit to the Charity Commission at [rsi@charitycommission.gsi.gov.uk](mailto:rsi@charitycommission.gsi.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.

## 6. What information needs to be included in the 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 the Diocesan Safeguarding Adviser to provide further details and information in relation to any safeguarding Serious Incident reported to it.

Safeguarding Serious Incident reports should state what happened, the nature of the risk and the steps being taken to deal with the incident. In particular, it should include details of:

- who you are and the authority you have to report the Serious Incident on behalf of the charity’s trustees;
- who in the trustee body is aware of the incident, for example all or only the specific trustees (this is particularly relevant where the Serious Incident involves a trustee, someone connected to a trustee, or senior member of staff);
- the incident itself, when it happened and when the charity first became aware of it;

- what action is being taken to deal with the incident and prevent future problems, including whether the charity's internal policies and procedures are being followed;
- whether and when it was reported to the police, the local authority and/or another regulator or statutory agency (including official reference numbers); and
- any media handling lines you may have prepared (where appropriate).

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 by the Diocesan Secretary, 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.

## 7. 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 and PCCs may submit 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 Diocesan Secretary should prepare bulk reports every six months for the DBF and also for each PCC in the Diocese, when required, using the agreed NCI templates and in accordance with additional NCI guidance on submitting Serious Incident reports to the Charity Commission<sup>4</sup>. The bulk reports will need to indicate clearly to the Charity Commission which charity each Serious Incident report is being filed on behalf of. The bulk reports should be submitted to the Charity Commission by the Diocesan Secretary.

## 8. Informing the NST of safeguarding Serious Incidents

The Diocesan Secretary must send the NST<sup>5</sup> a copy of each Serious Incident report which has been individually filed with the Charity Commission, on the basis that it is particularly serious or significant or is likely to attract media attention. 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

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<sup>4</sup> [Practical guidance with templates.](#)

<sup>5</sup> at [rsi.nst@churchofengland.org](mailto:rsi.nst@churchofengland.org)

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

## 9. Religious Communities

Religious Communities which are charities are required to report all Serious Incidents (safeguarding and otherwise) to the Charity Commission<sup>6</sup> in accordance with the Charity Commission's Guidance. 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. The agreed [NCI templates and further guidance](#) on preparing and submitting a safeguarding Serious Incident Report should be used by Religious Communities to prepare safeguarding Serious Incident reports.

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 NST<sup>7</sup>.

Further guidance on Serious Incident reporting can be found on the Charity Commission website<sup>8</sup>.

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<sup>6</sup> at [rsi@charitycommission.gsi.gov.uk](mailto:rsi@charitycommission.gsi.gov.uk)

<sup>7</sup> at [rsi.nst@churchofengland.org](mailto:rsi.nst@churchofengland.org)

<sup>8</sup> Charity Commission Guidance for charity trustees about Serious Incidents: [How to spot them and how to report](#) (17 October 2018) <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>