

Why this policy exists.

This policy covers serious incident reporting to the charity regulator, the Charity Commission (“the commission”), as it relates to Aspire2Succeed. This policy provides Aspire2Succeed with an effective and easy to follow process that closely follows the commission’s guidance.

Scope

This policy covers all activities of the charity and its operations. 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 Aspire2Succeed 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, that is 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.

What is a serious incident?

The 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 encounter our charity through our work.
- 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 commission are:

- Protecting people and safeguarding incidents – incidents that have resulted in or risk significant harm to beneficiaries and other people who encounter 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.

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

It is Aspire2 Succeed policy to report all 'serious incidents' to the commission within 48 hours of the chair's decision, to report a serious incident, providing an appropriate level of information and to respond to any resulting requests for information within five working days.

Who is responsible for reporting?

- The responsibility for reporting serious incidents rests with the charity's trustees. All trustees bear ultimate responsibility for ensuring our charity makes a report and does so in a timely manner. (All reports must be recorded on the "Aspire2 Succeed Incident Report Form")
- All incidents, whether deemed 'serious' or not should be reported to Aspire 2 Succeed Director **immediately**, either in writing or if verbally reported, confirmed in writing immediately after notification.



- The Director will refer any potentially reportable incident to the chair **immediately** either by telephone or email. The board of trustees (or sub-committee of) will be consulted **within 48 hours** as to whether the incident constitutes a serious incident and requires reporting to the Charity Commission.
- The report will then be made to the commission within 48 hours of the decision to report a serious incident.
- All discussions and decisions taken will be formally recorded and then added to the minutes at the next available board meeting along with any outcomes and further action taken.

Actions we will take in response to a serious incident.

If there is a serious incident the trustees, together with the Director will:

- As soon as reasonably practicable 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.
- Put in place a communication plan for staff, volunteers, the public, the media and any other stakeholders.
- 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.

How we will report

- The trustee board delegates formal responsibility for reporting those incidents deemed to be serious incidents to the Director who will report them to the Charity Commission using its [online reporting form](#).
 - If the information provided (or which Aspire2Succeed wish to provide to the commission) is particularly sensitive or confidential or if a particular exemption applies, we will inform the commission and explain our reasoning.
 - 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 were not 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.
-