



THE CHURCH
OF ENGLAND

Guidance for PCCs: Identifying Safeguarding Serious Incidents and them to Reporting to the Charity Commission

House of Bishops

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Introduction

All PCCs are charities and so are required to report all Serious Incidents (safeguarding and otherwise) to the Charity Commission.

The members of a PCC are charity trustees and are responsible for compliance with the law and the Charity Commission's guidance in relation to their PCC. The Charity Commission's guidance¹ 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.

One of the responsibilities of charity trustees is to report any "**Serious Incidents**" occurring within their charity to the Charity Commission. This House of Bishops' guidance explains how to identify when a **safeguarding Serious Incident** occurs and sets out the procedure for reporting such incidents to the Charity Commission through the Diocesan Safeguarding Adviser.

For guidance on Serious Incidents that do not relate to safeguarding, such as financial crime, significant financial loss and data protection breaches, please see the relevant guidance².

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.

1. What is a safeguarding "Serious Incident"?

A safeguarding 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. This includes where there are allegations or incidents of abuse of or risks to beneficiaries or others connected with the charity's activities. 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.

The following are examples of what should be reported to the Charity Commission as a safeguarding Serious Incident:

- beneficiaries of your charity (adults or children) 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, a member of the clergy, a Church Officer, employee or volunteer;
- a person who comes into contact with the charity through its work (including a Church Officer, an employee or a 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);
- 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 who come into contact with the charity through its work at significant risk of harm, including failure to report safeguarding concerns to statutory agencies or to carry out relevant vetting checks which would have identified that a person is disqualified

¹ Charity Commission Guidance for charity trustees about Serious Incidents: how to spot them and how to report (14 June 2019) <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

² Guidance for PCCs on reporting non-safeguarding Serious Incidents:
<https://www.parishresources.org.uk/pccs/trusteeship/serious-incident-reporting/>

in law, under safeguarding legislation, from working with children, young people or adults;

- it is brought to the attention of the Parish Safeguarding Officer or the Diocesan Safeguarding Adviser that an allegation has been made against a Church Officer, employee or volunteer in relation to a safeguarding matter which is not related to their work or volunteering role in the PCC, but the nature of the allegation is such that they are assessed as a potential risk by the Diocesan Safeguarding Adviser and action is taken to manage any identified risk that person may pose to the charity's beneficiaries; 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.

The Charity Commission has published an Examples Table³ which may help you to decide whether a safeguarding incident is a Serious Incident that must be reported to the Charity Commission.

2. Why do Serious Incidents need to be reported to the Charity Commission?

The Charity Commission considers safeguarding to be a governance priority for all charities. If a 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.

PCCs which are registered charities must submit an Annual Return to the Charity Commission each year. The person who submits the Annual Return on behalf of the trustees is required to make a declaration that no Serious Incidents occurred in the PCC during the previous financial year that should have been reported but were not. Therefore, unless all Serious Incidents have been duly reported, the PCC 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.

³https://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

3. 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 it⁴. 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.

4. When should a safeguarding Serious Incident in a partner organisation be reported to the Charity Commission?

The Charity Commission expects each charity to demonstrate that it has suitable governance structures in place to provide an appropriate level of oversight in relation to incidents which materially affect the charity’s operations, finances, people or reputation and that these incidents are being properly managed by the charity. This includes consequences and risks which result from safeguarding Serious Incidents that take place in partner organisations.

A Serious Incident Report should be made to the Charity Commission if you become aware that a safeguarding Serious Incident has occurred in one of the PCC’s partner organisations which materially affects the PCC, its staff, operations, finances and/or reputation to such an extent that it is serious enough to be reported by the PCC.

A partner organisation in this context includes the following:

- a delivery partner or sub-contractor of the PCC;
- a subsidiary trading company of the PCC;
- an organisation that receives funding from the PCC; and
- another charity or organisation that is linked to the PCC.

The PCC’s trustees need to consider whether a safeguarding incident in a partner organisation should be reported, taking into account the PCC’s activities, size, funding and the nature of the PCC’s relationship with the partner, as well as the nature and severity of the safeguarding incident.

When deciding whether or not a report needs to be made, you should use the guiding principles below to categorise Serious Incidents which happen in a partner into three areas: (A) those which are most likely to need to be reported; (B) those which may need to be reported; and (C) those which are least likely to need to be reported.

These principles should help you to assess whether your PCC needs to report a safeguarding incident occurring in a partner organisation as a Serious Incident. Your assessment should take into account the specific circumstances of the event or incident, the actual or likely impact on the PCC and the likely risk to the PCC. Where a decision

⁴ See also Section 7 on bulk reporting.

is made not to report an incident in this category, the decision should be recorded in writing together with the reasons why it was made.

- (A) The incident involves the PCC's funds or its staff/ volunteers; or it occurred during an activity or programme which the PCC funds, has responsibility for or is involved with as a joint activity/programme; or the PCC has the same branding as the partner.

This is considered to be the highest risk category due to the close links between the PCC and the Serious Incident. However, whether a Serious Incident in this category will need to be reported by the PCC as a Serious Incident will depend on:

- how serious the incident is; and
- how significant an impact the incident is likely to have on the PCC, its operations, finances, people and/or reputation.

Where the PCC has the same branding as the partner, so that the public may identify the PCC as being part of the same entity as the partner, there may be a significant impact on the reputation of the PCC, or on public trust and confidence in the PCC. This is because the public may not distinguish between the two organisations. This may mean that the PCC also needs to report the incident as a Serious Incident, even if there is little or no impact on your charity's activities, finances or people.

You should consider whether you need to report any safeguarding incidents involving partner organisations which fall into this category. When deciding whether an incident is serious enough to be reported by the PCC, the starting point should be whether the incident would have been reported as a Serious Incident if it had happened in the PCC.

- (B) The incident does not involve the PCC's funds, brand or people but could have an impact on the PCC.

Serious Incidents in a partner organisation are less likely to need to be reported to the Charity Commission when the PCC does not have close links to the partner organisation in which the safeguarding Serious Incident happened. However, the PCC may still need to make a report where the particular incident:

- causes or is likely to cause material reputational damage to the PCC and / or;
- raises or is likely to raise material issues around due diligence in terms of whether the partner concerned remains capable of delivering the PCC's work or continues to be a suitable partner for the PCC to work with and / or;
- is a trigger event (as defined within the PCC's funding or partnership agreement with that partner) that the PCC considers to be so significant that it would trigger suspension or termination of the agreement or arrangement with the partner.

- (C) The incident does not involve the PCC's funds, brand or people and is sufficiently remote from your charity's work that it has little or no impact on your charity's reputation or the partner's ability to deliver its work with the PCC.

This type of incident would not usually need to be reported to the Charity Commission.

5. What is not a Serious Incident?

If an incident is not Serious, or it is not connected with the PCC's activities, it does not need to be reported. By way of example, disclosures that abuse is occurring outside the PCC, for example a beneficiary discloses abuse is taking place in their own home, and which are not connected to the PCC or its activities should be reported to the relevant authorities in accordance with the relevant guidance. However, as the abuse does not relate to the PCC's activities, and the alleged perpetrator is not connected to the PCC,

it is not a Serious Incident for these purposes and so should not be reported to the Charity Commission.

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

If a safeguarding Serious Incident is identified, the Diocesan Safeguarding Adviser must be informed immediately, in accordance with all and any applicable House of Bishops' Code of Practice and Guidance in place from time to time, to protect the PCC's beneficiaries, employees, Church Officers, volunteers and any others who come into contact with the PCC through its work and to prevent or minimise any further harm.

7. Bulk reporting Serious Incidents

The Charity Commission has agreed that, as DBFs also report safeguarding Serious Incidents on behalf of the PCCs in the diocese, a DBF may, where appropriate, report Serious Incidents using bulk reports⁵ rather than reporting each incident separately. However, the Diocesan Safeguarding Adviser must report any particularly serious or significant incidents, and/or those likely to attract media attention, to the Charity Commission individually.

8. Who should make the Serious Incident Report?

The responsibility for making a Serious Incident report in a timely manner rests with the PCC's trustees, but the trustees can delegate it. The trustees of each PCC should delegate the reporting of safeguarding Serious Incidents to the Charity Commission to the Diocesan Safeguarding Adviser⁶.

It is important that this delegation sets out the parameters of the delegated responsibility and includes a general requirement for the PCC's trustees to receive reports on any safeguarding Serious Incidents reported pursuant to the delegated powers. The delegation should provide for the PCC's trustees to be informed about safeguarding Serious Incidents being reported on behalf of the PCC, as well as those where a decision was taken not to report as the incident was considered to be a borderline case.

Do all the PCC's trustees need to be involved in decisions relating to reporting safeguarding Serious Incidents?

No. Although the ultimate responsibility for reporting safeguarding Serious Incidents to the Charity Commission sits with the PCC's trustees, for reasons relating to confidentiality, many charities restrict the sharing of information relating to safeguarding to a smaller group of trustees only. If a PCC has such an arrangement in place, it should be reflected in the delegation so that it also confers authority on this smaller group of trustees to oversee the reporting of any Serious Incidents to the Charity Commission.

It may also be necessary,⁷ in some cases, to restrict who receives information in relation to a Serious Incident, for example where the Serious Incident involves a trustee (or someone connected to a trustee), clergy, a senior member of staff or if it is necessary to protect the confidentiality of the complainant or alleged victim.

⁵ Details on bulk reporting are included in the DBF's Guidance on Identifying and Reporting safeguarding Serious Incidents.

⁶ Unless the incident to be reported involves the Diocesan Safeguarding Adviser.

⁷ See Section 9 below – the police may impose restrictions on information sharing during an investigation.

The Charity Commission recognises that there are occasions when all the trustees should not be informed about certain safeguarding matters, which is why the online reporting form asks whether all or only some of the trustees have been informed about the incident being reported.

9. Making a Serious Incident Report

The Diocesan Safeguarding Adviser reports safeguarding Serious Incidents to the Charity Commission on behalf of the PCC trustees⁸.

The Diocesan Safeguarding Adviser should be the named contact provided to the Charity Commission should it have any follow-up queries or require further information. Where follow-up queries are received, the PCC trustees should be informed where possible and any assistance from the PCC trustees or professional advice required should be sought.

The report should present a clear picture of what happened and when, the nature and extent of the harm caused, how you are dealing with it and the steps being taken as a result of the incident to reduce the risk of such incidents occurring again, so far as is practicable.

The report should also be anonymised, unless identifying the person is essential to the making of the report. If the Charity Commission requires further details and information in relation to any Serious Incident reported to it, it will ask for them.

Can an alleged Serious Incident be reported to the Charity Commission when the police do not permit the disclosure of any information relating to that incident?

It is important that reporting a Serious Incident to the Charity Commission does not prejudice any criminal investigation. Professional advice should be sought and, where required, the police should be consulted before any information is shared relating to an alleged Serious Incident has been reported to the police. You should check that the police approve the disclosure of the information to the Charity Commission in order to make the Serious Incident Report. Where the police do not permit the disclosure of some (or any) information relating to the allegation to the Charity Commission at that point, you should report to the Charity Commission that:

- (a) an allegation about a Serious Incident has been made which has been reported to the police;
- (b) the police are currently investigating the allegation (and provide the police reference number);
- (c) the police have told the Diocesan Safeguarding Adviser that they cannot disclose any details of the allegation to the Charity Commission at this point;
- (d) once the police permit details to be disclosed to the Charity Commission (or if the police investigation into the allegation concludes that it was groundless), the Diocesan Safeguarding Adviser will update the Charity Commission in a follow-up report; and
- (e) the PCC is taking appropriate steps to safeguard the PCC's beneficiaries etc in accordance with its policies and any advice given by the police.

⁸ The Diocesan Safeguarding Adviser reports safeguarding Serious Incidents using the Charity Commission's online form at <https://ccforms.charitycommission.gov.uk> or in the bulk report.

10. Next steps: What happens once a Serious Incident has been reported?

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.

When it receives a Serious Incident report, the Charity Commission may:

- (a) request further information on the incident;
- (b) give regulatory advice or guidance to the reporting PCC;
- (c) take such steps as it considers necessary to protect other charities, for example where the alleged perpetrator is also a trustee, or volunteers or works in another charity; or
- (d) request regular updates in relation to any on-going investigation.

The Diocesan Safeguarding Adviser should retain a record of all safeguarding Serious Incident Reports submitted, together with any follow-up correspondence and copies of any papers sent to the Charity Commission. The records must be stored securely, so that they can be referred to at a later date, if necessary. A copy of the report, and any follow-up reports or correspondence, should also be sent to the PCC's Safeguarding Officer and stored securely.

If the PCC's accounts are audited, the PCC must send a copy of the safeguarding Serious Incident Report to its auditors.

11. What if you need to update your report?

If, after the Serious Incident has been reported, the PCC becomes aware of any material changes to the facts reported to the Charity Commission or further significant developments occur, the PCC must inform the Diocesan Safeguarding Adviser.

If the Diocesan Safeguarding Adviser becomes aware of any material changes to the facts reported to the Charity Commission or further significant developments occur, the Diocesan Safeguarding Adviser must update the report of the Serious Incident to the Charity Commission using the online form. Where there is no live risk of harm etc, the Diocesan Safeguarding Adviser may include the update in the bulk report.

If an individual against whom allegations were made and which were reported to the Charity Commission as a Serious Incident is subsequently exonerated, or the allegations were found to be false or groundless following further investigation by the charity, police or other agency, the Diocesan Safeguarding Adviser should also update the report to the Charity Commission.

12. Reporting safeguarding Serious Incidents to the NST

The Diocesan Safeguarding Adviser must email the NST at rsi.nst@churchofengland.org:

- (a) a pdf of each Serious Incident report which has been individually submitted to the Charity Commission;

- (b) a copy of each bulk Serious Incident report submitted to the Charity Commission; and
- (c) a copy of any follow-up reports made to the Charity Commission.

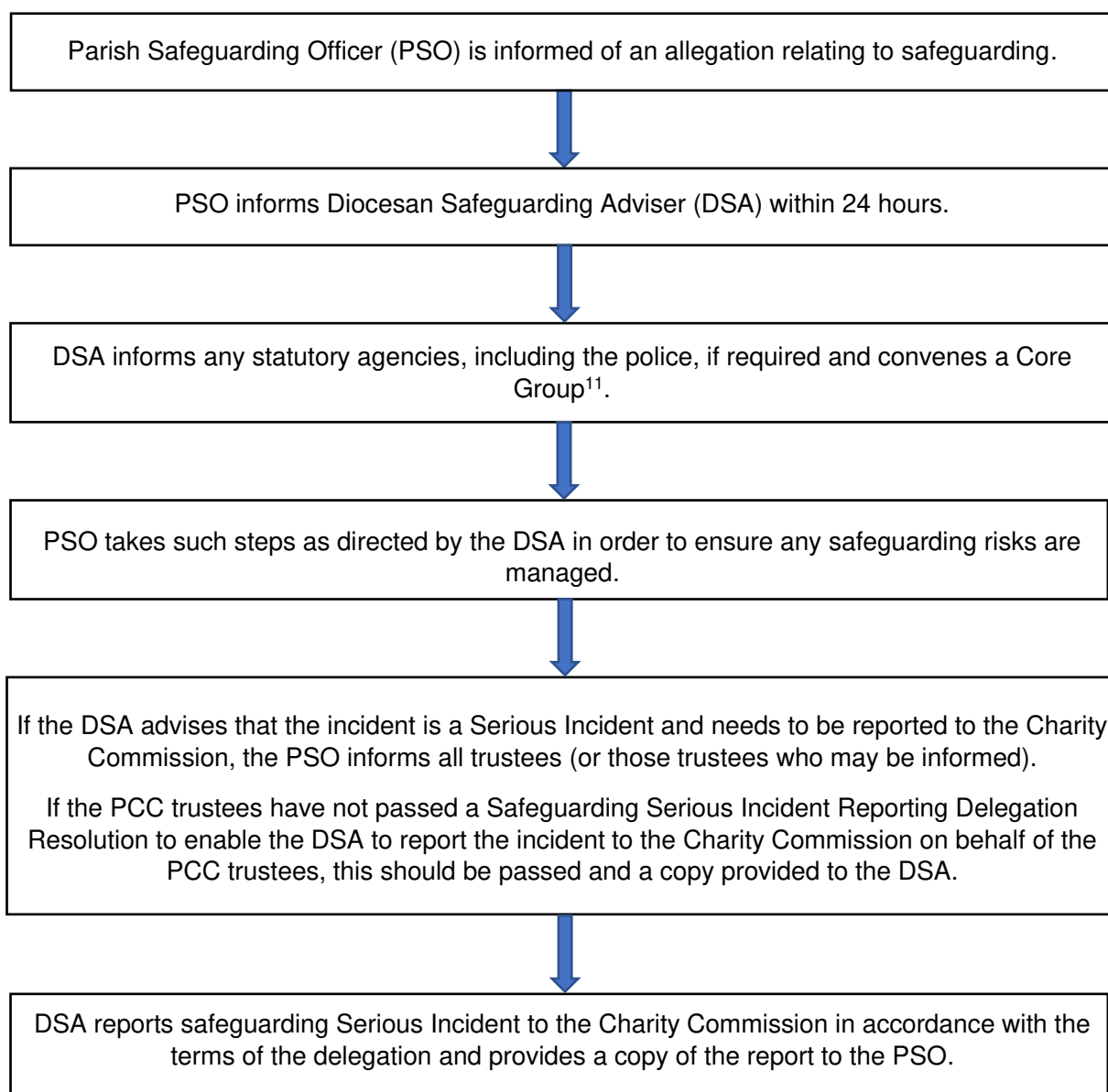
Providing the NST with this information will enable it to take a “Whole Church” approach by creating a national picture of safeguarding Serious Incidents. The NST will then be able to consider whether the House of Bishops’ Code of Practice and Guidance, and any other policies and procedures, may require revising, or further training may be needed, in order to address any concerns identified.

The NST will consider 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.

Further guidance on Serious Incident reporting can be found on the Charity Commission website⁹.

⁹ Charity Commission Guidance for charity trustees about Serious Incidents: [How to spot them and how to report](https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity) (14 June 2019) <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

APPENDIX
ILLUSTRATIVE FLOW CHART¹⁰



¹⁰ This flowchart does not form part of the guidance and is for illustrative purposes only.

¹¹ Or successor group carrying out a similar role or function under revised guidance in the future.