

Guideline Leaflet C17: Serious Incident Reporting

If a serious incident occurs in your church, you need to report it to the Charity Commission. This applies even if you are not a registered charity. This leaflet explains what a 'serious incident' is, how to report it, and the further action that you need to take.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

C17: Serious Incident Reporting

These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.

The legal services undertaken by the Legal & Operations Team of the Baptist Union of Great Britain are carried out and/or supervised by a Solicitor who is authorised and regulated by the Solicitors Regulation Authority. Regulatory Information is available here:

[L17 Legal and Operations Team – Regulatory Information](#)

These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.

If your church property is in the name of private individuals who act as trustees they may also be able to help.

REPORTING SERIOUS INCIDENTS TO THE CHARITY COMMISSION

Whether or not they are registered with the Charity Commission, Baptist churches in the UK are charities, receiving the benefits of being charities – like the ability to claim Gift Aid and Business Rates Relief. With those benefits come responsibilities and a Regulator, the Charity Commission for England and Wales.

The Charity Commission (CC) is the non-ministerial Government department that regulates charities in England and Wales. The Charity Commission answers directly to the UK Parliament rather than to Government ministers.

The Charity Commission requires charities to report serious incidents. If a serious incident takes place within your church, it is important that there is prompt, full and frank disclosure to the Commission. You need to report what happened and, importantly, let the Commission know how you are dealing with it, even if you have also reported it to the police, a Solicitor or your local Association. **You need to do this as soon as possible.**

The Charity Commission guidance on this is available here: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>. Quotations in this document are taken from that guidance, which we recommend that all church leaders read **in full** and adhere to.

What is a serious incident in this context?

"A serious incident is an adverse event, whether actual **or alleged**, which results in **or risks** significant:

- harm to your charity's beneficiaries, staff, volunteers or others who come into contact with your charity through its work (who are collectively referred to throughout this guidance as people who come into contact with your charity through its work)
- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work or reputation

For the purposes of this guidance, 'significant' means significant in the context of your charity, taking account of its staff, operations, finances and/or reputation."

What to report? *For illustration only*

A list of examples of what to report and what not to report is available on the CC website [here](#)

In a Baptist Church context this could include:

- A safeguarding incident
- A member of the fellowship reports having been harmed by another member or church worker
- Cyber fraud – church email account hacked and bank account raided
- A Data Protection Breach which you reported to the Information Commissioner (ICO)
- A spate of thefts of money or property from the church.

If your charity has been (or even if you suspect it has been) the victim of a fraud you must report this as a serious incident to the Charity Commission. You must also report the matter to Action Fraud www.actionfraud.police.uk

Any actual or suspected criminal activity within or involving your church is a serious incident. Report a serious incident if your church or an associated charity is being investigated by the police or another regulator for any reason.

If the charity trustees fail to report a serious incident, the Commission may consider this to be mismanagement and take regulatory action.

Action to take

“If something does go wrong, you should take immediate action to:

- 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 you suspect a crime has been committed, and to any other regulators the charity is accountable to
- plan what to say to your staff, volunteers, members, the public, the media and other stakeholders, such as funders
- 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.”

The Charity Commission expects you to make a report as soon as you are clear that the event should be reported. You should not wait for the outcome of an investigation, whether internal or by an external agency. You can use the [‘Report a serious incident’ online form](#) to report serious incidents to the Commission.

Remember: You should report what happened and explain how you’re dealing with it, *even if* you have already reported it to the police or another regulator and *even if* it’s still under investigation.

If you’re reporting the incident as a charity trustee, you need to confirm that you have authority to report on behalf of the trustee body.

If your church is registered with the Charity Commission you must, as part of the Commission’s annual return process, sign a declaration confirming there were no serious incidents during the previous financial year that should have been reported to the Commission but were not. If incidents did occur, but weren’t reported at the time, you should submit these before you file your charity’s Annual Return, so you can make the declaration.

You should also consider whether you need to inform your insurance company about the incident, whether or not you intend to make a claim.

Reporting a serious incident when it involves a partner

The Charity Commission has published detailed guidance on when your church should report a serious incident that has occurred in a partner charity. This can be found [here](#)

Trustees should make a serious incident report when an incident has occurred involving one of the church's partners in the UK or internationally, which materially affects the charity, its staff, operations, finances and/or reputation, such that it is serious enough to be reported.

Partners in this context includes the following:

- a delivery partner or sub-contractor of the charity
- a subsidiary trading company of the charity
- an organisation that receives funding from the charity
- another charity or organisation that is linked to your charity, for example as part of a federated structure

An example would be where a serious incident has occurred in the church's pre-school; the pre-school is likely to be a separate charity but its close links to the church are likely to mean that the church's reputation could be damaged too so both organisations will need to report the incident.

Any incident in your church that might have implications for the reputation of BUGB or your local Association should be made known to them so that they can consider whether they ought to file a report as well. Both BUGB and your local Association will want to offer support to a church that is faced with a serious incident anyway so it is likely that you will already be in touch with them about the circumstances.

With regard to incidents in partner charities the Commission's concern is to ensure that a charity has the right level of oversight in relation to incidents which materially affect their operations, finances, people, reputation or the reputation of the charity as a whole.

Considerations

Who should you inform internally? Don't keep it to yourself, certainly share it with the trustees/church leadership as they are ultimately responsible to the Charity Commission.

Which of the church's policies and procedures need to be followed?

Can you deal with the situation immediately? If not, how can you minimise the impact?

Consider taking advice, e.g. legal or accounting advice.

Consider whether you need to file a Serious Incident Report with the Charity Commission

Look to the future: do you need to improve policies and procedures?

The role of your Association and the BUGB Specialist Teams

Whilst they can help churches draft a Serious Incident Report, neither your Association nor the Specialist Team staff at Baptist House can:

- a) tell your church's charity trustees whether to report a particular incident; you must decide this yourselves, being sure to record your reasoning if you decide not to make an SIR
- b) make the SIR on behalf of the church.

However, if Association or BUGB staff or volunteers are involved in the incident in a way that requires them to make a Serious Incident Report, then you could make that report together.

If you need urgent legal advice on a serious incident you may wish to contact Esther Campsall at Anthony Collins LLP (esther.campsall@anthonicollins.com or 0121 212 7431).

| Association Trust Company | Contact |
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| Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd | Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700 |
| Heart of England Baptist Association | Heart of England Baptist Association 480 Chester Road Sutton Coldfield B73 5BP Office Mobile: 0730 505 1770 |
| London Baptist Property Board | London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592 |
| Yorkshire Baptist Association | 17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954 |
| West of England Baptist Trust Company Ltd | West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828 |

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

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