

**St Paul’s Church Letchworth Parochial Church Council**

**(Charity Commission registration number 1133066)**

**Delegation by the PCC Members: Reporting of Serious Incidents to the Charity Commission**

**Date: 17th March 2021**

1. **Background**
   1. The members of the St Paul’s PCC1 as charity trustees, are responsible for reporting ALL Serious Incidents to the Charity Commission in a timely manner. The trustees delegate the reporting of Serious Incidents in accordance with these Resolutions.
   2. The Charity Commission has approved specific Church of England guidance and templates for PCCs to use when reporting Serious Incidents to it (“**PCC Guidance**”). The PCC Guidance separates Serious Incidents into two types: safeguarding Serious Incidents and all other Serious Incidents. Safeguarding Serious Incidents are reported in a different way from how all other Serious Incidents are reported and so there are separate delegations for reporting safeguarding and non-safeguarding Serious Incidents.
   3. If a **safeguarding** incident occurs within the St Paul’s PCC, the Parish Safeguarding Officer (providing that the PSO is a member of the PCC) or, the person with lead responsibility for safeguarding in the PCC (PCC Safeguarding Officer, where the PSO is not a member of the PCC) must inform the Diocesan Safeguarding Adviser (**DSA**) and respond to and manage the incident in accordance with the relevant House of Bishops’ Safeguarding Policy and Guidance.
   4. Where a **non-safeguarding** incident is identified, one of the churchwardens or the PCC secretary should be informed immediately[[1]](#footnote-1). A churchwarden or the PCC secretary is responsible for taking such immediate steps or actions as may be required to secure and protect the [PCC’s] property, assets and reputation, in accordance with any internal policies or procedures.
   5. Below are two example template resolutions for St Paul’s PCC to complete and adopt.
2. **Section 2** is a resolution to delegate responsibility for reporting safeguarding Serious Incidents to the Charity Commission and the National Safeguarding Team.
3. **Section 3** is a resolution to delegate responsibility of non-safeguarding Serious Incidents to the Charity Commission.
4. **DELEGATION of responsibility to report SAFEGUARDING Serious Incidents to the Charity Commission in accordance with the PCC Guidance**
   1. In order to facilitate the confidential and timely reporting of any safeguarding Serious Incidents to the Charity Commission, the responsibility for any decisions relating to the reporting of safeguarding Serious Incidents is delegated to the Parish Safeguarding Officer, providing that they are a trustee, or the person with lead responsibility for safeguarding in the PCC where the PSO is not a trustee, a churchwarden and the vicar as chair of the PCC, (providing that none is subject of the serious incident). All references to the Trustee Group in this delegation are references to this smaller group of trustees.
   2. *The following responsibilities are delegated* *to the PSO or person with lead responsibility for safeguarding in the PCC*
5. Responsibility for contacting the DSA, if they consider a safeguarding Serious Incident may have occurred and providing the DSA with any information required.
6. Responsibility for liaising with the DSA and reporting back to the Trustee Group on the management and reporting of the safeguarding Serious Incident by the DSA on behalf of the PCC’s trustees including:
   1. if the DSA considers that the incident does NOT need to be reported to the Charity Commission, why this is the case, for agreement by the Trustee Group and then informing the DSA of such agreement;
   2. whether the incident will be individually reported or included in the next bulk report;
   3. providing the Trustee Group and the PCC’s auditors with a copy of any safeguarding Serious Incident report submitted to the Charity Commission by the DSA on behalf of the St Paul’s PCC.

2.3 *The following responsibilities are delegated to the Diocesan Safeguarding Adviser:*

1. The DSA is responsible for deciding whether a safeguarding incident is sufficiently “Serious” to be reported to the Charity Commission and, if so, whether it should be reported individually or included in the next bulk report.
2. The DSA is responsible for reporting back to the PCC Safeguarding Officer whether the incident is sufficiently “Serious” to be reported to the Charity Commission and, if so, whether the incident is to be individually reported or included in the next bulk report. If an incident does NOT need to be reported to the Charity Commission, the DSA should provide the PCCSO with an explanation of this decision, so the PCC Safeguarding Officer can report back to the Trustee Group for agreement and confirm this agreement with the DSA.
3. The DSA is responsible for reporting the safeguarding Serious Incident to the Charity Commission, using its online form, on behalf of St Paul’s PCC trustees.
4. The DS is responsible for sending copies of any Serious Incident reports submitted to the Charity Commission on behalf of St Paul’s PCC to the National Safeguarding Team and the PCC’s Safeguarding Officer.
5. +**DELEGATION of responsibility to report all OTHER Serious Incidents to the Charity Commission in accordance with the PCC Guidance**
   1. In order to facilitate the confidential and timely reporting of any Serious Incidents, the responsibility for the reporting of Serious Incidents is delegated to the PCC Standing Committee. All references to the Trustee Group in this delegation are references to the Standing Committee acting as this smaller group of trustees.
   2. *The following responsibilities relating to the reporting of NON-SAFEGUARDING Serious Incidents are delegated to the churchwardens, either of which may take the lead on this, depending on availability at the relevant time.* 
      1. Responsibility for deciding whether, in accordance with the PCC Guidance, the incident is sufficiently serious to require reporting to the Charity Commission.
      2. Responsibility for informing the Trustee Group of the incident and the steps being taken to address it and whether it needs to be reported to the Charity Commission.
      3. If a decision was taken that an incident does NOT need to be reported to the Charity Commission, the reasons for this decision should be agreed with the Trustee Group and recorded in writing by the PCC secretary who is a member of the Standing Committee.
      4. Responsibility for reporting the Serious Incident using the Charity Commission online form.
      5. Responsibility for providing the Trustee Group and the PCC’s auditors with a copy of any Serious Incident report submitted to the Charity Commission.

Signed: Date:

Rev’d Jeni McQuaid

Incumbent

17th March 2021

**APPENDIX 1 – Brief explanatory guidance of a Serious Incident.**

***(Summarised from the guidance to PCCs*** [*https://www.parishresources.org.uk/wp-content/uploads/SIR-Guidance-PCCs-Non-Safeguarding-REVISED-1-August-2019-1.pdf*](https://www.parishresources.org.uk/wp-content/uploads/SIR-Guidance-PCCs-Non-Safeguarding-REVISED-1-August-2019-1.pdf)*).*

*Note - the full guidance must be referred to directly when considering whether an incident meets the criteria for reporting serious incidents.)*

**Definition of a serious incident:**

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.

**Examples of non-safeguarding serious incidents which must be reported direct to the Charities Commission:**

1. Financial crimes, such as fraud, cyber-crime, theft and money laundering - Theft and fraud of money and financial assets.
2. Other significant financial loss over £25,000 or if below £25,000 a loss exceeding 20% of the charity’s income
3. Fire, flood, storm resulting in destroying or seriously damaging the charity’s main property.
4. Litigation, or police investigation or significant investigation or penalties imposed by another regulatory body.
5. A data protection breach reported to the Information Commissioner.
6. Major governance issues such that the charity is unable to operate.
7. Links to terrorism, extremism or individuals subject to an asset freeze.
8. Links involving partner charities that may materially affect the reputation of the charity, its reputation, finances or ability to operate.

**Safeguarding serious incidents** - are covered by specific guidance and must be reported via the diocese.

1. Inclusion of more than one role is important, so that if one of them is implicated in the alleged Serious Incident, the person holding the alternative role in clause 3.2 should be informed instead. [↑](#footnote-ref-1)