

P2223-309



Procedure for the Reporting of Serious Incidents to the Charity Commission

1. Introduction

Swansea University has been a registered charity since October 2010 (charity number 1138342), and is thus accountable to the Charity Commission and must comply with its guidance. The University has a responsibility to notify the Charity Commission of all serious incidents, promptly and fully, even if it has been reported to the police or other regulators.

Council Members, as Trustees of Swansea University, have approved the following procedure which provides guidance on the reporting of serious incidents to the Charity Commission.

2. Scope

This Procedure applies to all staff (irrespective of the nature of their employment contract), students of the University, and any other individual or organisation which has a relationship with the University.

3. Responsibilities and Who can report

The responsibility for reporting serious incidents to the Charity Commission rests with the University Council. This responsibility has been delegated to the Secretary to Council who shall report any incident reported to the Charity Commission to Council at the earliest opportunity.

Any incidents notified to the Secretary to Council that are not covered in this procedure, but which could be deemed as being serious incidents, shall be discussed with the Chair of Council who shall decide whether a report should be made to the Charity Commission.

It should be noted that it is not possible to cover all eventualities or be exhaustive and the Charity Commission's guidance should be the principal guide in determining whether a serious incident has occurred: [How to report a serious incident in your charity - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

4. Serious Incidents to Report

The Charity Commission defines a serious incident as 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;

- loss of your charity's money or assets;
- damage to your charity's property;
- harm to your charity's work or reputation.

The main categories of reportable incidents to the Charity Commission are:

4.1 Protecting People and Safeguarding Incidents

- A beneficiary¹ or other individual connected with the charity's activities has/alleges to have suffered serious harm.
- Allegation or instance of a trustee, staff member or beneficiary sexually assaulting a trustee, staff member or beneficiary.
- Allegation or instance of a trustee, staff member or beneficiary sexually assaulting a person who comes into contact with the University through its work, in connection with the University's activities.
- A staff computer is found to contain images of child pornography.
- An internal investigation has established that there is a widespread culture of bullying within the charity.
- A beneficiary or individual connected with the University's activities has died or been seriously harmed on premises owned or managed by the University, and a significant contributory factor is the University's failure to implement a relevant policy.
- Failure to carry out Disclosure and Barring Service (DBS) checks which would have identified that a member of staff or trustee was disqualified in law (under safeguarding legislation) from holding a particular role within the University.

Further to the above, safeguarding incidents of all types should be carefully reviewed to determine whether they are reportable under the Commission's guidance. It should be noted that the Charity Commission does not require the disclosure of third-party personal data (unless an incident cannot be reported without doing so), and extreme care should be taken to comply with the Charity Commission's guidance in this respect.

4.2 Financial Crime

Fraud, theft, cyber-crime and money laundering

- All actual or alleged fraud, theft, cyber-crime or money laundering.
- Attempted fraud by a staff member, but which has been intercepted by internal controls.
- A low-value amount of money goes missing, suspected stolen, on a regular basis within the University.
- Senior staff produced false invoices for University services.
- Bogus services being promoted using the University's name (including online).
- Computers/electronic devices holding personal details of beneficiaries and donors are stolen.

¹ A beneficiary means the group of people eligible to benefit from the University's work under its objects in the Royal Charter.

In accordance with the Charity Commission's guidance, incidents of fraud and cyber-crime should also be reported to Action Fraud via its online reporting tool. There is no minimum loss figure that should be reported – the University will need to decide whether incidents are serious enough to report, in the context of University income, taking account of the actual harm and potential risks posed.

4.3 Donations and Fundraising

- The University has not complied with legal requirements for solicitation statements, commercial participation agreements or professional fundraising agreements.
- A donation worth over £25,000 is donated to the University from an unknown or unverifiable source (does not apply to donations from individuals whose identity is known to the University, but who wish for it to be recorded as 'anonymous').

4.4 Other significant financial loss

- Loss of University or endowment funds in excess of £25,000 as a result of poor investment by trustees, which is made without professional advice.
- A sudden loss of income, which has not been budgeted for and leads to immediate redundancies and cessation of some services.
- Substantial loss of University funds due to legal costs incurred in a court case.
- The University's premises are damaged in a way which prevents the delivery of its services.
- A subsidiary of the University has gone into liquidation and this has resulted in financial difficulties which place the future of the University in doubt.
- Other significant incidents, such as – insolvency, forced withdrawal of banking services without an alternative, or incidents involving partners that materially affect the charity.

4.5 Links to terrorism or extremism

- An individual connected with the University's activities has been arrested for terrorism-related offences.
- An individual connected with the University has known or alleged links to a proscribed organisation or other terrorist/unlawful activity.
- A partner organisation of the University is alleged to have links to terrorism and extremism.
- Trustees, staff members or beneficiaries have been detained or kidnapped by a terrorist group when representing the University or carrying out University work.
- A visiting speaker has used an event hosted by the University to promote extremist messages, despite steps taken by the University to implement its Code of Practice on Freedom of Speech.
- University funds or assets have been used to pay bribes, protection money or ransoms.
- An individual connected with the University's activities is subject to an asset freeze.

4.6 Data Breaches or loss

- The University's data has been accessed and deleted by an unknown person.
- There is an instance of theft from the University, which results in unencrypted computer equipment or hardcopy documents being stolen which hold personal data.
- An unencrypted laptop goes missing, which holds personal data.
- Cyber-crime, for example ransomware attacks.
- A Data Protection Act breach has occurred and has been reported to the Information Commissioner's Office (ICO) and is the subject of further scrutiny by the ICO.

4.7 Disqualified person acting as a trustee

- Any person acting as a trustee or senior manager while disqualified from holding that position.

4.8 Investigation by a Regulatory Body

- The University is subject to an official investigation by another regulator (e.g. HEFCW, UKVI).

4.9 Major Governance Issues

- Mass resignation of trustees, leaving the University unable to function.
- The trustees or senior staff are the subject of criminal proceedings, in connection with the University or their role in it.
- The Vice-Chancellor, as the institution's Accountable Officer, has been suspended.

4.10 Incidents involving partners

- A delivery partner of the University has ceased to operate and this has prevented the University from providing assistance to its beneficiaries.

The Charity Commission examples table of what to report is attached as Appendix A.

5. Relevant Policies and Procedures

The University has a number of policies and procedures that assist with identifying serious incidents. These include, but are not limited to:

- Financial Regulations and Policies, including
 - Anti-Money Laundering and Counter Terrorist Financing Policy
 - Counter Fraud Policy
 - Criminal Finances Act 2017 Compliance Policy
 - Prevention of Bribery Policy and Framework
- Prevent Policy
- Data Protection and GDPR Policy
- Privacy Notices

- Complaints Procedures
- Disciplinary Procedures
- Whistleblowing (Public Interest Disclosure) Policy
- Human Resources Policies and Procedures.

6. How to report an incident

As soon as reasonably practicable and as promptly as possible, report the incident to the Secretary to Council at L.A.Woollard@swansea.ac.uk. The Secretary to Council will liaise with the Chair of Council and with the University Treasurer where the matter relates to fraud or may result in significant financial loss to the charity and decide whether the incident is a serious incident and therefore should be reported to the Charity Commission. Serious incidents will also be reported to SLT by the Secretary to Council. If the Secretary to Council decides that the incident should also, or alternatively, be dealt with under a University policy or different procedure, including reporting to HEFCW, Action Fraud, the ICO or others, the individual submitting the report will be informed of the additional steps to be taken.

The Secretary to Council will inform the individual who reported the incident, if a report was made to the Charity Commission. The individual must report any changes or updates in relation to the incident to the Secretary to Council who will update the Charity Commission on any material or significant changes

7. Confidentiality

The University takes confidentiality seriously and will, to the best of its ability keep the identity of an individual reporting a Serious Incident through this procedure confidential. Individuals can also report an incident anonymously, however, this may mean the University is not able to fully investigate the matter as effectively as a report made openly.

8. Monitoring of reportable incidents

A record will be maintained of all incidents qualifying as reportable incidents by the Governance Office, and a report will be provided to the Audit, Assurance and Risk Committee at each meeting and to Council when such reports are made. The full record will be periodically reviewed to establish if there are patterns of serious incidents which should be addressed by the University.

9. Further information

The Charity Commission has published guidance on Serious Incident Reporting at: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

For further information and general guidance on the details of the procedures, please contact the Secretary to Council L.A.Woollard@swansea.ac.uk.

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