

PCC of Trowbridge St James (Charity Commission registration number 1131370)

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

Date: 3 December 2019

1. Background

- 1.1 The members of the PCC of St James Trowbridge, 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.
- 1.2 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.
- 1.3 If a safeguarding incident occurs within the church community of the parish of Trowbridge St James, the Safeguarding Officer (or, where there is no employed safeguarding officer, the person with responsibility for safeguarding in the PCC) (**PCCSO**) 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.
- 1.4 Where a non-safeguarding incident is identified, the Rector or a Churchwarden should be informed immediately. The Rector or a Churchwarden is responsible for taking such immediate steps or actions as may be required to secure and protect the PCC of St James Trowbridge's property, assets and reputation, in accordance with any internal policies or procedures.
- 1.5 Below are the Delegation Resolutions the PCC of St James Trowbridge adopted at its meeting on 3 December 2019.

Section 2 is a resolution to delegate responsibility for reporting safeguarding Serious Incidents to the Charity Commission and the National Safeguarding Team.

Section 3 is a resolution to delegate responsibility for reporting non-safeguarding Serious Incidents to the Charity Commission.

2. DELEGATION of responsibility to report SAFEGUARDING Serious Incidents to the Charity Commission in accordance with the PCC Guidance

- 2.1 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 Rector and two Churchwardens (currently Rev J. Eggertsen, Mr R. Clarke and Mr J. Joy). All references to the Trustee Group in this delegation are references to this smaller group of trustees.

2.2 *The following responsibilities are delegated to the PCC of St James Trowbridge's Safeguarding Officer*

- Responsibility for contacting the DSA, if they consider a safeguarding Serious Incident may have occurred and providing the DSA with any information required.
- 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 and the Diocesan Secretary (**DS**), including:
 - if the DSA and DS consider that the incident does NOT need to be reported to the Charity Commission, why this is the case, for agreement by the Trustee Group;
 - whether the incident will be individually reported or included in the next bulk report;
 - approval of a draft report for a high-risk incident (i.e. one which will be individually reported);
 - providing the PCC of St James Trowbridge's trustees with a copy of any Safeguarding Serious Incident reports submitted to the Charity Commission by the Diocesan Secretary (**DS**) on behalf of the PCC of St James Trowbridge.

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

- The DSA is responsible for deciding, in consultation with the DS, 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.
- The DSA is responsible for reporting back to the PCCSO on 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 PCCSO can report back to the Trustee Group for agreement.
- The DSA is responsible for preparing the safeguarding Serious Incident Report. Where the report relates to a high-risk incident (i.e. one which is to be individually reported), the DSA is responsible for providing the draft report to the PCCSO for approval by the Trustee Group.
- The DS is responsible for submitting safeguarding Serious Incident reports to the Charity Commission, on behalf of the PCC of St James Trowbridge's trustees.
- The DS is responsible for sending copies of any Serious Incident reports submitted to the Charity Commission to the National Safeguarding Team and the PCCSO.

3. DELEGATION of responsibility to report all OTHER Serious Incidents to the Charity Commission in accordance with the PCC Guidance

- 3.1 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 Rector and two Churchwardens (currently Rev J. Eggertsen, Mr R. Clarke and Mr J. Joy). All references to the Trustee Group in this delegation are references to this smaller group of trustees.
- 3.2 The Rector or either of the two Churchwardens is responsible for deciding whether, in accordance with the PCC Guidance, the incident is sufficiently serious to require reporting to the Charity Commission. 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 Rector.
- 3.3 The Rector or either of the two Churchwardens is responsible for preparing and submitting the Serious Incident Report to the Charity Commission. Where the report relates to a high-risk incident, the draft report should be provided to the Trustee Group for approval.
- 3.4 The Rector is responsible for providing the PCC of St James Trowbridge's trustees with a copy of any Serious Incident Report submitted to the Charity Commission.

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Reviewed 09.05.2023 by PCC

Further guidance published by the House of Bishops:

Guidance for DBFs, PCCs, and Religious Communities: Identifying and Reporting Safeguarding Serious Incidents to the Charity Commission

<https://www.parishresources.org.uk/wp-content/uploads/Safeguarding-SIR-Guidance-FINAL-1-Jan-2019.pdf>

Practical Guidance: How to make a Safeguarding Serious Incident report to the Charity Commission

<https://www.parishresources.org.uk/wp-content/uploads/SIR-Safeguarding-Practical-Guidance-FINAL-1-Jan-2019.pdf>

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.

A Safeguarding Serious Incident occurs where there are allegations or incidents of abuse or mistreatment of beneficiaries, employees, volunteers, office holders or others who come into contact with the charity through its work. A Serious Incident report should be made to the Charity Commission in any of the following circumstances:

- beneficiaries 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 or DBF, a member of the clergy, Church Officer, an employee or a volunteer;
- a person who comes into contact with the charity through its work (including an Church Officer, employee or 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 or DBF);
- 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 a failure to report safeguarding concerns to statutory agencies or to carry out relevant vetting checks which would have identified that a person is disqualified in law, under safeguarding legislation, from working with children, young people or adults; 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.