



# The Methodist Church

Serving locally, connecting the county

Safeguarding in Lincolnshire District

**September 1<sup>st</sup> 2021**

## **Reporting Safeguarding Concerns to the Charity Commission**

### **Introduction.**

This policy lays out the requirements for reporting certain safeguarding concerns to the Charity Commission in England and Wales. This is necessary to ensure:

- The Church council/Circuit meeting, District Council remains accountable for concerns which arise related to their activities;
- The Charity Commission can use its legal powers to protect churches ;
- Advice is received from the Charity Commission as to how to deal with a situation or in continuing to work with one.

The process of reporting should not be seen as a negative or punitive process. The Charity Commission can be very helpful in supporting churches, helping learning for future practice and in offering resources and information to keep churches up to date with requirements.

Fuller information can be obtained at [How to report a serious incident in your charity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity)

### **Process**

#### ***Why do we refer?***

Given the challenging nature of the work undertaken and the difficult context faced by many charities, the Commission understands that serious incidents will happen. When something serious happens, it is the Commission's role to ensure that trustees comply with their legal duties and that the charity manages the incident responsibly. This means the Commission will be looking for assurance that the charity has taken steps to limit the immediate impact of the incident and, where possible, prevent it from happening again.

Most problems can be resolved by trustees themselves, in some cases with timely advice from professional advisers. Sometimes the Commission needs to use its powers to protect a charity. Taking action quickly will help protect your charity from further harm. Reporting also means the Commission can identify whether other charities might be affected, and can give better advice to all charities to help them protect themselves.

#### ***Who refers?***

It is the responsibility of Trustees to report to the Charity Commission i.e. church council, CLTs or District Councils.

If a church does not have charitable status, the same procedures still apply.

### ***How do they refer?***

Referral should not be made without the involvement of the District Safeguarding Officer (DSO) who should already know of the concern (s).

The referral is made via a template referral form which the DSO will complete with the appropriate Trustee body or person assigned to complete it from that body.

This is particularly necessary to ensure that a referral is appropriate. It may be that a particular situation does not warrant reporting. Likewise it may be that an incident that may not seem a reportable incident is in fact reportable or in need of advice from the Charity Commission.

### ***When should it be referred?***

A referral should be made once the Trustee body and the DSO is satisfied that the referral information is accurate and complete but as soon as is possible once the matter has been notified to the DSO.

### ***What should be referred? – see Appendix (i)***

The threshold for reporting to the Charity Commission is when an incident is deemed “serious”

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
- loss of your charity’s money or assets
- damage to your charity’s property
- harm to your charity’s work or reputation
- as a result of the above, it should be noted that breaches of procedures or policies of a high profile nature or that suggest widespread or systematic abuse or risk may be deemed significant and therefore reportable.

It will be District Policy that the exploration and final decision as to whether any of the above apply will be a shared one with the Minister, Superintendent, DSO and where appropriate the Chair of District along with the appropriate Trustee body or delegated person for these purposes.

In most cases, submissions to the charity regulator do not include personal data, other than that of the reporting person, in the first instance, to protect confidentiality. However, details of the charity, the circumstances, their impact on the charity, the connection to the charity of those involved and action taken will need to be reported.

The report to the Charity Commission is found at:

[Pre service guidance \(charitycommission.gov.uk\)](https://www.charitycommission.gov.uk/pre-service-guidance)

### **Whistleblowing.**

It may be that you have a concern about, for example:

- the way a safeguarding incident has been dealt with by an individual or the Trustees;
- The omission in taking a safeguarding matter seriously by an individual or Trustees;
- A culture within the church of non-compliance with safeguarding or individuals who refuse to co-operate;
- A concern about the attitude or behaviour of an office holder.

In the first instance, this should be reported to the DSO if you have not been listened to appropriately already. Decisions will be made about whether the matters can be further dealt with locally or if the process of whistleblowing is necessary.

Whistleblowing is not easy and takes bravery and courage. The person(s) who report such matters in this way will be offered sensitive and confidential support.

#### *Reporting to other agencies or regulators.*

It may be that it feels easier or more appropriate to report matters outside of the District to:

- the Methodist church;
- the Charity Commission;
- regulators as Ofsted or the CQC where appropriate;
- the Local Authority;
- the Police;

Further information can be obtained at [Report serious wrongdoing at a charity as a worker or volunteer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer)

**Review of this Policy will take place in August 2022.**

## Appendix (i)

**Examples table: deciding what to report**

Serious incidents to report	Incidents not to report
Protecting people and safeguarding incidents	
<p>A beneficiary or other individual connected with the charity's activities has/alleges to have suffered serious harm</p> <p>Allegation that a staff member has physically or sexually assaulted or neglected a beneficiary whilst under the charity's care</p> <p>The Chief Executive of the charity has been suspended pending the outcome of an investigation into their alleged sexual harassment of a fellow member of staff</p> <p>Allegation that a trustee, staff member or volunteer has been sexually assaulted by another trustee, staff member or volunteer</p> <p>A staff computer is found to contain images of child pornography</p> <p>An internal investigation has established that there is a widespread culture of bullying within the charity</p> <p>A beneficiary or individual connected with the charity's activities has died or been seriously harmed; a significant contributory factor is the charity's failure to implement a relevant policy</p> <p>Charity failed to carry out DBS checks which would have identified that a member of staff or trustee was disqualified in law (under safeguarding legislation) from holding that position</p>	<p>Minor unusual/aggressive behaviour by a beneficiary towards a member of staff</p> <p>Police called to charity premises because a beneficiary is drunk and disorderly</p> <p>Charity becomes aware of allegations of abuse or neglect of a beneficiary that occurred outside the charity; the charity has reported the allegations to the appropriate agencies, and there is no harm to the charity's reputation</p> <p>Beneficiary in a care home received the wrong medication as a 'one-off' error and there was no significant harm</p> <p>Logged accident book reports where there was no significant harm to individuals</p> <p>Details of reports under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) where there has been no significant harm to individuals</p> <p>Minor accidental injury to a charity service user e.g. slipping on a wet floor</p> <p>A staff member who is not in a senior position or position of specific responsibility (e.g. head of safeguarding) has bullied or harassed a fellow staff member. There is</p>

<p>Repeated medication errors to beneficiaries in a care home indicating a systemic problem</p> <p>Charity discovers that an employee or volunteer coming into contact with children or at risk adults is on the sex offenders register</p>	<p>no indication of a widespread culture of bullying or harassment within the charity and the incident is dealt with by minor disciplinary action (for example, the staff member responsible has not been suspended or dismissed).</p> <p>A staff member who is not in a senior position or position of specific responsibility is dismissed for marrying a member of the community in which the charity is working, in breach of the charity's code of conduct but not in breach of local laws</p>
<p><b>Fraud, cyber-crime and money laundering</b></p>	
<p>Charity's Chief Executive and Treasurer produced false invoices for charity services</p> <p>A bogus fundraising scheme is being promoted online, using charity's name</p> <p>Charity funds lost due to an online or telephone 'phishing scam', where trustees were conned into giving out bank account details</p> <p>Attempted fraud by a member of charity staff but intercepted by internal financial controls</p> <p><b>Any actual/alleged fraud or money laundering should be reported. Any actual/alleged cyber-crime should be reported with the exception of the example in the right hand column</b></p>	<p>Attempted cyber-crimes that are blocked by the charity's computer network security systems, except where the attempted cyber-crime is unusual in nature and the charity wants to bring it to the attention of the Commission</p>
<p><b>Theft</b></p>	

<p>Each month, between £100-£200 goes missing, suspected stolen, from the cash till in the charity shop. It has been going on for six months and has been reported to the police.</p> <p>Charity office has been broken into and computers, holding personal details of beneficiaries and donors, stolen</p> <p><b>Remember, there is no minimum loss figure that should be reported. You need to decide whether incidents are serious enough to report, in the context of your charity and its</b></p>	<p>One-off random theft of items such as jewellery or a mobile phone at the charity's premises</p> <p>Theft of small amounts of cash belonging to a beneficiary, by another beneficiary, at a charity event</p> <p>Theft of a collection tin thought to contain small amount of cash</p>
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<b>income, taking account of the actual harm and potential risks posed</b>	
<b>Unverified or suspicious donations</b>	
<p>A significant amount over £25,000 is donated to the charity from an unknown or unverifiable source</p>	<p>Large legacy left in a will, received via solicitor dealing with probate, on condition donor remains anonymous</p> <p>Large donation made by an anonymous donor via solicitor who is aware of their identity</p> <p>Low value donations from unknown sources - refer to our guidance on <a href="#">due diligence and monitoring end use of funds</a></p>
<b>Other significant financial loss</b>	

<p>Significant loss of charity funds in a poor investment scheme, commissioned by trustees, without professional advice</p> <p>Sudden loss of 20% or more of charity's income (e.g. due to termination of major donor contract); charity has no reserves, meaning staff will be laid off and services stopped</p> <p>Substantial loss of charity funds due to legal costs incurred in a court case; excludes those charities routinely undertaking budgeted litigation on behalf of beneficiaries</p> <p>The charity's main premises is severely damaged in a fire and the charity is unable to deliver services to its beneficiaries</p>	<p>Loss of charity funds where the value lost represents less than £25,000 of charity assets and is less than 20% of the charity's income. There is no significant impact on the charity's services.</p> <p>Charity property overseas is damaged due to bad weather conditions (e.g. office roof blown off during a storm) but doesn't prevent charity from delivering services to beneficiaries</p> <p>A vehicle owned by the charity is badly damaged in an accident. Nobody was hurt, the damage is covered by insurance and the charity is still able to deliver services to its beneficiaries</p>
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#### **Links to terrorism or extremism**

<p>Charity discovers that an overseas partner has passed money to a member of charity's personnel who is a designated individual, subject to financial restrictions</p>	
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<p>A member of charity staff or volunteer has been arrested for terrorism related offences</p> <p>Charity's warehouse in a war zone has been raided and vehicles/ stock taken at gunpoint</p> <p>Charity personnel have been detained or kidnapped by a terrorist group overseas</p> <p>A visiting speaker has used a charity event to promote extremist messages, via live speech or social media</p>	
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#### **Other significant incidents - Disqualified person acting as a trustee**

Any person acting as a trustee or senior manager while disqualified – refer to the Commission's <a href="#">guidance</a>	A trustee or senior manager voluntarily steps down from trusteeship when disqualified for having an IVA (Individual Voluntary Arrangement)
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### Charity subject to investigation by a regulatory body

Charity is subject to official investigation by another regulator e.g. Fundraising Regulator, Police, UK Visas & Immigration, Ofcom, Information Commissioner, Care Quality Commission or Care Inspectorate Wales	<b>Routine inspections by a sector regulator e.g. Ofsted, CQC or CIW, do not need to be reported to the Commission unless there are adverse findings that place the future of the charity in doubt, relate to other categories of serious incidents or are likely to attract negative media attention</b>
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### Major governance issues

<p>Mass resignation of trustees, leaving the charity unable to function</p> <p>Evidence that trustees have routinely signed blank cheques</p>	One or two trustees stepping down at yearend, due to other commitments
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### Fundraising issues



<p>Suspicious of unauthorised public collections in a the name of the charity small sum of money</p> <p>Charity hasn't complied with law on Failure of a requirements for solicitation statements or to professional fundraising agreements for the</p> <p>Significant funds, due under a fundraising arrangement, have not been paid by the professional fundraiser, or commercial partner to the charity</p> <p>Incident has taken place involving a fundraising agency which will incur serious damage to the charity's reputation</p>	<p>A missing collection tin thought to contain</p> <p>sponsor, e.g. of a local fun run, submit small amounts of money raised charity</p>
<b>Data breaches or loss</b>	
<p>Charity's data has been accessed by an unknown person; this data was accessed and deleted, including the charity's email account, donor names and addresses</p> <p>A charity laptop, containing personal details of beneficiaries or staff, has been stolen and there is no encryption or other security measures that would prevent the perpetrator from accessing this information</p> <p>A Data Protection Act breach has occurred and been reported to the ICO</p>	<p>A charity laptop or mobile phone (not containing confidential data) has gone missing – it's been reported to the police</p>
<b>Incidents involving partners</b>	

<p>A delivery partner of the charity is alleged to have links to terrorism and extremism</p> <p>A delivery partner of the charity has ceased to operate and this has prevented the charity from providing assistance to its beneficiaries</p> <p>The charity's subsidiary trading company has gone into liquidation and this has resulted in financial difficulties which place the future of the charity in doubt</p>	<p>A serious incident has taken place involving a partner but it has no or minimal impact on the charity's reputation or the partner's ability to deliver its work with the charity</p> <p>A delivery partner of the charity has ceased to operate and this has had some impact on the charity's ability to provide assistance to its beneficiaries but it is not a</p>
<p>Staff of another organisation within the same federated structure are found to have been committing systematic abuse of beneficiaries and this has significantly damaged the reputation of the charity</p>	<p>material impact and the assistance to beneficiaries hasn't stopped</p>
<p><b>Other, including criminality</b></p>	
<p>Any other type of incident that appears serious and likely to damage reputation or incur loss of charitable funds/assets</p>	