



POLICY ON REPORTING A SERIOUS INCIDENT TO THE CHARITY COMMISSION

Rev	Date	Purpose of Issue / Description of Change	Equality Impact Assessment Completed
1.		Initial Issue	

Policy Officer	Senior Responsible Officer	Approved By	Date
Head of Governance and Compliance	University Secretary	Compliance Task Group	30 th September, 2019

This Policy will be reviewed in 3 years.

Policy on Reporting a Serious Incident to the Charity Commission

1. Introduction

Bangor University is a charity as defined in the Charities Act 2006 and is registered with, and overseen by, the Charities Commission, thus meaning we need to comply with all their guidance. The University has a responsibility to notify the Charity Commission of all serious incidents promptly, which means a report should be made as soon as is reasonably possible after the incident, or immediately after the University becomes aware of the incident.

The University must report serious incidents to the Charity Commission at the time that they are identified, and they must also be included in the University's annual return to the Charity Commission. This includes a specific declaration that serious incidents have been appropriately reported. This declaration is made by the University Secretary on behalf of all members of Council.

2. Scope

This Policy 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, including overseas partnerships.

3. Definitions

For the purposes of this Policy, a serious incident is one that has resulted in, or could result in, a significant loss of funds or a significant risk to the University's property, work, beneficiaries or reputation.

The University is required to report an incident to the Charity Commission if it results in, or risks, significant:

- harm to people who come into contact with the University through its work,
- loss of the University's money or assets,
- damage to University property,
- harm to the University's work or reputation.

For the purpose of this Policy the main categories of reportable incident are:

- protecting people and safeguarding incidents – incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with the University through its work;
- financial crimes – fraud, theft, cyber-crime and money laundering;
- large donations from an unknown or unverifiable source, or suspicious financial activity using the University's funds;
- other significant financial loss;
- links to terrorism or extremism, including 'proscribed' (or banned) organisations, individuals subject to an asset freeze, or kidnapping of staff;

- other significant incidents, such as – insolvency, forced withdrawal of banking services without an alternative, significant data breaches/losses or incidents involving partners that materially affect the charity.

4. 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):

- Policy on Declarations of Interest
- Complaints Procedure
- Gifts and Hospitality Policy
- Public Interest Disclosure (whistleblowing) Policy and Procedures
- Grievance Procedures
- Disciplinary Procedures
- Student Complaints Procedure
- Financial Regulations
- Travel and Subsistence Expenses Procedure
- Welsh Language Policy

5. Responsibilities

It is the responsibility of the University Council to decide whether an incident is significant and should be reported to the Charity Commission. This responsibility has been delegated to the University's Audit and Risk Committee. However decisions made by the Audit and Risk Committee should be reported to the University Council at its next meeting.

Incidents should be reported promptly to the Charity Commission, these will include proven and (in some cases) incidents where further investigation is ongoing.

6. Procedure for reporting an incident

In the first instance and as soon as reasonably practicable, details of any potentially serious incident should be submitted in writing to the Head of Governance and Compliance. If for any reason it is not possible or appropriate to make a report to the Head of Governance and Compliance, for example, because they are the subject of the report, or are involved or otherwise conflicted, it should be submitted to the University Secretary.

A report can be received from an individual, or from a member of senior University staff by virtue of their position within the organisation (e.g. Director of Finance, Director of Human Resources).

When making a report, the reporting individual should include the following information:

- a) the nature of the incident in so far as it is possible to ascertain e.g. fraud, data protection breach, staff disciplinary;

- b) the impact or potential impact the incident has, or could have, on the University;
- c) the date of the incident or whether the incident is suspected;
- d) the names of any individuals involved or suspected of being involved in the incident;
- e) whether the individual has reported the incident or circumstance to another member of staff or to an external authority or regulatory body prior to making a report under the requirements of this Policy;
- f) details of any ongoing inquiries into the incident and any actions taken to date; and
- g) whether any existing applicable University policies have been consulted (e.g. the Public Interest Disclosure (Whistleblowing) Policy, or Grievance Policy).

The Head of Governance and Compliance will decide whether they believe the incident or circumstance is a serious incident as defined, and therefore should be dealt with under this Policy. If the Head of Governance and Compliance decides that the incident should also, or alternatively, be dealt with under a different University policy or procedure, the Head of Governance and Compliance will inform the individual submitting the report of the additional steps to be undertaken.

7. Anonymity and confidentiality

The University takes confidentiality seriously and will, to the best of its ability keep the identity of an individual reporting a Serious Incident under this Policy 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. Investigation process

Upon receipt of the report of a serious incident, the Head of Governance and Compliance will, if required, hold a meeting with the individual who submitted the report. The purpose of the meeting will be to obtain as much information as possible about the incident.

Following the meeting the Head of Governance and Compliance will determine whether the incident is a serious incident under this Policy. If no other procedure has already been commenced (e.g. disciplinary procedure, public interest disclosure procedure) the Head of Governance and Compliance (or their appointed nominee) will instigate an investigation into the incident in order to obtain further information on the circumstances of the incident. It may be appropriate for the University to notify the Charity Commission at this stage in the process, even if all the information is not known. Such a report will be made as outlined in Section [c] below.

A reported incident may also be referred by the Head of Governance and Compliance to the police or other appropriate authority.

If the matter is to be investigated, or if there is enough information to report the incident in any event, the following process will be followed:

- a) Where there is an investigation, this will be conducted as sensitively and quickly as possible.

- b) The Head of Governance and Compliance will report the incident, together with appropriate recommendations, to the University Secretary and the Chair of the Audit and Risk Committee, normally within 14 days of receiving the report, although this will depend on the complexity of the matter and the number of individuals involved.
- c) The Chair of the Audit and Risk Committee, in consultation with the University Secretary and the Head of Governance and Compliance, will make a final decision, on behalf of the University Council, as to whether the incident is a reportable incident. If it is deemed that the incident is a reportable incident the Chair of the Audit and Risk Committee will instruct the Head of Governance and Compliance to make a formal report to the Charity Commission. The Chair of the University Council will also be informed at this point.

9. Monitoring of reportable incidents

A record will be maintained of all incidents qualifying as reportable incidents by the Head of Governance and Compliance, and a report will be provided to the Audit and Risk Committee on a quarterly basis. The full record will be periodically reviewed by the Audit and Risk Committee to establish if there are patterns of serious incidents which should be addressed by the University.

10. Further information

For general guidance on the details of this Policy, please contact the Head of Governance and Compliance.