



## Serious Incidents Policy

**Our aim.** This policy is intended to facilitate the identification of serious incidents or potential serious incidents by Trustees, employees, volunteers or partners working in Kenya on our behalf and to support the effective reporting of such matters. It sets out steps to be taken to identify, investigate, manage, respond to and learn from serious incidents.

It is a Charity Commission requirement that trustees report all serious incidents at their charity to the Commission, so that the Commission can ensure that such incidents are being dealt with appropriately. As part of such reporting, the Commission will need to receive information not just about the incident itself but also about the Charity's response to the incident.

It is also the responsibility of the trustees to ensure, as part of the annual return, there is a signed "declaration confirming there were no serious incidents during the previous financial year that should have been reported to the Commission but were not."

### Our Responsibility

A serious incident requiring investigation is defined by the Charity Commission as an incident that results in, or risks, significant:

- loss of a charity's money or assets;
- damage to a charity's property; and/or
- harm to a charity's work, beneficiaries or reputation

The Charity Commission has issued guidance on what constitutes a serious incident.

<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

If the incident involves one of our partners. Hospice Care Kenya (HCK) will follow the further Charity Commission Guidance.

[Guidance on criminal reporting including overseas](#)

HCK will respond to serious incidents in a timely, comprehensive and systematic manner in order to reassure concerned parties and improve future service.

HCK will inform the relevant authorities and regulators as soon as practicable when any serious incident occurs, to comply with its regulatory duties and to ensure the authorities' powers can be used if necessary to protect the Charity.

- safeguarding incidents - allegations or incidents of abuse or mistreatment of people who come into contact with HCK through its work will be reported to:
  - the police obtaining a crime reference number (call 101 or make a report at a local police station), and
  - the local authority and other relevant agencies,
- fraud and cyber-crime: allegations or incidents of fraud and cyber-crime will be reported to [Action Fraud](#) via its online reporting tool, ensuring we obtain a crime reference number and making clear that we are a charity.
- theft - allegations or incidents of theft will be reported to the police (call 101 or make a report at a local police station) and obtaining a crime reference number
- terrorism or extremism - links or alleged links to terrorism and extremism will be reported to the police and a crime reference number obtained. If you don't do this immediately, you may be committing a criminal offence under Section 19 of the Terrorism Act 2000. You can report this type of incident to the police in the following ways:
  - via the [National Crime Agency website](#)
  - call the Metropolitan Police Anti-Terrorist Hotline on 0800 789 321
  - call 101 or report it at a local police station
- Any actual or alleged criminal activity that takes place overseas will be reported to local law enforcement authorities and/or safeguarding organisations in the location where this occurred. There may also be circumstances where it is necessary to report this to UK authorities. For further guidance on this, please see the Commission's guidance on criminal reporting.
- The trustees will report unverified or suspicious donations totalling £25,000 or more, providing the assurance required by the Charity Commission, that appropriate checks have been made before accepting/declining the donation.
- The trustees will report any significant financial loss due to other causes, where this threatens HCK's ability to operate and serve its beneficiaries, or where the charity's financial reserves are not sufficient to cover the loss. For example: loss of significant institutional donors, public funding or key delivery contracts that threatens the charity's ability to operate and being unable to replace these in order to ensure the charity's survival.
- The Charity Commission also cautions that the risk of 'low value' incidents can pose serious risks - they may be a sign that individuals are trying to avoid detection. Repeated or frequent incidents can be symptomatic of weak financial controls and poor governance, leaving a charity more vulnerable to fraud, theft or cyber-crime. Therefore, if there have been repeated incidents of low value fraud, theft or cyber-crime they will be reported to Charity Commission.

It should also be noted that a data breach may constitute a significant incident and may also need to be reported.

*Please see the Data Protection Policy for details on reporting a data breach to the Information Commissioner's Office*

### **Our commitment**

If an individual becomes aware of an incident, this must be reported to the Director immediately or if it involves the Director then the chair. They must determine whether this constitutes a 'Serious Incident' and needs to be reported to the Charity Commission.

Director email [hck@hospicecarekenya.com](mailto:hck@hospicecarekenya.com) Tel. 01905 936184

Chair email [sally@hullonline.org.uk](mailto:sally@hullonline.org.uk)

### **'Near miss'**

In the event that the incident is not deemed to constitute a serious incident or is a 'near miss', details will be reported through the monthly Directors report, so Trustees still have visibility of such situations.

If it is decided that the incident does constitute a serious incident the Director will then notify the Trustees.

The Director (or Chair if the Director is involved) will investigate/collate/gather all the information required by the Trustee(s) to report the incident to the Charity Commission.

The Director will liaise with Trustees and decisions will be made as to who reports the serious incident. In most cases, the serious incident will be reported by the Director, acting on behalf of the Trustees.

The incident should be reported using the Charity Commission template and sent via email to [RSI@charitycommission.gov.uk](mailto:RSI@charitycommission.gov.uk)

The Director will act as the point of contact with the Charity Commission and will coordinate any further requests for information as part of their on-going investigation.

It is vital that once the Charity Commission has concluded its investigation, the findings are fully implemented and an evaluation report is produced, so that HCK can demonstrate that it has learned from the incident and can reassure Trustees (and the Charity Commission) that it has:

- investigated the incident so as to clearly identify the nature, scope and impact of the incident.
- taken steps to cease/mitigate the impact of the incident, whether on HCK or on beneficiaries or other parties; and
- learnt lessons from the incident, i.e. identifying and taking steps to prevent similar incidents from occurring in the future.

The Director will produce an implementation plan and present the evaluation report to Trustees. A timetable for this will be agreed on a case-by-case basis.

### **Monitoring**

This policy will be reviewed every three years or when guidance or legislation changes.

Date approved: July 2023

Date to be reviewed: June 2026