

The Church of England
Practice Guidance:
Guidance for DBFs, PCCs and Religious Communities:
Identifying and Reporting Safeguarding Serious
Incidents to the Charity Commission

A Summary for Parishes in The Church of England - Birmingham



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Introduction

All PCCs, are charities. The Charity Commission's guidance¹ emphasises the duty of care that charity trustees have towards their beneficiaries and others connected with their charity's activities and the importance of all charities adopting and implementing appropriate policies on safeguarding.

The members of a PCC are charity trustees and so are held responsible for compliance with the law and the Charity Commission's guidance in relation to their charity. One of the responsibilities of charity trustees is to report any "Serious Incidents" occurring within their charity to the Charity Commission.

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.

The House of Bishops' guidance explains how to identify when a safeguarding Serious Incident occurs and sets out the procedure you should follow to report it to the Charity Commission.

For guidance on Serious Incidents that do not relate to safeguarding, such as financial crime, significant financial loss and data protection breaches, please see the relevant guidance for PCCs at <https://www.parishresources.org.uk/pccs/trusteeship/serious-incident-reporting/>.

It is important to remember that the requirement to report a Serious Incident to the Charity Commission is in addition to any requirement to notify the police, local authority, statutory agency or other relevant authority.

Who does this guidance apply to?

Church Bodies

This practice guidance applies to all church bodies that are charities, both accepted and registered – i.e. all PCCs.

Under section 5 of the Safeguarding and Clergy Discipline Measure 2016 all PCCs, must have **due regard**² to the House of Bishop's policy.

¹ Charity Commission Guidance for charity trustees about Serious Incidents: how to spot them and how to report [*how to spot them and how to report*](#) (14 June 2019)

² A duty to have due regard means that the person under the duty is not free to disregard it but is required to follow such guidance unless there are cogent reasons for not doing so

Who should read this parish summary?

All PCC members, the incumbent or priest-in-charge and the Parish Safeguarding Co-ordinator.

When must this guidance be used?

This guidance must be used when there are safeguarding concerns and allegations that are 'Serious Incidents' (see section 2) and must be reported to the Charities Commission.

The following is a summary of the practice guidance most relevant to the local church. The full policy documents are available on the [Church of England website](#)

All extracts from the Church of England practice guidance on Identifying and Reporting Safeguarding Serious Incidents to the Charity Commission and How to make a Safeguarding Serious Incident report to the Charity Commission appear in this font in blue.

1. What does a PCC need to do?

Although the responsibility for making a safeguarding Serious Incident report in a timely manner rests with the charity's trustees, this responsibility can be delegated. The PCC should delegate this responsibility to the Diocesan Secretary. It is important that this delegation sets out clearly what the parameters of the delegated responsibility are and includes a requirement for reports to be made to the trustees on any safeguarding Serious Incidents reported pursuant to the delegated powers. The trustees should ensure that they are informed about the most high-risk safeguarding Serious Incidents being reported, as well as those where a decision was taken not to report as the incident was considered to be a borderline case.

Where the PCC has delegated its responsibility to the Diocesan Secretary *and* has reported all serious safeguarding incidents to the Bishop's Safeguarding Adviser, it is the responsibility of the Bishop's Safeguarding Adviser, in consultation with the Diocesan Secretary, to prepare the individual and bulk³ safeguarding Serious Incident reports. The responsibility for submitting the safeguarding Serious Incident reports to the Charity Commission rests with the Diocesan Secretary.

The PCC must appoint a Parish Safeguarding Co-ordinator. The Parish Safeguarding Co-ordinator, together with the incumbent / priest-in-charge, is responsible, on behalf of the PCC, for:

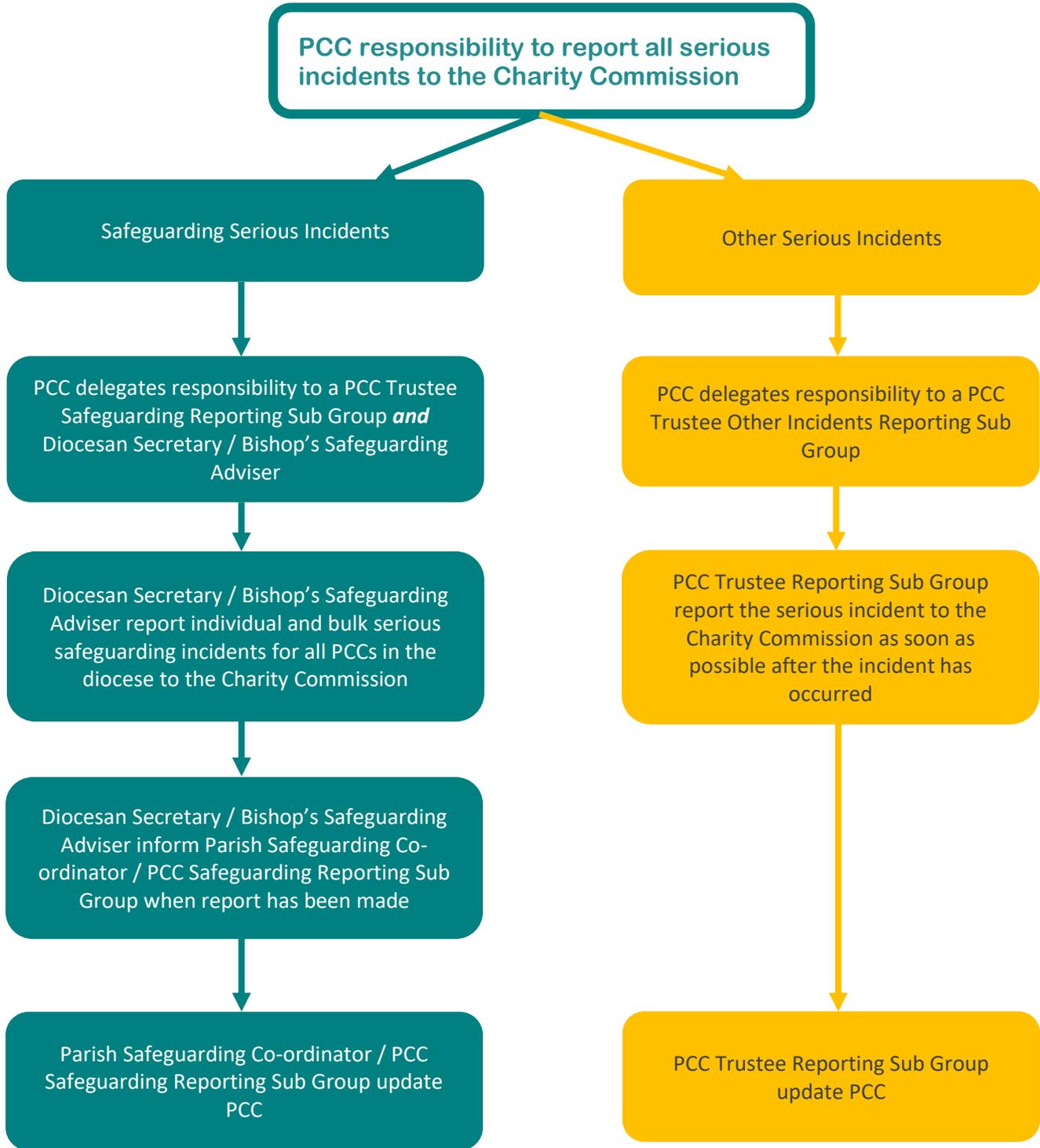
- Reporting ALL safeguarding concerns and allegations to the Bishop's Safeguarding Adviser within 24 hours
 - Contacting the Bishop's Safeguarding Adviser if they consider a safeguarding Serious Incident may have occurred and providing the Bishop's Safeguarding Adviser with any information requested
 - Taking such steps or actions required to safeguard beneficiaries or those connected with the PCC, in consultation with the Bishop's Safeguarding Adviser and the PCC's trustees (where appropriate)
 - Reporting back to the PCC's trustees in relation to the management and reporting of the Serious Incident
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³ High-risk safeguarding serious incidents must be reported to the Charity Commission as soon as possible and therefore an 'individual' report must be made. Medium to lower risk safeguarding serious incidents can be reported every six months to the Charity Commission using the bulk reporting procedure. The House of Bishops' Practical Guidance: How to make a safeguarding serious incident report to the charity commission 2019 at <https://www.churchofengland.org/safeguarding/promoting-safer-church/policy-practice-guidance> sets out how safeguarding serious incidents must be reported.

A PCC must:

1. Discuss this procedure document at a PCC meeting
2. Ensure the different reporting procedures for safeguarding serious incidents and other serious incidents as outlined in the flowchart on page 7 are understood and implemented.
3. Agree and approve the Delegation Resolution – template on page 11
4. Notify the Diocesan Secretary that the Delegation Resolution has been passed using the online form at <https://www.cognitoforms.com/Cofebirmingham/ResolutionToDelegateTheReportingOfSeriousSafeguardingIncidents>
5. Set up a PCC Trustee Reporting Sub Group for safeguarding serious incidents and a PCC Trustee Reporting Sub Group for other serious incidents

Flowchart:



The Church of England has made specific arrangements with the Charity Commission for the Diocesan Secretary to report all safeguarding serious incidents on behalf of all parishes in the diocese. This arrangement does NOT apply to other Serious Incidents. Individual PCCs remain responsible for reporting other Serious Incidents directly to the Charity Commission as soon as reasonably practicable after the incident has occurred.

2. What is a safeguarding “Serious Incident”?

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 safeguarding 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, 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 a 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);
- 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 culture of bullying, abuse or sexual harassment is uncovered.

Any safeguarding 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 safeguarding Serious Incident. You should not wait until someone has been arrested, charged or convicted, before reporting an incident.

3. Why and when do all Serious Incidents need to be reported to the Charity Commission?

The Charity Commission has a limited and very specific regulatory role and will not investigate whether a criminal offence has occurred (that being the role of the police). However, the Charity Commission will scrutinise the conduct of the charity's trustees and the steps they have taken in order to protect the charity, its beneficiaries and those connected with the charity's activities, now and in the future. This includes making sure that the charity's trustees have proper procedures and systems in place to handle allegations, are dealing with them responsibly and are reporting incidents where appropriate to the police, social services and other relevant agencies.

The Charity Commission considers safeguarding to be a governance priority for all charities and so it will also want to be satisfied that the charity's trustees are managing the risks of such incidents occurring again, so far as is practicable, by making any necessary changes to existing procedures and practice as a result of a safeguarding Serious Incident. If the charity's trustees do not manage safeguarding risks sufficiently, the Charity Commission may consider there to be misconduct and mismanagement by the trustees.

When a Serious Incident is reported to it, the Charity Commission considers whether it is appropriate to provide the reporting charity with regulatory advice or guidance. In the most serious cases, the Charity Commission may need to exercise its statutory powers. In addition, the Charity Commission will consider whether it needs to take any steps to protect other charities, for example where the alleged perpetrator is also a trustee or office holder, or volunteers at or works, in another charity.

The person who submits a registered charity's Annual Return to the Charity Commission each year on behalf of the trustees is required to make a declaration that no Serious Incidents – **safeguarding or other incidents** - occurred in the charity during the previous financial year that should have been reported but were not. Therefore, unless all **safeguarding and other Serious Incidents** have been duly reported, the charity will not be able to make the declaration required in order to submit its Annual Return, as it is an offence to provide false or misleading information to the Charity Commission.

The Charity Commission expects all Serious Incidents to be reported to it "promptly", i.e. as soon as is reasonably possible after it happens, or immediately after you become aware of it. In practice, a report should be made once sufficient information has been gathered for the report to be meaningful. However, there may be occasions where it is appropriate for a brief initial report to be made, with an indication that a follow-up report will be made once additional information has been obtained.

It is important to report all Serious Incidents in a timely manner, as a failure to report a Serious Incident that subsequently comes to light may be considered by the Charity Commission to be mismanagement, or a serious governance failure. This could result in the Charity Commission taking regulatory action, particularly if further abuse has taken place following the initial Serious Incident that was not reported.

Delegation Resolution Template⁴

[Name of PCC] [(Charity Commission registration number⁵)]

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

Date: [⁶]

1. Background

- 1.1 The members of the [PCC⁷], 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 [PCC], the Parish Safeguarding Co-ordinator (or, where there is no appointed Parish Safeguarding Co-ordinator, the person with responsibility for safeguarding in the PCC) must inform the Bishop’s Safeguarding Adviser 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, [ROLE] or [ROLE] should be informed immediately⁸. [ROLE] or [ROLE] is responsible for taking such immediate steps or actions as may be required to secure and protect the [PCC’s] property, assets and reputation, in accordance with any internal policies or procedures.
- 1.5 Below are two example template resolutions for the [PCC] to complete and adopt.
 - 1.5.1 Section 2 is a resolution to delegate responsibility for reporting safeguarding Serious Incidents to the Charity Commission and the National Safeguarding Team.
 - 1.5.2 Section 3 is a resolution to delegate responsibility for reporting non-safeguarding Serious Incidents to the Charity Commission.

⁴ This template is also available at <https://www.parishresources.org.uk/pccs/trusteeship/serious-incident-reporting/>

⁵ Where registered with the Charity Commission, insert registered charity number.

⁶ Insert date resolution passed.

⁷ Replace all references to “PCC” in [] with the name of your PCC.

⁸ Space for the inclusion of two roles has been included, so that if one of them is implicated in the alleged Serious Incident, the person holding the alternative role in clause 3.2 should be informed instead.

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

2.1 [9]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 [ROLES / NAMES of trustees¹⁰]. 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's] Safeguarding Co-ordinator¹¹*

- Responsibility for contacting the Bishop's Safeguarding Adviser, if they consider a safeguarding Serious Incident may have occurred and providing the Bishop's Safeguarding Adviser with any information required.
- Responsibility for liaising with the Bishop's Safeguarding Adviser and reporting back to the Trustee Group on the management and reporting of the safeguarding Serious Incident by the Bishop's Safeguarding Adviser and the Diocesan Secretary, including:
 - if the Bishop's Safeguarding Adviser and Diocesan Secretary 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's] trustees with a copy of any safeguarding Serious Incident reports submitted to the Charity Commission by the Diocesan Secretary on behalf of the [PCC].

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

- The Bishop's Safeguarding Adviser is responsible for deciding, in consultation with the Diocesan Secretary, 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 Bishop's Safeguarding Adviser is responsible for reporting back to the PCC Safeguarding Co-ordinator 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

⁹ If your PCC is too small to delegate safeguarding issues to a small group of trustees, delete para 2.1 and replace all references to "PCC's Trustee Group" in this document with "PCC's trustees".

¹⁰ Include list of the smaller group of PCC members with safeguarding responsibilities.

¹¹ Where there is no Safeguarding Co-ordinator, this is a reference to the person with responsibility for safeguarding in the PCC.

next bulk report. If an incident does NOT need to be reported to the Charity Commission, the Bishop's Safeguarding Adviser should provide the PCC Safeguarding Co-ordinator with an explanation of this decision, so the PCC Safeguarding Co-ordinator can report back to the Trustee Group for agreement.

- The Bishop's Safeguarding Adviser 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 Bishop's Safeguarding Adviser is responsible for providing the draft report to the PCC Safeguarding Co-ordinator for approval by the Trustee Group.
- The DIOCESAN SECRETARY is responsible for submitting safeguarding Serious Incident reports to the Charity Commission, on behalf of the [PCC's] trustees.
- The Diocesan Secretary is responsible for sending copies of any Serious Incident reports submitted to the Charity Commission to the National Safeguarding Team and the PCC Safeguarding Co-ordinator.

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

- 3.1 [12]In order to facilitate the confidential and timely reporting of any Serious Incidents, the responsibility for the reporting of Serious Incidents is delegated to [ROLES / NAMES of trustees¹³]. All references to the Trustee Group in this delegation are references to this smaller group of trustees.]
- 3.2 [ROLE] or [ROLE] 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 [ROLE].
- 3.3 [ROLE] or [ROLE] 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 [ROLE] is responsible for providing the [PCC's] trustees with a copy of any Serious Incident report submitted to the Charity Commission.

A Word version of this template is available on the Parish Safeguarding page of our website:
<https://www.cofebirmingham.com/safeguarding/parish-safeguarding/>
Click on the 'Example Policies & Forms' drop-down menu

¹² If your PCC is too small to delegate Serious Incidents to a small group of trustees, delete para 3.1 and replace all references to "PCC's Trustee Group" in this document with "PCC's trustees".

¹³ Include a list of the smaller group of PCC members who will have this responsibility.