

Triratna Buddhist Community (Leeds)

Serious Incident Reporting Policy and Procedures

Scope

This policy sets out our procedures for identifying and dealing with serious incidents, and how we, the trustees of Triratna Buddhist Community (Leeds), will meet the Serious Incident Reporting requirements of the Charity Commission, our insurer, and other relevant agencies. Our safeguarding policies set out our procedures for reporting safeguarding incidents.

Our purpose

We trustees are committed to practising the ethical precepts which the Buddha taught.

Recognising, responding to, and reporting serious incidents is part of our ongoing practice of acts of loving-kindness, generosity, mindfulness, and truthful communication. Where things have gone wrong we want to see clearly what has happened, put them right, learn from them, and make changes to minimise risks of serious incidents in the future.

We trustees take serious incidents very seriously and consider that reporting serious incidents promptly to the Charity Commission, our insurer, and other relevant agencies is vital in responding to every serious incident.

Our duty to report a serious incident

All charities must report serious incidents to the Charity Commission promptly. Charities with an income over £25,000 per year must confirm in their annual return that there have been no serious incidents or other matters that trustees needed to report to the Commission but have not done so.

What is a serious incident?

A serious incident is an adverse event, whether actual or alleged, which results in, or risks significant:

1. harm to a charity's beneficiaries, staff, volunteers or others who come into contact with the charity through its work;

2. loss of a charity's money or assets;
3. damage to a charity's property;
4. harm to a charity's work or reputation.

"Significant" means significant in the context of our charity, taking account of its trustees, volunteers, operations, finances and or reputation.

The main categories of reportable incidents are:

1. people: incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with the charity through its work; this includes incidents of abuse or mistreatment (actual or alleged) and a breach of procedures or policies which has put people who come into contact with the charity at risk, including failure to carry out checks which would have identified that a person is disqualified in law from holding their position within the charity e.g. under safeguarding legislation, from working with children or adults;
2. financial crimes: fraud, theft, cyber-crime and money laundering;
3. large donations from an unknown or unverifiable source, or suspicious financial activity using the charity's funds;
4. other significant financial loss;
5. links to terrorism or extremism, including proscribed organisations, individuals subject to an asset freeze, or kidnapping of staff;
6. other significant incidents, such as a trustee or senior manager being disqualified from holding that position; something has happened to force the charity into insolvency or to wind up; forced withdrawal of banking services and difficulties securing alternative accounts; the charity is subject to a police investigation or a significant investigation by another agency or regulator; major governance problems, such as mass resignation of trustees, or other events, leaving the charity unable to operate; the charity's trustees are the subject of criminal proceedings, in connection with the charity or their role in it; there has been a significant data breach or loss within the charity; or an incident has occurred involving one of the charity's partners in the UK or internationally which materially affects the charity, its staff, operations, finances and or reputation.

Reporting principles and procedures

We will report any serious incidents to the Charity Commission as soon as possible. Initially, we may submit an initial report of known facts, then provide further updates to the Commission following any investigation or as matters develop. We appreciate that an incident may get into the public domain or be reported in the media. The Charity Commission wants information to prepare its own public response and wants to be in a position to say that it is already liaising with us about the incident.

If, having reported a serious incident to the Charity Commission, we become aware of any material changes to the facts reported, or significant developments, we will inform the Commission as soon as we become aware of them.

Internal reporting by all trustees

We trustees will report any concerns about an incident or allegation to all the other trustees as soon as possible. For some incidents, the details may not be shared with all trustees, as set out in our Safeguarding policies.

As individual trustees we will not make a serious incident report to the Charity Commission until this has been agreed by a meeting of trustees, **except in exceptional circumstances, set out in our whistleblowing policy.**

Extraordinary General Meeting

Our chairperson or another trustee will convene an Extraordinary General Meeting of the trustees at the earliest opportunity after the incident or allegation.

At the meeting we will listen to reports, discuss the matter, decide how to respond in line with our policies, and determine whether or not the incident or allegation reported amounts to a serious incident. And we will take steps to prevent or minimise any further harm, loss or damage. We will consider whether to obtain external advice, such as legal, communications and or other advice.

In assessing whether a reportable Serious Incident has occurred we will consider the Serious Incident Reporting Guidance and any related documents from the Charity Commission. We may seek advice from professional advisers to inform our assessment.

If we agree that the incident is a serious incident, then we will agree who is responsible for reporting it to the Charity Commission, and by when.

At our Extraordinary meeting we will also consider whether we need to report the incident or allegation to our insurers or to other agencies in accordance with the relevant policy, for example our safeguarding policies. We trustees will report:

- crime, or suspected crime, to the police and obtain a crime reference number;
- any incidents of harm or risk of harm to children or vulnerable adults (including any concerns, suspicions or allegations) to the relevant local authority and obtain a reference number;
- any serious data breaches to the Information Commissioner's Office in accordance with our **data protection policy(s)**;
- any incidents relating to possible terrorist financing offences to police or the National Crime Agency and obtain a reference number.

We will, if needed, prepare a communications plan covering what we will say to all relevant people: our beneficiaries, volunteers, the public and the media.

Reporting to the Charity Commission

We will report all serious incidents to the Charity Commission using the Commission's form here:

<https://register-of-charities.charitycommission.gov.uk/reporting-or-updating-a-serious-incident>

In our Serious Incident Report we will provide enough detail to give the Charity Commission a clear picture of what happened and when, the extent of any loss or harm, how our charity is dealing with it, and the planned or possible next steps, including the following:

1. the individual submitting the Serious Incident Report and their connection to Leeds Buddhist Centre;
2. the authority they have to report on behalf of the trustees;
3. who within the trustee body is aware of the serious incident, for example all trustees, some of them or only the Chair or nominated trustee;
4. what happened and when the trustees first became aware of it – to the extent that information may identify individuals in sensitive circumstances, the level of detail may be tailored accordingly. It is not necessary to provide names of individuals involved in the initial Serious Incident Report; the Commission will

request this information if it needs it. However, our report will otherwise be fully candid;

5. the effect of the serious incident on Leeds Buddhist Centre or its beneficiaries or both;
6. action being taken to deal with the serious incident and prevent consequential risks and future occurrences, including details of any investigations by the trustees; whether our charity has any policies or procedures that apply to the serious incident in question and whether they were followed including reasons if they were not followed; and whether as a result current policies or procedures need to be revised, or new ones put in place;
7. whether and when the serious incident was reported to the police or another regulator, statutory or other agency (including official reference numbers) and any action taken; whether any guidance was offered and the extent to which it has been followed. In circumstances where, upon careful risk assessment, we decided that it would not be appropriate to report to external authorities (such as the wishes of the complainant, potential harm to the complainant, justifiable concerns about the way in which the matter would be treated), we will include a summary of the reasons for our decision in our Serious Incident Report; and we will document any such decision and reasons;
8. media/public relations plans that have been or will be prepared by Leeds Buddhist Centre, if any;
9. insurance coverage, if any, and notification to and or correspondence with our insurers where relevant;
10. any other review or investigation that will take place as a result of the serious incident, including governance arrangements, contracts with third parties or policies and procedures; and
11. we will specify whether the information is confidential and or may risk identifying individuals if disclosed externally.

We will mark all our serious incident reports as confidential, unless the information is already wholly available in the public domain. Also, we will:

1. remove any personal data to the greatest extent possible;
2. if appropriate, we will highlight the risk of identification of individuals, though unnamed;
3. identify any particularly sensitive information in the report;

4. specify any exemptions from disclosure, such as an exemption under the Freedom of Information Act; and
5. request that our report is not disclosed to third parties and ask the Commission to notify us if it receives a request to disclose information to third parties, for example, the media or individuals.

How the Charity Commission will respond

Usually the Charity Commission will acknowledge receipt of the Serious Incident Report, and that the trustees are dealing with the incident. The Commission may take steps to verify the details, for example where relevant by contacting the police. The Commission may also follow up if it:

1. needs more information about the Serious Incident;
2. considers that the trustees need regulatory advice and guidance;
3. has to use its legal powers to protect the Leeds Buddhist Centre and or the people who come into contact with it through its work;
4. decides to request updates on future development; and
5. needs to monitor the trustees' progress in dealing with it.

In very serious cases the Charity Commission may take steps to exercise its enforcement powers, for example, issuing a warning or opening a statutory inquiry into Leeds Buddhist Centre. Usually the Commission would be in communication with us before taking this step.

- Data protection and confidentiality

When trustees report a serious incident, some of the information provided may be sensitive. The Charity Commission is obliged to handle this responsibly, with care and only for the purposes of carrying out its statutory functions.

As a public authority and a 'controller', the Commission is subject to the Freedom of Information Act 2000, and relevant data protection legislation, and any other law and related guidance that may subsequently be in force.

The Commission does not routinely guarantee that information provided will be kept confidential, because information sharing is often necessary in order for the Commission to perform its statutory functions. In some cases the Commission is required by law to share information, for example with other relevant public authorities.

Learning from serious incidents

We trustees will review what happened and identify and take steps to prevent similar incidents from happening in future. This may include: strengthening our controls and procedures; seeking help from professional advisers.

New trustees

We will ask all new trustees to read this policy so that they can identify serious incidents and know what to do if one occurs or is alleged.

Review of this policy

We trustees will review this policy every three years, or whenever the Charity Commission updates its guidance about reporting serious incidents, whichever occurs first.

Date agreed: 15th July 2024

Signed:

Date next review: before 31st August 2027