

Joseph Cowen Lifelong Learning Centre CIO

Policy on Reporting and Dealing with Serious Incidents

The Charity Commission requires prompt, full and frank disclosure to the Commission of any serious incidents. As well as reporting what has happened, it is equally important to let the Commission know how we have dealt with the matter. There is an online form for reporting (<https://rsi.charitycommission.gov.uk/web/register/report-a-serious-incident>)

This policy cannot be a substitute for the Charity Commission's official guidance which is available at [How to report a serious incident in your charity - GOV.UK](#) This should be referred to whenever a serious incident is suspected.

This note sets out some of the features of a serious incident to help trustees recognise and understand when one may have occurred.

There may also be a requirement to report the incident to other regulators or authorities (eg. police; ActionFraud; ICO)

A serious incident is an adverse event which results in or risks:

- Harm to members, staff, volunteers or others coming into contact with the charity through its work
- Loss of the charity's money or assets
- Damage to the charity's property
- Harm to the charity's work or reputation

The main categories of reportable incident potentially applying to JCLLC are:

- Protecting people and safeguarding incidents
- Financial crimes - fraud, cyber theft
- Large donations from unknown or unverifiable sources
- Significant financial loss
- Links to extremism
- Insolvency, and withdrawal of banking services
- A trustee is disqualified in law from holding office
- The charity is subject to a police investigation or an investigation by another regulator
- Major governance problems eg. mass resignation of trustees
- A major data loss

The Charity Commission has a list of example issues showing which ones need to be reported and which do not

([RSI guidance what to do if something goes wrong Examples table deciding what to report.pdf](#))

However, it is the responsibility of the trustees to consider whether an incident should be reported and whether it is serious. Trustees should also record properly what action has been taken to deal with the incident and to prevent similar incidents occurring in the future. Significance should be considered in the context of the charity and taking account of its size.

Our independent examiners also have a duty to report serious incidents to the Charity Commission and the annual return we make to the Commission also asks us to confirm that no such incidents have not been reported.

The Charity Commission's main concern is that the trustees have taken action promptly, reported the incident to relevant authorities and dealt with the consequences. They also expect trustees to have considered what preventative actions might be needed to reduce the likelihood of such incidents recurring.

JCLLC Procedure

1. Staff and volunteers should be encouraged to report incidents of concern to the trustees.
2. If a serious incident is suspected, it should be reported to the Co-Chairs and the trustee responsible for liaison with the Charity Commission (currently the Treasurer) as soon as possible.
3. The Co-Chairs and the Charity Commission liaison trustee (or such of them as are available at the time) will review the available evidence in the light of the Charity Commission's guidance and decide whether:
 - a. The incident is not serious or significant enough to report. In this case the matter will be reported to the next Board meeting with a view to seeing whether there are any lessons to be learned.
 - b. The incident might be serious or significant enough to report, in which case further investigation is likely to be required. The group of three will consult other trustees by email or by holding an emergency online meeting to discuss the matter. Reporting is urgent and cannot wait for a normal board meeting, unless one is due to take place within the next week.
4. If the matter is deemed reportable, the sub-group will consider what needs to be reported to the Charity Commission, what should be done to manage the incident and its consequences, as well as what steps may need to be taken to protect the CIO from such risks in the future.
5. The sub-group will also identify other bodies to whom the incident should be reported, although in some cases this will have happened at an earlier point.
6. The trustee responsible for liaison with the Charity Commission will make the report as soon as reasonably possible. We are allowed to update our initial report and the Commission may come back to us with requests for further information.

7. The key deliberations will be recorded in writing and reported to the Board, which will need to consider what lessons are to be learned from the incident and whether we have dealt adequately with the risk of such incidents occurring again in the future.

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