

Bridge House Estates: Serious Incident Reporting Policy

Contents

Introduction and Scope	1
Background	1
Reporting Serious Incidents	2
Criteria.....	3
Approvals.....	3
Process Map	4
Accountability and discretion	5
Monitoring	5
Applications	Error! Bookmark not defined.

Adopted: [Insert date]

Introduction and Scope

1. This policy provides a clear and transparent framework to assist charity decision-making in identifying, assessing, recording and reporting an actual or potential serious incident, as required by the Charity Commission's published Guidance¹ on serious incident reporting.
2. The responsibility to report a serious incident to the Charity Commission ultimately rests with a charity's trustee(s), and for Bridge House Estates ("BHE"/ "the charity") (Charity Reg. No. 1035628), this responsibility has been delegated by the Court of Common Council of the City of London Corporation ("City Corporation") as charity trustee to the BHE Board (under the ultimate oversight of the Court). Authority may also be delegated to City Corporation officers, who are accountable to the BHE Board (and ultimately to the Court). Being accountable to the BHE Board (and the Court), the Managing Director of BHE has overall strategic oversight for operational risk management for BHE as relevant to the implementation of this policy, in consultation with relevant professional colleagues.
3. The purpose of this policy is to clearly and transparently set out a framework for BHE to ensure compliance with the Charity Commission requirement to identify, assess, record and, where relevant, report actual or potential serious incidents, consistent with related duties of a trustee to protect their charity's assets, reputation and the people who come into contact with the charity. This policy does not cover consequential operational management actions for resolution of matters arising from serious incidents identified through the implementation of this policy.
4. This policy supersedes any former process or policy for BHE for reporting Serious Incidents to the Charity Commission.

Background

5. BHE is an unincorporated charitable trust. The City Corporation, acting by the Court of Common Council, is the corporate trustee of BHE ("the Trustee"), and the charity is administered by the City Corporation in accordance with the law, the charity's own governing documents, and the City Corporation's usual procedures and governance framework. As charity trustee, the City Corporation has a legal obligation to always act in the best interests of BHE.
6. The primary object of BHE is to maintain and support five bridges crossing the River Thames – London Bridge, Blackfriars Bridge, Southwark Bridge, Tower Bridge and Millennium Bridge.
7. A cy-près charity scheme of 1995 permits income surplus to that required for the bridges in each year to be used for other charitable purposes for the general benefit of the inhabitants of Greater London (this is known as the charity's "ancillary object"). The income surplus is distributed in accordance with a policy agreed by the Court of Common Council following consultation. The current such policy is

¹ How to report a serious incident in your charity - Guidance for charity trustees about serious incidents: how to spot them and how to report, published 2 June 2014 (updated 14 June 2019), [How to report a serious incident in your charity](https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity) - GOV.UK (www.gov.uk)

“Bridging Divides”, delivered in the name of City Bridge Trust (CBT) – the charity’s ‘funding arm’.

8. The City Corporation has various charity trustee duties in respect of BHE, including a duty to protect BHE’s assets, reputation, and those who come into contact with the charity, and thus a responsibility to report to the Charity Commission promptly, frankly and fully on any serious incidents that arise within the charity in accordance with the Charity Commission’s Guidance and associated requirements. It is a responsibility of trustees of all charities in England and Wales to ensure that any serious incident that takes place within a charity is reported to the Charity Commission, and that appropriate action is taken by trustees to deal with the serious incident.

Reporting Serious Incidents

9. A Serious Incident is defined by the Charity Commission (in its guidance for trustees²) as an “adverse event that results in, or risks, significant
 - a. harm to people who come into contact with your charity through its work
 - b. loss of your charity’s money or assets
 - c. damage to your charity’s property
 - d. harm to your charity’s work or reputation”.
10. The main categories of reportable incident, as set out by the Charity Commission, are those that arise in connection with a charity or its work. These might relate to:
 - a. protecting people or safeguarding issues;
 - b. financial crimes;
 - c. large unidentifiable donations or suspicious activity using charity funds;
 - d. other significant financial loss;
 - e. any links to terrorism or extremism that are discovered;
 - f. other significant incidents such as data breaches, issues arising with partner organisations that affect the charity, or insolvency.
11. The Guidance refers to any reportable matter needing to be ‘significant’ and requires that the charity’s trustee(s) make a determination as to what qualifies as significant, or delegate responsibility for doing so to the charity’s management team, with subsequent reporting back to the trustee(s), including in instances where a decision was made not to report. Records supporting this determination should be retained.
12. Full and frank disclosure of what actually happened, and what the charity is doing to address the issue must be provided. Follow-up reports should be submitted if there are any material changes to the facts originally provided, or any other significant developments.
13. Reports must be made online and should be submitted promptly. The guidance states that reporting should be “as soon as is reasonably possible after it happens, or immediately after your charity becomes aware of it”. The charity’s annual return

² Ibid.

to the Charity Commission (a regulatory requirement) requires a declaration that all serious incidents have been reported. The annual return cannot be submitted until this declaration is made. Providing false or misleading information to the Charity Commission is an offence under section 60 of the Charities Act 2011. Further, the Charity Commission's Guidance highlights that they might treat a failure to report a serious incident that subsequently comes to light as mismanagement by the trustee which might also prompt regulatory action, particularly if further abuse or damage has arisen following the initial incident.

14. When a report is submitted, the individual making the submission should provide information including their own contact details, details of any other organisations the incident might have been reported to (e.g. the police) and confirm that the trustee/s have been made aware of the incident.
15. In addition to the above reporting requirements, a charity's auditors should also be informed of any reported serious incidents in the year, as they have their own requirements to consider and report on any relevant matters of interest to UK charity regulators.³

Criteria

16. As set out in paragraphs 9 and 10 above, the Charity Commission provide a number of criteria for assessing whether an adverse event should be considered a serious incident that requires reporting to the Charity Commission. Reference should be made to this guidance throughout the assessment and decision-making process, should any potentially adverse event be identified.
17. The assessment of what constitutes an adverse event resulting in or risking "significant" impacts for BHE is a matter of judgement. The assessment should take into account the size of BHE's assets and/or the impact on its staff, operations, and/or reputation at the time of the adverse event in reaching a recommendation.
18. There are therefore no specific criteria which must be met that would make a particular incident reportable. Instead, a decision must be made, and decisions, actions and recommendations recorded, with reference to a judgement on the significance of any event to BHE.

Approvals

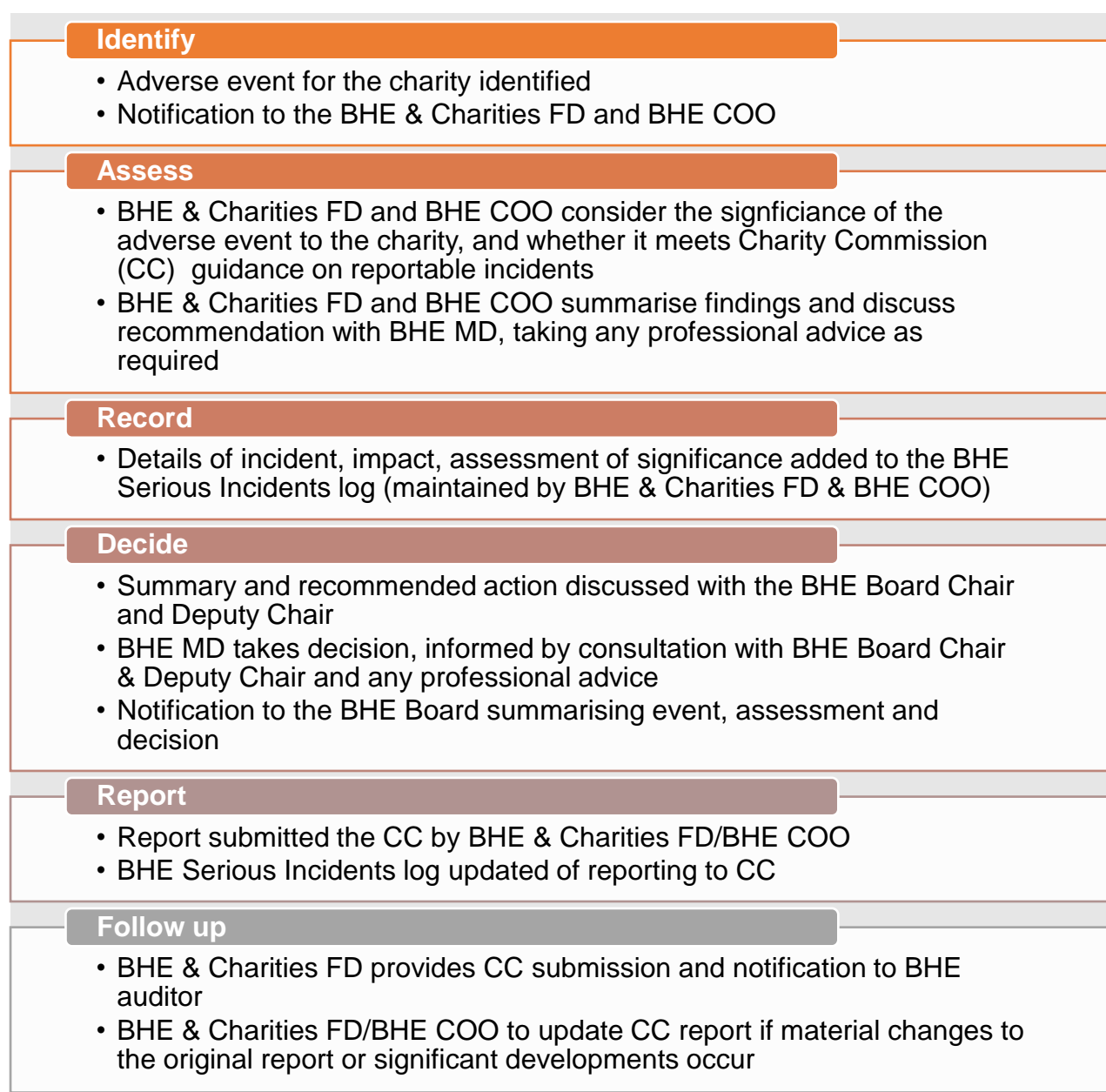
19. For BHE, responsibility for making a recommendation as to whether a particular scenario or issue constitutes a significant matter belongs to the BHE Managing Director (BHE MD). The BHE & Charities Finance Director (BHE & Charities FD) and BHE Chief Operating Officer (BHE COO) should provide a summary of the incident and discuss with the BHE MD who will decide on the final recommendation.
20. A determination as to what constitutes a 'significant' matter is the responsibility of the trustee, which responsibility may be delegated. The BHE MD will consult with

³ <https://www.gov.uk/government/publications/reporting-relevant-matters-of-interest-to-uk-charity-regulators>

the Chair and Deputy Chair of the BHE Board as to whether an adverse event is reportable before taking a decision under delegated authority to submit any report to the Charity Commission. The BHE Board will be formally notified at its next meeting of any decision made to report a serious incident to the Charity Commission, and all potential reportable incidents will be recorded in a confidential log which can be reviewed on request by Members of the BHE Board at any time.

21. Following a decision to report, the BHE & Charities FD and BHE COO should coordinate reporting to the Charity Commission, any other relevant bodies, and any follow up reporting as required. They will further be responsible for liaising with BHE colleagues to take action in response to the incident.

Process Map



Accountability and discretion

22. This policy is intended to ensure that the process for decision-making and reporting Serious Incidents to the Charity Commission is compliant with the Charity Commission's Guidance and requirements, and supports the effective discharge of the obligations placed upon the City Corporation as trustee to protect the charity's assets, reputation and those who come into contact with the charity. The process map above should be followed in each instance, and a record of all determinations should be retained on a log of serious incidents, held by the BHE COO, and available for any member of the BHE Board to review at any time.

Monitoring

23. The application of this policy will be monitored by the BHE Board and kept under regular review. Any changes to the policy will require approval from the BHE Board.

Notifications

24. To notify the charity of a potential serious incident, correspondence should be sent to both the BHE COO and the BHE & Charities FD and marked as 'confidential'.