

## Serious Incident Reporting Policy and Procedure

### 1. Purpose

This policy aims to:

- describe the circumstances in which a response may be required;
- ensure that serious incidents are identified correctly, investigated thoroughly and, most importantly, to enable us to learn in order to prevent the likelihood of similar incidents happening again;
- clarify the procedure for reporting serious incidents.

### 2. Statutory Guidance

The following statutory guidance shall be followed by AaA and AaAST:

- Charity Commission guidance (<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>) applies to Ambitious about Autism (The Charity) and Ambitious about Autism Schools Trust (the Trust).
- The Department for Education's Governance Handbook ([https://assets.publishing.service.gov.uk/media/5f7ee42be90e07741264a0cb/Governance\\_Handbook\\_FINAL.pdf](https://assets.publishing.service.gov.uk/media/5f7ee42be90e07741264a0cb/Governance_Handbook_FINAL.pdf))
- The Academies Trust Handbook (in relation to the Trust only) ([Academies Trust Handbook](#))
- The CQC's guidance on reportable incidences (<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-18-notification-other-incidents>) (in relation to the Charity only)

This policy applies to both the Charity and the Trust referred to for brevity in this document as 'Ambitious about Autism' except where explicitly stated to the contrary.

### 3. Policy statement

AaA(ST) will maintain the systems and controls needs to effectively identify and report serious incidences to the relevant regulators and other external bodies.

Ambitious about Autism is committed to promoting an open and fair culture with a clear duty to be honest when things go wrong. The Charity and the Trust expect all staff, volunteers and sub-contractors to be honest, open and truthful in all their dealings with beneficiaries who use our services and the public. Organisational and personal interests must never be allowed to outweigh the duty to be open, honest and truthful.

Ambitious about Autism is actively engaged in promoting and developing a safety culture in which staff have a constant and active awareness of the potential for things to go wrong. Through the development of this culture, Ambitious about Autism is able to acknowledge mistakes, learn from them, and take action both to mitigate and to improve safety for our beneficiaries.

Ambitious about Autism recognises that things will sometimes go wrong in any organisation and holds the view that the response should not focus on blame and retribution, but on organisational learning with the aim of supporting staff, rather than exposing them to recrimination.

Ambitious about Autism recognises that responding appropriately when things go wrong is a key part of the way in which we can continually improve the safety of our central office and services. We know that systems and processes can have weaknesses that can lead to errors occurring and that these errors sometimes have serious consequences for our beneficiaries, staff and the property, assets and reputations of the organisations involved. It is therefore incumbent upon all of us to strive continually to reduce the occurrence of avoidable harm.

A safety culture encourages a working environment that takes into account many components that are recognised as contributing to a serious incident or the events that lead up to it. It is recognised

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that the causes of any serious incident frequently extend beyond the actions of the staff involved and are often out of their control. While human error might immediately precede a serious incident, in a technically and socially complex context, such as special education provision, there are usually entrenched systemic factors at work. Ambitious About Autism is committed to establishing root cause during the investigation of serious incidents.

## 4. Key Principles

### 4.1 Definition of a Serious Incident

According to the Charity Commission:

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

- *harm to your charity's beneficiaries, staff, volunteers or others who come into contact with your charity through its work (who are collectively referred to throughout this guidance as people who come into contact with your charity through its work)*
- *loss of your charity's money or assets*
- *damage to your charity's property*
- *harm to your charity's work or reputation*

*For the purposes of this guidance, "significant" means significant in the context of your charity, taking account of its staff, operations, finances and/or reputation.'*

Ambitious about Autism recognises that less serious incidents, concerns and 'near misses' may also occur. This does not mean that every less serious incident, concern or near miss should be reported as a serious incident but, where there is a significant existing risk of system failure and serious harm, the serious incident process should be used to understand and mitigate that risk.

Ambitious about Autism further defines:

- A serious incident - one in which 'an individual/(s) has suffered a serious injury, major permanent harm or unexpected death, or where there is a cluster/pattern of incidents or actions by our staff that caused (or are likely to cause) significant concern, when involved with our services'.
  - An indicative list of serious incidents of this type requiring investigation in Ambitious about Autism can be found in **Appendix 1**.
- An incident - any event or circumstance that could or did lead to unintended or unexpected harm, loss or damage to one or more beneficiaries using our services, members of staff, visitors, other people or property, but which does not constitute a Serious Incident.
- A concern - any occurrence, event or circumstance that, while it gives cause for concern to one or more beneficiaries using our services, members of staff, visitors, other people or property by beneficiaries, a member of the public or employee using our services, it does not constitute an incident, but, collectively, the occurrence(s) may form a body of evidence for regulators.
- A near miss - an event that does not cause harm but has the potential to cause injury or ill health due to a significant, existing risk of system failure and serious harm.

### 4.2 Training and awareness

- Staff will be made aware of this policy and procedure through the staff induction process when directed to review the policies and procedures of Ambitious about Autism. The policy will be held within the policy library.
- Staff involved with the monitoring, management and review of serious incidents, incidents and concerns will receive relevant training.

## 5. Roles and Responsibilities

### 5.1. Trustees

The Trustee Board must comply with the legal duties of charity trustees in the administration of a charity. They have a general duty to take reasonable steps to assess and manage risks to their charity's activities, beneficiaries, funds, property, work or reputation.

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Trustees have a duty to report all serious incidents to the Charity Commission. The Vice Chair is the Serious Incident Reporting Lead Trustee and should be consulted on all incidents to decide whether a report should be made.

The Charity Commission guidance states that it is for Trustees to decide whether an incident is significant and should be reported and provides further guidance on what may be considered a serious incident that requires reporting to the Commission:

*‘The main categories of reportable incident are:*

- *protecting people and safeguarding incidents – incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with the charity through its work*
- *financial crimes – fraud, theft, cyber-crime and money laundering*
- *large donations from an unknown or unverifiable source, or suspicious financial activity using the charity’s funds*
- *other significant financial loss*
- *links to terrorism or extremism, including ‘proscribed’ (or banned) organisations, individuals subject to an asset freeze, or kidnapping of staff*
- *other significant incidents, such as – insolvency, forced withdrawal of banking services without an alternative, significant data breaches/losses or incidents involving partners that materially affect the charity.’*

*and examples in relation to each of the categories (see Appendix 2).*

Likewise, charity law requires Trustees to sign a declaration, as part of the Annual Return, to confirm that there has been no serious incidents or other matters relating to the charity over the previous financial year. Failure to do so means that the Trustees would have defaulted on their statutory requirements under section 169 of the Charities Act 2011. It is an offence, under section 60 of the Charities Act 2011, to provide false or misleading information to the Commission.

The Charity Commission guidance also stresses the importance of reporting any reportable incident involving ‘actual or alleged criminal activity’ to the relevant agencies’ and provides guidance on the relevant agencies involved.

Trustees must refer to the Department for Education’s [Governance Handbook](#), and Trustees of Ambitious about Autism Schools Trust must also adhere to the DfE’s [Academies Trust Handbook](#) with regard to incidents involving finances. The Trust Board of Trustees must notify DfE, as soon as possible, of any instances of fraud, theft and/or irregularity exceeding £5,000 individually, or £5,000 cumulatively in any financial year. Unusual or systematic fraud, regardless of value, must also be reported.

It is important to note that in addition to the Charity Commission, Ambitious about Autism and its member organisations have a responsibility to inform the Care Quality Commission (CQC) if the incident involves a setting regulated by the CQC. See **Appendix 4** for the list of reportable incidents. Should such an incident occur within the AaA settings that are regulated by the CQC, the procedural flowchart shown below will apply, and reports will be made to the CQC at the same time as the Charity Commission by the relevant parties.

## 5.2. Chief Executive Officer

The Chief Executive has delegated responsibility from both Boards of Trustees to ensure that the infrastructure is in place to report and manage serious incidents including potential serious incidents i.e. incidents, concerns and near misses. The Chief Executive is responsible for reporting serious incidents to the designated Serious Incident Reporting Trustee, the Chair and any other Trustee they feel is relevant and making a formal report to the Joint Group Board Committee and any other relevant Committee.

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The Chief Executive is responsible for reporting serious incidents to the relevant regulators. The Chief Executive has a responsibility to communicate with the people using our services or their representatives regarding serious incidents in a timely manner.

### 5.3. **Managers/ELT/SMT**

All Executive Leadership Team (ELT) Members have a responsibility for reporting serious incidents to the Chief Executive. Depending on the nature of the serious incident the Chief Executive will ask either the Director of Education or the Deputy Chief Executive to set up and lead an investigation team to establish root cause, implementing action plans and communicating and sharing with their team all lessons learned. They must also ensure that all staff involved in a serious incident receive the most appropriate support for each individual.

Service and Departmental Heads (SMT) have a responsibility to support their Executive Director and play an active part in any serious incident investigation, where appropriate. This includes providing support to those people involved in the incident, sharing information with relevant people and ensuring that lessons learned are fully communicated and embedded into everyday practice.

### 5.4. **All Staff**

All staff have a responsibility to report any accident, incidents or near misses to their line manager and all staff have a duty to assist in the investigation of any incident or near miss, including providing witness statements and attending investigatory meetings.

## 6. **Other Key Policies & Procedures**

This policy should be read alongside the following other policies:

- Whistleblowing Policy and Procedure
- Child Protection Safeguarding Policy and Procedure
- Adult at Risk Safeguarding and Protection Policy and Procedure
- Preventing Extremism and Radicalisation Policy and Procedure
- Fraud Prevention Policy and Procedure
- Bribery and Anti-Corruption Policy and Procedure
- Conflicts of Interest Policy
- Governance Code of Conduct
- Health and Safety Policy and Statement
- E-Safety Policy
- Risk Assessment Policy
- Data Protection Policy and Procedure
- Data Security Policy and Procedure
- Data Retention and Archiving Policy
- Fundraising Ethics Policy and Procedure

## 7. **Further details found in Appendices**

The following additional details can be found in the appendices below:

- Appendix 1: Procedure for reporting a serious incident
- Appendix 2: Criteria for Reporting Serious Incidents
- Appendix 3: Charity Commission’s Examples Table Deciding what to Report and Guidance on Decision Making
- Appendix 4: Examples of Reportable Incidents for the Care Quality Commission

## 8. **Monitoring Arrangements**

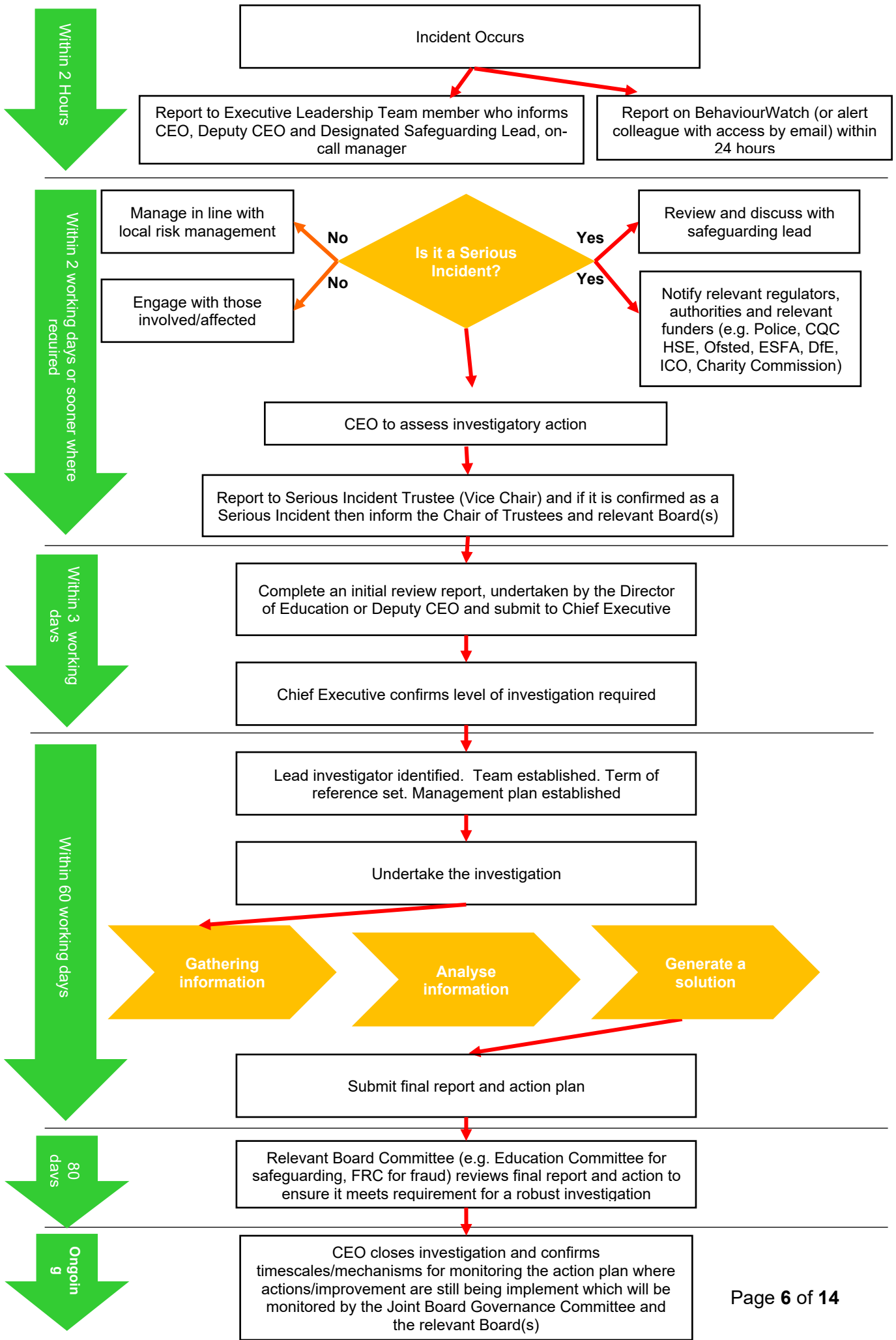
This policy shall be reviewed by the Director of Finance and Planning on an annual basis for the approval by the Joint Group Board Committee.

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**Appendix 1: Procedure for reporting a serious incident**

Attached at Appendix 1 is the flow chart outlining the procedures in place at Ambitious about Autism and Ambitious about Autism Schools Trust for reporting a serious incident.

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## Appendix 2

### Criteria for Reporting Serious Incidents

- The death or serious injury of a beneficiary using our services which is alleged to be at the hands of a member of staff, another service user or a member of the public while on our premises.
- The death or serious injury of a member of staff (including independent contractors) in the course of their duties.
- Serious injury, abuse or neglect of a beneficiary using our services, such as deliberate self-harm, accidental injury or injury inflicted by another person.
- Incidents that involve concerns regarding the actions of our staff (including independent contractors) which are likely to lead to the involvement of the criminal justice system. This may include fraudulent behaviour or actions resulting in harm to people.
- Serious fires or other serious damage which occur on our premises which causes major financial loss to the Charity or the death or serious injury of a beneficiary using our services or staff and/or would result in the major disruption of service provision.
- Significant sums of money or other property donated to the Charity from an unknown or unverified source.
- Using charitable funds inappropriately or being unable to transparently account for donations made to the charity.
- Known or suspected monetary/finance links (including any individual member of staff, trustee or volunteer) to a proscribed (banned) organisation or to terrorist or other unlawful activity.
- A person disqualified from acting as a trustee is or has been acting in that role with the Charity.
- Failure of the Charity to have a robust vetting procedure to ensure that a trustee or a member of staff is eligible to act in the position to which they are appointed.
- Risk of harm to the wellbeing or safety of a beneficiary.
- Unsafe working practices that may affect a beneficiary.
- Any incident involving a serious outbreak of infectious diseases in a service or wider community (e.g. food poisoning, MRSA), the transmission of infectious disease from a staff member to a beneficiary using our services (or vice versa) or any incident involving a HIV or Hepatitis B-infected health or social care worker.
- Errors in administration of medication to beneficiary, resulting in –
  - a death
  - an injury
  - abuse, or an allegation of abuse
  - an incident reported to or investigated by the police.
- The unplanned release of substances into the environment likely to cause a substantial hazard to the public (e.g. toxic gas, infected clinical material).
- Serious chemical or microbiological contamination incidents.
- Any incident that is attracting significant media attention that is likely to become high profile, be of public concern or cause reputational damage.
- A pattern emerging that is causing concern, such as a high number of complaints regarding a member of staff or a particular service.
- A data breach or the theft of computers, laptops or other devices that contain sensitive personal data.

This list is not exhaustive, but it should help to clarify the circumstances in which an incident of the same level of concern as these examples should be reported. Senior Managers (including managers on call) will need to exercise personal judgement when considering whether or not the incident is a Serious Incident.

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### Appendix 3

Attached at Appendix 3 is the Charity Commission's Examples Table Deciding what to Report and Guidance on Decision Making.

Where a serious incident has affected or may have affected a beneficiary using our services by an act of omission of the Charity or its staff, the person, or their representative or other authorised person, should be informed of the incident, given full disclosure about the circumstances of the surrounding circumstances, and be offered an appropriate level of support. This should happen whether or not the person or their representative has asked for this information.

Trustees must be made aware of all Serious Incident Reports made to the Charity Commission. As well as informing Trustees as reports are made an annual review of Serious Incident Reports and of this policy and procedure will be made to the Joint Group Board Committee.

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Examples table: deciding what to report

Serious incidents to report	Incidents not to report
Protecting people and safeguarding incidents	
<p>A beneficiary or other individual connected with the charity’s activities has/alleges to have suffered serious harm</p> <p>Allegation that a staff member has physically or sexually assaulted or neglected a beneficiary whilst under the charity’s care</p> <p>The Chief Executive of the charity has been suspended pending the outcome of an investigation into their alleged sexual harassment of a fellow member of staff</p> <p>Allegation that a trustee, staff member or volunteer has been sexually assaulted by another trustee, staff member or volunteer</p> <p>A staff computer is found to contain images of child pornography</p> <p>An internal investigation has established that there is a widespread culture of bullying within the charity</p> <p>A beneficiary or individual connected with the charity’s activities has died or been seriously harmed; a significant contributory factor is the charity’s failure to implement a relevant policy</p> <p>Charity failed to carry out DBS checks which would have identified that a member of staff or trustee was disqualified in law (under safeguarding legislation) from holding that position</p>	<p>Minor unusual/aggressive behaviour by a beneficiary towards a member of staff</p> <p>Police called to charity premises because a beneficiary is drunk and disorderly</p> <p>Charity becomes aware of allegations of abuse or neglect of a beneficiary that occurred outside the charity; the charity has reported the allegations to the appropriate agencies, and there is no harm to the charity’s reputation</p> <p>Beneficiary in a care home received the wrong medication as a ‘one-off’ error and there was no significant harm</p> <p>Logged accident book reports where there was no significant harm to individuals</p> <p>Details of reports under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) where there has been no significant harm to individuals</p> <p>Minor accidental injury to a charity service user e.g. slipping on a wet floor</p> <p>A staff member who is not in a senior position or position of specific responsibility (e.g. head of safeguarding) has bullied or harassed a fellow staff member. There is</p>

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<p>Repeated medication errors to beneficiaries in a care home indicating a systemic problem</p> <p>Charity discovers that an employee or volunteer coming into contact with children or at risk adults is on the sex offenders register</p>	<p>no indication of a widespread culture of bullying or harassment within the charity and the incident is dealt with by minor disciplinary action (for example, the staff member responsible has not been suspended or dismissed).</p> <p>A staff member who is not in a senior position or position of specific responsibility is dismissed for marrying a member of the community in which the charity is working, in breach of the charity's code of conduct but not in breach of local laws</p>
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Fraud, cyber-crime and money laundering

<p>Charity's Chief Executive and Treasurer produced false invoices for charity services</p> <p>A bogus fundraising scheme is being promoted online, using charity's name</p> <p>Charity funds lost due to an online or telephone 'phishing scam', where trustees were conned into giving out bank account details</p> <p>Attempted fraud by a member of charity staff but intercepted by internal financial controls</p> <p><b>Any actual/alleged fraud or money laundering should be reported. Any actual/alleged cyber-crime should be reported with the exception of the example in the right hand column</b></p>	<p>Attempted cyber-crimes that are blocked by the charity's computer network security systems, except where the attempted cyber-crime is unusual in nature and the charity wants to bring it to the attention of the Commission</p>
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Theft

<p>Each month, between £100-£200 goes missing, suspected stolen, from the cash till in the charity shop. It has been going on for six months and has been reported to the police.</p> <p>Charity office has been broken into and computers, holding personal details of beneficiaries and donors, stolen</p> <p><b>Remember, there is no minimum loss figure that should be reported. You need to decide whether incidents are serious enough to report, in the context of your charity and its income, taking account of the actual harm and potential risks posed</b></p>	<p>One-off random theft of items such as jewellery or a mobile phone at the charity's premises</p> <p>Theft of small amounts of cash belonging to a beneficiary, by another beneficiary, at a charity event</p> <p>Theft of a collection tin thought to contain small amount of cash</p>
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Unverified or suspicious donations	
<p>A significant amount over £25,000 is donated to the charity from an unknown or unverifiable source</p>	<p>Large legacy left in a will, received via solicitor dealing with probate, on condition donor remains anonymous</p> <p>Large donation made by an anonymous donor via solicitor who is aware of their identity</p> <p>Low value donations from unknown sources - refer to our guidance on <a href="#">due diligence and monitoring end use of funds</a></p>
Other significant financial loss	
<p>Significant loss of charity funds in a poor investment scheme, commissioned by trustees, without professional advice</p> <p>Sudden loss of 20% or more of charity's income (e.g. due to termination of major donor contract); charity has no reserves, meaning staff will be laid off and services stopped</p> <p>Substantial loss of charity funds due to legal costs incurred in a court case; excludes those charities routinely undertaking budgeted litigation on behalf of beneficiaries</p> <p>The charity's main premises is severely damaged in a fire and the charity is unable to deliver services to its beneficiaries</p>	<p>Loss of charity funds where the value lost represents less than £25,000 of charity assets and is less than 20% of the charity's income. There is no significant impact on the charity's services.</p> <p>Charity property overseas is damaged due to bad weather conditions (e.g. office roof blown off during a storm) but doesn't prevent charity from delivering services to beneficiaries</p> <p>A vehicle owned by the charity is badly damaged in an accident. Nobody was hurt, the damage is covered by insurance and the charity is still able to deliver services to its beneficiaries</p>
Links to terrorism or extremism	
<p>Charity discovers that an overseas partner has passed money to a member of charity's personnel who is a designated individual, subject to financial restrictions</p> <p>A member of charity staff or volunteer has been arrested for terrorism related offences</p> <p>Charity's warehouse in a war zone has been raided and vehicles/ stock taken at gunpoint</p> <p>Charity personnel have been detained or kidnapped by a terrorist group overseas</p> <p>A visiting speaker has used a charity event to promote extremist messages, via live speech or social media</p>	

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Other significant incidents - Disqualified person acting as a trustee	
Any person acting as a trustee or senior manager while disqualified – refer to the Commission’s <a href="#">guidance</a>	A trustee or senior manager voluntarily steps down from trusteeship when disqualified for having an IVA (Individual Voluntary Arrangement)
Charity subject to investigation by a regulatory body	
Charity is subject to official investigation by another regulator e.g. Fundraising Regulator, Police, UK Visas & Immigration, Ofcom, Information Commissioner, Care Quality Commission or Care Inspectorate Wales	<b>Routine inspections by a sector regulator e.g. Ofsted, CQC or CIW, do not need to be reported to the Commission unless there are adverse findings that place the future of the charity in doubt, relate to other categories of serious incidents or are likely to attract negative media attention</b>
Major governance issues	
Mass resignation of trustees, leaving the charity unable to function  Evidence that trustees have routinely signed blank cheques	One or two trustees stepping down at yearend, due to other commitments
Fundraising issues	
Suspicious of unauthorised public collections in the name of the charity  Charity hasn’t complied with law on requirements for solicitation statements or professional fundraising agreements  Significant funds, due under a fundraising arrangement, have not been paid by the professional fundraiser, or commercial partner to the charity  Incident has taken place involving a fundraising agency which will incur serious damage to the charity’s reputation	A missing collection tin thought to contain a small sum of money  Failure of a sponsor, e.g. of a local fun run, to submit small amounts of money raised for the charity

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Data breaches or loss	
<p>Charity's data has been accessed by an unknown person; this data was accessed and deleted, including the charity's email account, donor names and addresses</p> <p>A charity laptop, containing personal details of beneficiaries or staff, has been stolen and there is no encryption or other security measures that would prevent the perpetrator from accessing this information</p> <p>A Data Protection Act breach has occurred and been reported to the ICO</p>	<p>A charity laptop or mobile phone (not containing confidential data) has gone missing – it's been reported to the police</p>
Incidents involving partners	
<p>A delivery partner of the charity is alleged to have links to terrorism and extremism</p> <p>A delivery partner of the charity has ceased to operate and this has prevented the charity from providing assistance to its beneficiaries</p> <p>The charity's subsidiary trading company has gone into liquidation and this has resulted in financial difficulties which place the future of the charity in doubt</p> <p>Staff of another organisation within the same federated structure are found to have been committing systematic abuse of beneficiaries and this has significantly damaged the reputation of the charity</p>	<p>A serious incident has taken place involving a partner but it has no or minimal impact on the charity's reputation or the partner's ability to deliver its work with the charity</p> <p>A delivery partner of the charity has ceased to operate and this has had some impact on the charity's ability to provide assistance to its beneficiaries but it is not a material impact and the assistance to beneficiaries hasn't stopped</p>
Other, including criminality	
<p>Any other type of incident that appears serious and likely to damage reputation or incur loss of charitable funds/assets</p>	

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## Appendix 4: Examples of Reportable Incidents for the Care Quality Commission

- Absence of a registered individual for 28 days or more
- Allegations of abuse (safeguarding)
- Death of a detained mental health patient
- Death of a person using the service
- Death of a registered provider (and plans for the services)
- Events that stop a service running safely and properly
- Outcome of an application to deprive a person of their liberty (DoLS)
- Police involvement in an incident
- Return of a registered individual after an absence of 28 days or more
- Serious injury to a person using the service
- Unauthorised absence
- Abuse and allegations of abuse

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