



## Reporting serious incidents to the Charity Commission

### College Guidance and Procedures

1. The responsibility of trustees to report serious incidents to the Charity Commission is derived from Guidance issued by the Commission: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>.
2. Although the Guidance is not legally binding, serious incident reports demonstrate that trustees are taking appropriate action in response to an issue. They may be a mitigating factor when the Charity Commission is assessing a concern about a charity. Conversely, a failure to report may be treated as an aggravating factor in a subsequent engagement, or might be regarded as evidence of mismanagement.
3. The Guidance is accompanied by an "Examples Table" to assist trustees in deciding what to report:  
[https://assets.publishing.service.gov.uk/media/5bd706d9ed915d789dcd63ef/RSI\\_guidance\\_wh\\_at\\_to\\_do\\_if\\_something\\_goes\\_wrong\\_Examples\\_table\\_deciding\\_what\\_to\\_report.pdf](https://assets.publishing.service.gov.uk/media/5bd706d9ed915d789dcd63ef/RSI_guidance_wh_at_to_do_if_something_goes_wrong_Examples_table_deciding_what_to_report.pdf).
4. The Guidance and Examples Table are helpful in distinguishing between incidents that should be reported and those which are not sufficiently serious to warrant a report, but they do not directly address the circumstances of a charity with the specific features of the College, as a residential academic community for adult students, with Fellows and academic and non-academic staff, and, in particular, the types of safeguarding incident that may occur in such an institution.
5. The points below seek to apply the principles set out in the Guidance to incidents of actual or alleged abuse, mistreatment or harm, or potential significant damage to reputation, in the context of St Hilda's College. This note is not intended to be a substitute for the Guidance, but should be read as complementary to the Guidance and Examples Table. Reference should always be made to the Guidance and Examples Table when deciding whether to report an incident. In particular, reference should be made to the Guidance when addressing incidents that concern the risk of the loss of money or assets, or damage to property, which are significant risks for the College.

### What is a serious incident?

6. A serious incident is an adverse event, actual or alleged, which results in or risks any of the following:
  - a. Significant harm to beneficiaries, staff, volunteers or others who come into contact with the Charity through its work;
  - b. Significant loss of the Charity's money or assets;
  - c. Significant damage to the Charity's property;
  - d. Significant harm to the Charity's work or reputation.

7. This note is primarily concerned with incidents falling within category (a) and (to some extent) (d).

### Reporting Safeguarding incidents

8. The Commission expands on category (a) (the risk of harm, or actual or alleged harm to those coming into contact with the Charity through its work) under the heading of “safeguarding incidents”. The Commission’s definition of safeguarding is broader than that used under UK legislation concerned with children or adults at risk, and includes the range of measures in place to protect from abuse or mistreatment “those who come into contact with [the] Charity through its work”.
9. This is a very broad definition. It would include, for example, staff, fellows, students and alumni, applicants for places, school children participating in outreach programmes, families of students, contractors, visitors and tourists visiting the College, and those attending summer schools, conferences and events in the Jacqueline Du Pré building.
10. In summary, the Commission expects charities to report safeguarding incidents satisfying the following criteria:
  - a. Incidents of alleged or actual abuse or mistreatment of beneficiaries which risk significant harm while they were under the care of the Charity and by a person connected with the Charity, such as a member of staff;
  - b. Other incidents (actual or alleged) of abuse or mistreatment of people who come into contact with the Charity through its work which are connected with the Charity’s activities, and which risk/result in significant harm;
  - c. Breaches of policies or procedures that have put people coming into contact with the Charity through its work at significant risk of harm;
  - d. Incidents involving actual or alleged criminal conduct, unless it is minor.
11. Charities are not expected to report every internal staffing incident not involving senior officers or Fellows/trustees (such as an allegation that one relatively junior member of staff has bullied another), at least where it is not considered or found to be part of a systemic failure. They are not expected to report day-to-day misconduct by beneficiaries, staff or users (such as drunkenness, minor one-off theft, or minor damage to property).
12. An actual or alleged incident should be reported promptly, which the Commission defines as being “as soon as is reasonably possible after it happens, or immediately after your Charity becomes aware of it”.
13. In light of this Guidance, it is suggested the following types of safeguarding incident are (non-exhaustive) examples of situations where it may be appropriate for a report to be made:
  - a. Assault (including sexual assault) said to have been committed by a Fellow, member of staff or student against a person coming into contact with the College through its work.
  - b. Harassment, discrimination, abuse or bullying said to have been committed by a Fellow, member of staff or student against a person coming into contact with the College through its work.
  - c. Breach of the staff/student relationships policy.
  - d. Significant failure by the College to apply or follow its Statutes, Bylaws or procedures, including, for example, disciplinary procedures, fitness to study

procedures, harassment procedures, or procedures for investigating student complaints.

- e. The death or serious injury of any person on College premises or in the course of contact with the College through its work.
14. Serious incidents may occur outside the physical boundaries of the College. The focus is contact with the Charity; the link to the Charity's work; and/or the potential harm to the Charity's work or reputation.
  15. When considering whether to report an incident, consideration should be given to the question whether the incident is judged to meet the threshold of significance, including causing or risking significant harm to an individual, or to the College's resources, work or reputation.

### "Significance"

16. The Guidance defines "significant" as "significant *in the context* of your charity, taking account of its staff, operations, finances and/or reputation."
17. In the case of St Hilda's College, the context is that of a charity which has operated as a world-class higher educational and research institution for over 130 years, and which has an investable endowment in the region of £70 million, around 42 Governing Body Fellows, about 100 academic and non-academic staff, and about 700 students, of whom around 400 are undergraduates.
18. Significant harm to any individual should be considered on a case-by-case basis. Although the threshold is not defined by the Commission, the examples it gives suggest serious psychological, material or physical detriment.
19. Significant reputational harm should be considered in the context of the very longstanding public prominence of the College, and the considerable media attention it attracts, including in relation to minor incidents. Consideration should be given to whether an incident would be likely to give rise to lasting and serious reputational damage in the minds of reasonable people who are not unduly hasty in giving credence to sensational or provocative reporting.

### Assessing Significance

20. In considering significance, relevant considerations include:
  - a. the degree of actual, alleged or potential harm to the person affected, or to the College's work, reputation or resources;
  - b. the seniority of those whose conduct is alleged to have caused harm;
  - c. whether the incident has been reported to the police or other public authorities, and, if so, whether they are investigating it or taking any other action;
  - d. the question whether there has been any systemic or repeated failure of the College's internal policies or safeguards, or whether the incident is a single episode that has been detected and dealt with or remedied appropriately.

### Reporting *allegations* of mistreatment or abuse

21. The Commission requires the reporting of allegations of serious incidents as well as actual incidents found to have occurred. It is suggested that it would be appropriate for consideration to be given to reporting allegations where preliminary investigation indicates that there is a case to answer. In the case of student conduct, this would normally occur where the Dean has

decided to refer a case to the Principal under paragraph 6 of the Non-Academic Disciplinary Procedure in accordance with the Procedure for Major Breaches of Discipline.

### Who should report an incident?

22. The responsibility for reporting incidents rests with the trustees, but the trustees may collectively decide to delegate authority to a person to make reports on their behalf.
23. Trustees must decide in each case whether an incident is significant and should be reported. The guidance envisages an exercise of judgment based on the usual criteria of reasonable care and skill, proportionality, and pursuing the best interests of the Charity in accordance with its charitable objectives.
24. The judgment may be made by any trustee of the College on behalf of the trustees, but is in general delegated by Governing Body to a set of College Officers, consisting of the Principal, Vice-Principal, Senior Fellow, Bursar, Dean or Senior Tutor. Any one or more than one of these Officers may make a judgment and file a report but no report should be made without consultation with the Principal, Vice-Principal or Bursar, save where they are conflicted or unavailable. Reports will normally be made by the Bursar. Anyone aware of something they consider to be a potentially reportable serious incident should report it to the Principal, Bursar and/or Vice-Principal.
25. If it is decided that a report should be made, the Bursar (or, if they are conflicted or unavailable, another College Officer) will make the report promptly, and will be responsible for updating the Commission as matters progress.
26. Governing Body should be informed of any report at its next stated meeting.

**Approved and adopted by Governing Body on 13 November 2024**