

# REPORTING OF SERIOUS INCIDENTS POLICY

## 1. Scope of policy

- 1.1 This policy applies to the Stonewall Equality Limited (a charity registered in England and Wales, charity no. 1101255) (“**Stonewall**”).
- 1.2 The guidance set out in Appendix 1 of this policy should be shared with and made applicable to Stonewall’s partners (including grantees).
- 1.3 This policy applies to all those working for and on behalf of Stonewall. This includes trustees, paid staff, volunteers, agency staff and contractors. Any breaches of this policy may lead to disciplinary action. Disciplinary action can have a number of outcomes. These range from no formal action, through a range of levels of warning, depending on the nature and impact of the breach. In the most serious instances, this may lead to summary dismissal for gross misconduct. In the case of contractors, this may result in the early termination of your contract. If you are a volunteer or a trustee, a breach of this policy may mean that we have to ask you to cease being a volunteer or trustee.

## 2. Why do we need this policy?

- 2.1 The purpose of this policy is to ensure that representatives of Stonewall are able to identify serious incidents, escalate them as appropriate and report them internally so that the trustees can exercise adequate oversight and consider whether to make a serious incident report to the Charity Commission for England and Wales (the “**Commission**”) among other potential actions.
- 2.2 In particular, this policy sets out how Stonewall seeks to ensure compliance with the Serious Incident Reporting (“**SIR**”) requirements of the Commission which are set out in guidance available on its website<sup>1</sup> (the “**SIR Guidance**”).
- 2.3 This policy sets out the process which should be followed to ensure that Stonewall complies with its reporting obligations in relation to serious incidents which occur within Stonewall and any wider obligations to take appropriate action in response to an incident.
- 2.4 The responsibility for reporting serious incidents to the Commission ultimately rests with Stonewall’s trustees. However, in practice this may be delegated to someone else within Stonewall, such as a senior employee.

## 3. Why report serious incidents?

- 3.1 The Commission treats reporting serious incidents as a duty which applies to all charities registered in England and Wales. It is also clear from its guidance and from recent events in the sector that the Commission expects serious incidents to be reported to it as soon as possible.

---

<sup>1</sup> The current guidance (updated 17 October 2018) ‘How to report a serious incident in your charity’ is accessible here: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity> which may be updated from time to time.

## Reporting of Serious Incidents Policy

- 3.2 As part of the annual return charities registered in England and Wales are **legally required** to sign a declaration confirming that there were no serious incidents or other matters relating to the charity over the previous financial year that should have been reported but were not. Although there is no statutory requirement under charity law to report serious incidents as they occur, following this policy will enable Stonewall to sign the declaration in the annual return in compliance with its legal obligation to do so, in confidence that no relevant incidents have been left unreported.
- 3.3 The Commission also considers that, as a matter of good practice, all charities regardless of size or income should report serious incidents to the Commission promptly.
- 3.4 It is the Commission's regulatory role to ensure that the trustees of Stonewall comply with their legal duties and that the charity manages any incident responsibly, taking steps to limit its immediate impact and prevent the incident from happening again.
- 3.5 Reporting a serious incident to the Commission will demonstrate that Stonewall has the appropriate processes in place to deal with risks and is taking the correct action. Where a report is made effectively, it can limit the likelihood that the Commission will take any formal regulatory or enforcement action against a charity in respect of the incident.
- 3.6 If Stonewall fails to report a serious incident that subsequently comes to light, the Commission may consider this to be evidence that a charity has been mismanaged. The failure to report, of its own account could prompt or add to the seriousness of regulatory action, particularly if further abuse or damage has arisen following the initial incident.
4. The potential for reputational damage can also be lessened if Stonewall is able to show that the incident has been handled well; this will also allow the Charity Commission, if asked by the media, Parliament or the public, to state that the trustees acted responsibly in notifying the Commission, and dealing with the incident.
5. **What is a serious incident?**
- 5.1 A serious incident is defined by the Commission as being an adverse event, (whether actual or alleged) which results in or risks significant:
- (a) **harm to a charity's beneficiaries, staff, volunteers or others who come into contact with the charity through its work;**
  - (b) **loss of a charity's money or assets;**
  - (c) **damage to a charity's property; and/or**
  - (d) **harm to a charity's work or reputation.**
- "Significant"** means significant in the context of the charity, taking account of its staff, operations, finances and/or reputation.
- 5.2 The SIR Guidance identifies the following main categories of reportable incidents:

## Reporting of Serious Incidents Policy

- (a) 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 (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)<sup>2</sup>.
- (b) financial crimes: fraud, theft, cyber-crime and money laundering;
- (c) large donations from an unknown or unverifiable source, or suspicious financial activity using the charity's funds;
- (d) other significant financial loss;
- (e) links to terrorism or extremism, including 'proscribed' organisations, individuals subject to an asset freeze, or kidnapping of staff; and
- (f) other significant incidents, such as:
  - (i) a trustee or a senior manager being disqualified from holding that position;
  - (ii) something has happened to force the charity into insolvency or to wind up;
  - (iii) forced withdrawal of banking services and difficulties securing alternative accounts;
  - (iv) the charity is subject to a police investigation or a significant investigation by another agency/ regulator (the SIR Guidance states that a charity does not need to report routine regulatory inspections unless they resulted in significant adverse findings that place the future of the charity in doubt, are likely to damage the charity's reputation or public confidence in the charity, or relate to any of the other categories of serious incidents);
  - (v) major governance problems, such as mass resignation of staff or trustees, or other events, leaving the charity unable to operate;
  - (vi) the charity's trustees or employees are the subject of criminal proceedings, in connection with the charity or their role in it;
  - (vii) there has been a significant data breach or loss within the charity; and
  - (viii) 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 (this includes delivery partners, subsidiary companies, funding recipients and organisations linked to the charity).

---

<sup>2</sup> The Commission's guidance '*Safeguarding and protecting people for charities and trustees*' (25 October 2018) is available here: <https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

## Reporting of Serious Incidents Policy

- 5.3 The Commission recommends that any incident or matter which could get into the public domain or be reported in the media is reported to it as soon as possible (even if initially on an interim basis) so that the Commission can prepare its own public response and be in a position to say that it is already liaising with the charity in relation to it.
- 5.4 However, Stonewall acknowledges that, due to the nature of its charitable objectives and the fact that aspects of its work is contested, it will at times attract adverse media coverage. Stonewall does not consider that adverse media coverage will necessarily result in harm to the charity's reputation which is sufficiently serious as to be reportable pursuant to this policy and the SIR Guidance, except where;
- (a) adverse media coverage relates to one of the types of serious incident listed in 5.2 above which would itself be reportable; or
  - (b) adverse media coverage does not result from news generated as a consequence of advocacy positions pre-agreed by trustees e.g. trans inclusion, and is particularly widespread, i.e. where adverse media coverage:
    - (i) is on the front page of two or more national newspapers in England and Wales;
    - (ii) is covered in two other national newspapers in England and Wales and/or significant attention in other forms of media e.g. broadcast media; or
    - (iii) is otherwise maintained on a national level for more than 24 hours.
- 5.5 The SIR Guidance provides more details about the types of matters that should be reported and also includes a table of examples of matters that usually should or should not be reported. This Policy and the SIR Guidance are not exhaustive and matters may still constitute serious incidents if they do not fall within any of the categories identified above. If in doubt as to whether something constitutes a serious incident, you should discuss it with the Relevant Officer where applicable (see below).

## 6. Reporting principles and procedures

- 6.1 Stonewall will provide this policy to those who work for it (including trustees, staff and volunteers) so that they can identify serious incidents and know what to do if one occurs.

### Internal reporting by employees

- 6.2 Staff or volunteers should not seek to make a serious incident report to the Commission themselves. Instead they should report their concerns internally in accordance with the relevant policy so that appropriate action can be taken.
- 6.3 The following Stonewall policies relate to contexts in which serious incidents may arise:
- (a) Anti-bribery and Counter-terrorism;
  - (b) Anti-bullying and harassment;
  - (c) Complaints;

## Reporting of Serious Incidents Policy

- (d) Data Protection;
- (e) Fraud and Financial Controls;
- (f) Health and Safety;
- (g) Safeguarding; and
- (h) Whistleblowing

- 6.4 Where a serious incident is covered by one of these policies, staff should use the mechanism set out in the relevant policy and report the incident to the individual named in that policy (the “Relevant Officer”). In the unlikely event that an incident is not covered by one of the above-listed policies, staff should report the incident to the Chief Executive Officer, whose contact details are at the end of this Policy, as soon as possible and in any event within 24 hours.
- 6.5 Where an incident relates to the Relevant Officer or the Chief Executive Officer, staff should report the incident or allegation directly to one of the nominated trustees being the Chair and Deputy Chair or an alternative member of the board if the Chair and Deputy Chair are not available or would be subject to a conflict of interests or loyalty in relation to its subject matter. The nominated trustee’s contact details are at the end of this policy.
- 6.6 Upon receiving a report, the Relevant Officer or Chief Executive Officer will assess whether they think it may potentially be a serious incident and if so, will promptly (on the same day) report the incident to one or more of the Stonewall trustees (in accordance with any applicable policy).
- 6.7 The trustee receiving the report will determine the next steps. In most circumstances the report will be shared with the Stonewall board of trustees in order for them to consider whether a serious incident report is required. However, there may be circumstances where this is not appropriate due to reasons of confidentiality, conflict of interest/loyalty etc, in which case the nominated trustee will decide how to deal with the matter, taking account of any relevant policies and procedures and taking advice as appropriate. Consideration should be given as to whether any particular steps can be taken to address particular issues e.g. whether the report could be appropriately anonymised before sharing with the board. In paragraphs 6.8 to 6.15, “the trustees” means those trustees who have been made aware of the incident (including on an anonymous basis, where appropriate).

### Reporting to the Commission

- 6.8 The trustees will respond to serious incidents promptly, in a comprehensive and systematic manner; will assure themselves that all appropriate steps have been or are in process; and will seek to prevent or minimise any further harm, loss or damage.
- 6.9 Assessing whether a reportable serious incident has occurred is a matter for the trustees to determine, having reviewed and considered the SIR Guidance and any related Commission documents or other guidance, and they may seek advice from professional advisers before doing so.

## Reporting of Serious Incidents Policy

- 6.10 The trustees will report serious incidents to the Commission promptly. The urgency of reporting will depend on factors including the nature and seriousness of the incident, the potential impact on the Charity and whether it is likely that there will be significant media coverage of the incident.
- 6.11 The SIR Guidance notes that it is important to provide enough detail in the report to give the Commission a clear picture of what happened and when, the extent of any loss or harm, how the charity is dealing with it and the planned/possible next steps (see below for further details of the information to provide in the report). The Stonewall trustees will liaise with relevant staff to gather the appropriate information required to report the matter to the Commission.
- 6.12 It is important to balance the fact finding exercise with the need to report incidents promptly. Some discretion may need to be exercised in these circumstances. It will always be open to Stonewall to make an initial report to the Commission covering those facts that are known to the charity to date, and provide further updates to the Commission following internal investigation or as matters develop, including regarding the actions which have been taken to respond to and manage the incident. The SIR Guidance says that if, having submitted a report to the Commission, the charity becomes aware of any material changes to the facts reported or significant developments, the charity must inform the Commission as soon as it becomes aware of them.
- 6.13 The trustees may delegate responsibility for reporting a serious incident to a senior member of staff – any delegation should be clear about the scope of the report, trustee oversight of it and the deadline for submission. The SIR Guidance makes it clear that decisions made by others should be reported back to trustees; particularly where incidents were ‘borderline’ and the charity considered making a report but decided not to.
- 6.14 The serious incident report should be filed by the Commission’s [online form](#), or such other [method of reporting as the Commission may from time to time require](#).
- 6.15 Unless a specific reporting framework has been agreed with the Commission, the online form will require the following information to be included in the report:
- (a) the individual submitting the report and their connection to Stonewall;
  - (b) the authority they have to report on behalf of the trustees;
  - (c) who within the Stonewall trustee body is aware of the incident, for example all trustees, some of them or only the nominated trustee;
  - (d) when the incident occurred and whether it is ongoing;
  - (e) what happened and when Stonewall 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 report – the Commission will request this information if it needs it. However, the account should otherwise be fully candid and should not be expressed in general terms or euphemistically;
  - (f) the effect of the incident on Stonewall or its beneficiaries or both;

## Reporting of Serious Incidents Policy

- (g) action being taken to deal with the incident and prevent consequential risks and future occurrences (this will likely include details of any investigations by Stonewall (whether complete or underway); whether the Stonewall has any policies or procedures that apply to the incident in question and whether they were followed including any reasons why they were not followed (if applicable); and whether as a result the trustees have determined that current policies or procedures need to be revised, or new ones put in place if they do not already exist);
- (h) whether and when it was reported to the police or another regulator/statutory or other agency in the jurisdiction in which the incident occurred (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, it has been determined that it would not be appropriate to report to external authorities (such as, but not limited to, the wishes of the victim/survivor/complainant; potential harm to the victim/survivor/complainant; justifiable concerns in relation to the due process with which the matter would be treated), a summary of the reasons for that determination should be included in the report and the decision and reasons should otherwise be carefully documented;
- (i) media/donor/patron/public relations handling plans that have been or will be prepared by the Stonewall, if any;
- (j) insurance coverage, if any, and notification to and/or correspondence with the insurers where relevant;
- (k) any other review or investigation that will take place as a result of the incident or allegation, including in respect of governance arrangements, contracts with third parties or policies and procedures; and
- (l) specifying whether the information is confidential and/or may risk identification of individuals if disclosed externally.

### Other actions to take

- 6.16 Stonewall will prepare a communications plan covering what it will say to staff, volunteers, beneficiaries, members, supporters, patrons, the public and the media.
- 6.17 Consideration should be given to whether it is appropriate to obtain external advice, such as legal and/or communications advice.
- 6.18 Stonewall will review what happened and identify and take steps to prevent it from happening again - this may include strengthening internal controls and procedures, and/or seeking appropriate help from professional advisers.
- 6.19 Consideration must also be given to whether a serious incident should be reported to Stonewall's insurers in accordance with the relevant insurance policy (if any).
- 6.20 In addition to making a serious incident report to the Commission, if the incident occurred in the UK, it may be necessary to inform or make reports to other relevant regulators or agencies. Stonewall should report:

## Reporting of Serious Incidents Policy

- (a) crime, or suspected crime, to the police and obtain a crime reference number;
- (b) 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;
- (c) incidents of fraud and cyber-crime that take place in connection with the Stonewall to Action Fraud and obtain a crime reference number;
- (d) any serious data breaches to the Information Commissioner's Office; and
- (e) any incidents relating to possible terrorist financing offences to police or the National Crime Agency ("NCA") and obtain a reference number.

6.21 There is no requirement to report any breaches of the Code of Fundraising Practice or fundraising complaints to the Fundraising Regulator, although Stonewall may decide to report to the Fundraising Regulator if it is sensible in the circumstances.

6.22 Where there is actual or suspected criminal activity or other serious incident that has occurred in another country, Stonewall will ensure that it is made aware of the requirements of local law and regulation, including in respect of reporting. Stonewall will carefully consider and risk assess the making of such a report to the police and/or to any other regulators or authorities to which Stonewall is accountable or which otherwise have jurisdiction in relation to the matter.<sup>3</sup> This will include consideration of the risk of harm to others (such as the victim and alleged offender) if the incident is reported and cultural differences and sensitivities. To the extent that it is determined, after careful consideration, not to report an incident to the national or regional authorities of another country and not to require a partner organisation into make a report if the incident relates to the partner organisation's staff or work, the decision will be carefully documented and reasons provided to the Commission when the serious incident report is made. Where an alleged offender is a UK national or resident, consideration will be given to reporting to the NCA.

6.23 Stonewall must carefully consider and have due regard to any and all advice given by statutory or other bodies in relation to its handling of the incident or allegation. It must be carefully and securely documented and explained to the Commission in the serious incident report made.

## 7. What happens next?

7.1 The Commission will typically acknowledge receipt of the report. It is understood that it will assess the risk and look at how Stonewall is dealing with the incident, and may take steps to verify the details, for example and where relevant, by contacting the police. The Commission may also follow up if it:

- (a) needs more information about the incident;
- (b) considers Stonewall's needs regulatory advice and guidance;
- (c) has to use its legal powers to protect the Charity and/or the people who come into contact with the Charity through its work;

---

<sup>3</sup> The Charity Commission has issued guidance on reporting criminal incidents in the UK and overseas, accessible here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/749335/guidance\\_on\\_criminal\\_reporting\\_inc\\_overseas.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749335/guidance_on_criminal_reporting_inc_overseas.pdf).

## Reporting of Serious Incidents Policy

- (d) decides to request updates on future development;
- (e) needs to monitor the Charity's progress in dealing with it.

7.2 In very serious cases the Commission may take steps to exercise its enforcement powers, for example, issuing a warning or opening a statutory inquiry into the Charity, though it is rare that it would do so without some form of preliminary communication or dialogue.

## 8. Data protection and confidentiality

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

8.2 As a public authority and a 'controller', the Commission is subject to the Freedom of Information Act 2000, the Data Protection Act 2018, and the General Data Protection Regulation (EU) 2016/679 (and any other law and related guidance as may subsequently be in force).

8.3 The Commission's SIR Guidance states that 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 further its statutory functions and objectives and in some cases it is required by law to share information (e.g. to other relevant public authorities).

8.4 Despite this, all serious incident reports should be marked as confidential (unless the information is already wholly available in the public domain, which is highly unlikely). In addition:

- (a) any personal data should be removed to the greatest extent possible and, if appropriate, the risk of identification of individuals (though unnamed) should be highlighted;
- (b) any particularly sensitive information in the report should be identified;
- (c) any specific exemptions from disclosure (such as an exemption under the Freedom of Information Act) should be specifically referred to and relied upon; and
- (d) the report should contain a request that it is not disclosed to third parties and that the Commission notifies the Charity if it receives a request to disclose information to third parties (e.g. the media or individuals).

## 9. Partner organisations and recipients of funds or other resources

9.1 Stonewall should enter into agreements on UK Serious Incident Reporting with each of its partners, affiliates and entities in receipt of Stonewall funds and other resources, and provide them with the guidance in Appendix 1. These outline the requirements for prompt notification to Stonewall regarding any serious incidents within or likely to impact Stonewall-funded programmes or where incidents may have an adverse impact on Stonewall.

9.2 For the avoidance of doubt, Stonewall does not generally consider that its Diversity Champions will be its partners for the purposes of the serious incident reporting regime. However, it is possible that incidents

## Reporting of Serious Incidents Policy

arising in relation to Stonewall's work with Diversity Champions might be reportable serious incidents in accordance with this guidance – for example:

- (a) If an incident occurs during the course of Stonewall's work as part of its Diversity Champion scheme, including if a Stonewall employee, volunteer or trustee is involved in a serious incident in the course of their work with a Diversity Champion;
- (b) if Stonewall is subject to significant adverse media coverage in relation to its work with a Diversity Champion;
- (c) an incident does not involve the charity's funds, brand or people but could otherwise have a significant impact on Stonewall.

### 10. Learning from serious incidents

10.1 It is important that Stonewall appropriately manages and responds to a serious incident. This includes learning from the incident and taking steps to minimise further harm in consequence of the incident and to prevent similar incidents from occurring in the future.

10.2 Senior employees and trustees should consider whether Stonewall has taken appropriate steps to respond to a serious incident and ensure that sufficient controls and procedures are put in place to mitigate and manage any future risks to the Charity and its beneficiaries. This should be documented.

### 11. Review of this policy

This policy will be subject to review by the board of trustees every two years; upon the Commission issuing updated guidance in relation to serious incident reporting, whichever occurs first, or as otherwise appropriate.

#### Relevant contact details:

Nominated trustee – Chair of Trustees: Sheldon Mills	Email:	
	Telephone:	
Alternate trustee (if nominated trustee is not available) – Deputy Chair of Trustees:	Email:	
	Telephone:	
Chief Executive Officer: Nancy Kelley	Email:	
	Telephone:	

**Date of policy:** January 2021

## APPENDIX 1 – REPORTING OF SERIOUS INCIDENTS GUIDANCE FOR PARTNERS

### 1. Introduction

- 1.1 Stonewall Equality Limited (“**Stonewall**”) should provide this guidance to its partners, and procure that its partners agree to comply with its terms. A partner could be:
- (a) a delivery partner or sub-contractor of the charity;
  - (b) a subsidiary trading company of the charity;
  - (c) an organisation that receives funding from the charity; or
  - (d) another charity or organisation that is linked to Stonewall, for example as part of a federated structure
- 1.2 The purpose of this guidance is to ensure that the representatives of Stonewall partners (including trustees, employees and volunteers) are aware of the steps which they need to take in order to enable Stonewall, a charity registered in England and Wales, to comply with the Serious Incident Reporting (“**SIR**”) requirements of the Charity Commission of England and Wales (the “**Commission**”) which are set out in guidance available on its website<sup>4</sup> (the “**SIR Guidance**”).
- 1.3 The SIR guidance applies to Stonewall as a charity registered in England & Wales (a “**UK Charity**”). However, the Commission has made clear that any allegations or incidents arising in other organisations within a structure within which a UK charity sits, over which the UK charity has any control, provides funding or other resources or in relation to which an incident may result in reputational damage to the whole group or movement, may also comprise a serious incident for the purposes of reporting, even where the other entities within the structure are incorporated and regulated separately and/or in another jurisdiction.
- 1.4 Therefore, Stonewall partners must recognise that, due to their connection to Stonewall, a serious incident which occurs in relation to their work with Stonewall has the potential to damage the reputation of Stonewall and therefore may amount to a serious incident in relation to Stonewall. Partners must therefore commit to reporting any incident which falls within the definition at paragraph 2 below to Stonewall.

### 2. What is a serious incident?

- 2.1 Partners must report to Stonewall any incident which results in or risks, significant:
- (a) harm to Stonewall’s beneficiaries, staff, volunteers or others who come into contact with the charity through its work;
  - (b) loss of Stonewall’s money or assets;
  - (c) damage to Stonewall’s property; and/or

---

<sup>4</sup> The current guidance (updated 17 October 2018) ‘How to report a serious incident in your charity’ is accessible here: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity> which may be updated from time to time.

## Reporting of Serious Incidents Policy

- (d) harm to Stonewall's work or reputation.

2.2 The SIR Guidance identifies the following main categories of reportable incidents and partners must report all incidents falling within any of these categories which relate to its work with or connection to Stonewall to Stonewall:

- (e) 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 partner through any of its work which is connected to Stonewall (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)<sup>5</sup>;
- (f) financial crimes: fraud, theft, cyber-crime and money laundering;
- (g) large donations from an unknown or unverifiable source, or suspicious financial activity using Stonewall's funds;
- (h) other significant financial loss;
- (i) links to terrorism or extremism, including 'proscribed' organisations, individuals subject to an asset freeze, or kidnapping of staff; and
- (j) other significant incidents, such as:
  - (i) a trustee or a senior manager being disqualified from holding that position in the relevant jurisdiction;
  - (ii) something has happened to force the partner into insolvency or to wind up;
  - (iii) forced withdrawal of banking services and difficulties securing alternative accounts;
  - (iv) the partner is subject to a police investigation or a significant investigation by another agency/ regulator;
  - (v) major governance problems, such as mass resignation of staff or trustees, or other events, leaving the partner unable to operate;
  - (vi) the partner's trustees or employees are the subject of criminal proceedings, in connection with the charity or their role in it;
  - (vii) there has been a significant data breach or loss within the partner; and

---

<sup>5</sup> The Commission's guidance 'Safeguarding and protecting people for charities and trustees' (25 October 2018) is available here: <https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

**Reporting of Serious Incidents Policy**

2.3 an incident has occurred involving one of the local partners with which the partner works which materially affects Stonewall, its staff, operations, finances and/or reputation.

**3. Process for reporting the incident to Stonewall**

3.1 Stonewall should enter into agreements on UK Serious Incident Reporting with each of its partners, affiliates and entities in receipt of Stonewall funds and other resources. Together with this guidance, these will outline the requirements for prompt notification to Stonewall regarding any serious incidents within or likely to impact Stonewall-funded programmes or where incidents may have an adverse impact on Stonewall.

3.2 Partners should report serious incidents to Stonewall in accordance with the terms of such agreements, and, if in doubt (for example if the agreement is unclear, or the incident relates to the person named in the agreement), should report serious incidents to the Chief Executive Officer (or nominated Senior Leadership Team member) whose contact details are at the end of this Policy, as soon as possible and in any event within 24 hours.

3.3 Partners should understand that, on receipt of a serious incident report from a partner the trustees of Stonewall will consider the nature of the report and make a decision as to whether or not to make a serious incident report to the Commission, and if any other steps should reasonably be taken. Partners will work with Stonewall in order to provide the Stonewall trustees with any additional information which they may require in order to inform their decision as to whether or not to make the serious incident report to the Commission and/or in order to draft the serious incident report or provide any further information requested by the Commission.

**Relevant contact details:**

Nominated trustee – Chair of Trustees: Sheldon Mills	Email:	
	Telephone:	
Alternate trustee (if nominated trustee is not available) – Deputy Chair of Trustees:	Email:	
	Telephone:	
Chief Executive of Stonewall: Nancy Kelley	Email:	
	Telephone:	