



CHARITY COMMISSION
FOR ENGLAND AND WALES

UK Criminal Incidents

Reporting offences committed in the UK to UK policing

Sometimes it will be immediately clear that an incident involves criminal issues and needs to be reported. Sometimes it will be clear what has happened is of concern but not criminal. In some cases, the facts or whether what has happened just may not be clear at the stage you are made aware of it or looking into it.

Where it is clear the incident involves criminality, charities are expected to act responsibly and take action to report it to the authorities. In some situations the report may need to be made to a statutory safeguarding or other authority aside from, or as well as, the police.

Where a criminal offence has been or has potentially been committed, in the UK, and/or there are safeguarding risks to a child or adult, it should usually be reported to the police force local to where the offence took place.

If the incidents have taken place across different police force areas, the charity should initially report the incident to the police force where the primary offence or greatest prevalence of offending took place.

Overseas criminal incidents

The need to report to local policing authorities overseas

Where an incident takes place overseas, incidents should usually be reported to local law enforcement authorities and/or safeguarding organisations overseas, in the location where the incident and suspected offence has taken place.

Where it may not be possible to report a criminal incident

There will be some occasions, where reporting to the police and law enforcement authorities overseas may not be possible. There may be issues with victim consent which may be a legal requirement to reporting in some countries and/or the need to consider that in doing so it may endanger the life or safety of the victim. In some cases this might also apply to the alleged offender. Charities need to assess the risks, including the risk of harm to others if the matter is not reported, to decide what action to take in these cases.

The charity will be expected to be able to explain why a case or incident has not been reported and show that that is a reasonable and justified decision in the circumstances.

Cultural and legal differences and sensitivities

We are also conscious that charities need to be sensitive to and take account of the different laws and international cultures, including the risk of harm to the victim. In some countries depending on the incident, there may be a real risk of harm or criminality for the victim for cultural reasons, for example in situations of pregnancy outside of marriage, prostitution or sex with teenagers or of people of the same sex. In other cases the victim may not consent or there might be real risk of human rights abuses in that legal system, or of corruption or of individual perpetrator protection in the local judiciary, or a likely risk of community justice or vigilante action. In these cases, it will again be for the charity to explain why a decision not to

report it to the local authorities is a reasonable and justified decision in the circumstances – does it stand up to public scrutiny.

National Crime Agency interest in overseas matters

In cases where a person has committed or potentially committed a child sexual abuse/exploitation offence overseas, involving a British national or a person with a claim to UK residency, the UK authorities may have an interest even though it is overseas.

The reason for this is that the National Crime Agency, has some extra territorial jurisdiction to bring prosecutions in the UK in certain circumstances. This is under Sexual Offences Act 2003; where section 72 of that Act allows a UK national or a UK resident to be charged in the UK for certain sex offences, usually involving a child committed overseas, where they constitute an offence in the country where the act took place, and are an offence in England and Wales.

The NCA advice is that reporting to the NCA should normally follow on from the matter being reported locally in the country where the offence allegedly took place.

Exceptions to this would be where charities have taken the decision based on risk not to report to the local country authorities, for the reasons outlined above. In these circumstances, they should report to the NCA, making it clear that the matter could not be reported to local law enforcement in country and why.

Information required by UK Law Enforcement on such reports

The type of information the policing is likely to require if you report an incident involving a suspected criminal matter is set out below

- the name of the person suspected of committing the crime
- confirmation of their nationality or claim to UK residency status
- the role they had, for example trustee, employee, volunteer within the charity or relationship with it at the time of the incident
- details of what happened, including date(s) and location(s)
- details of the victim(s), including where known: name, age / date of birth, nationality, location at time of offence, and present location
- outline of the action taken by the charity locally in country, including any steps taken to protect the victim
- why the charity has not referred the matter locally to law enforcement overseas or why they believe the matter will not be progressed
- named contact points for the case within charity and/or local law enforcement

If you have it, the policing may also want

- the person's date of birth
- the person's address in the UK where known
- details of any witnesses, and what claims they have made
- what if any response the person has provided in relation to the allegations
- details of the person's employment history with the charity and/or others where known

This advice was developed working with the National Crime Agency (NCA) and the National Police Chief's Council (NPCC) in October 2018