



# Fframwaith ar gyfer rhoi gwybod i'r Comisiwn Elusennau am ddigwyddiadau difrifol

**Corff Cymeradwyo:** Y Cyngor

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**Perchennog y polisi:** Ysgrifennydd y Brifysgol

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## **Fframwaith ar gyfer rhoi gwybod i'r Comisiwn Elusennau am ddigwyddiadau difrifol**

Mae aelodau'r Cyngor, fel ymddiriedolwyr Prifysgol Aberystwyth (rhif elusen gofrestredig 1145141), wedi cymeradwyo'r fframwaith canlynol sy'n rhoi arweiniad ar y digwyddiadau difrifol y mae angen i'r Brifysgol roi gwybod amdanynt i'r Comisiwn Elusennau.

Fel arfer bydd Ysgrifennydd y Brifysgol yn rhoi gwybod i'r Comisiwn Elusennau am ddigwyddiadau difrifol:

- a. pan fydd yr adroddiad ynghylch unrhyw ymchwiliad wedi cael ei ystyried gan y pwyllgor perthnasol o fewn y sefydliad; neu
- b. yn dilyn ymgynghori â Chadeirydd y Cyngor; Cadeirydd y Pwyllgor Archwilio, Risg a Sicrwydd; neu'r Is-Ganghellor.

Dylid nodi nad oes modd i'r fframwaith hwn fod yn un cynhwysfawr, a dylid defnyddio canllawiau'r Comisiwn Elusennau (a restrir isod) fel y prif ganllaw wrth benderfynu a fu digwyddiad difrifol ai peidio:

- “How to report a serious incident in your charity” (dolen [yn y fan yma](#));
- “Reporting a serious incident in your charity when it involves a partner” (dolen [yn y fan yma](#)); a'r
- “Examples table” (wedi'i atodi).

Bydd unrhyw ddigwyddiadau y rhoddir gwybod amdanynt i Ysgrifennydd y Brifysgol ac nad ydynt yn cael eu cwmpasu gan y fframwaith, ond y gellid barnu eu bod yn ddigwyddiadau difrifol, yn cael eu trafod â Chadeirydd y Cyngor a'r Is-Ganghellor, a fydd yn penderfynu a ddylid rhoi gwybod amdanynt i'r Comisiwn Elusennau.

### **Digwyddiadau difrifol y dylid rhoi gwybod amdanynt**

Oni fydd aelodau'r Cyngor yn rhoi cyfarwyddyd fel arall, bydd angen i'r Brifysgol roi gwybod am y digwyddiadau difrifol a ganlyn i'r Comisiwn Elusennau:

#### Twyll, seiber-drosedd a gwyngalchu arian

- Pob achos o dwyll neu wyngalchu arian, neu achosion honedig.
- Unrhyw ymgais ar dwyll gan aelod o staff, ond ei bod wedi cael ei hatal gan fesurau rheoli mewnol.
- Achosion - gan gynnwys seiber-droseddau - sydd wedi neu a allai fod wedi arwain at golledion ariannol gwerth dros £25,000 i'r Brifysgol.
- Gwasanaethau ffug sy'n cael eu hyrwyddo gan ddefnyddio enw'r Brifysgol (gan gynnwys ar-lein).

Yn unol â chanllawiau'r Comisiwn Elusennau, dylid rhoi gwybod hefyd am achosion o dwyll a seiber-drosedd i Action Fraud, gan ddefnyddio eu teclyn adrodd ar-lein.

#### Lladrata

- Swm o arian isel o ran gwerth yn mynd ar goll, gydag amheuaeth ei fod wedi'i ddwyn, yn rheolaidd yn y Brifysgol.

- Arian neu eiddo wedi'i ddwyn o'r Brifysgol, neu'n mynd ar goll, gyda gwerth ariannol o dros £25,000 (fesul digwyddiad, neu fesul cyfres o ddigwyddiadau sy'n ymddangos fel petaent yn gysylltiedig).
- Cyfrifiaduron ac arnynt fanylion personol buddiolwyr<sup>1</sup> a rhoddwyr yn cael eu dwyn.

### Rhoddion a Chodi Arian

- Y Brifysgol ddim wedi cydymffurfio â'r gyfraith o ran y gofynion ar gyfer datganiadau datgelu, cytundebau cyfranogi masnachol neu gytundebau codi arian proffesiynol.
- Rhodd gwerth dros £25,000 yn cael ei rhoi i'r Brifysgol gan ffynhonnell anhysbys neu un nad oes modd ei gwirio (nid yw'n berthnasol i roddion gan unigolion y mae'r Brifysgol yn gwybod pwy ydynt, ond sy'n dymuno i'w rhodd gael ei chofnodi fel un 'ddienw').

### Colled ariannol sylweddol arall

- Colli dros £25,000 o arian y Brifysgol neu arian gwaddol o ganlyniad i fuddsoddi gwael gan ymddiriedolwyr, a hynny wedi'i wneud heb gyngor proffesiynol.
- Colli incwm yn sydyn, heb fod wedi cyllidebu ar ei gyfer, a hynny'n arwain yn ddi-oed at ddiswyddiadau a rhoi'r gorau i gynnal rhai gwasanaethau.
- Eiddo'r Brifysgol yn cael ei ddifrodi mewn modd sy'n ei hatal rhag cynnal ei gwasanaethau.
- Colli achos llys a gorfod talu ffioedd cyfreithiol neu iawndal sylweddol o gronfeydd y Brifysgol.
- Un o is-gwmnïau'r Brifysgol wedi cael ei ddiddymu, a hyn wedi arwain at anawsterau ariannol sy'n peryglu dyfodol y Brifysgol.

### Amddiffyn Pobl a Digwyddiadau Diogelu

- Honiad neu achos o ymddiriedolwr, aelod o staff neu fuddiolwr yn ymosod yn rhywiol ar ymddiriedolwr, aelod o staff neu fuddiolwr.
- Honiad neu achos o ymddiriedolwr, aelod o staff neu fuddiolwr yn ymosod yn rhywiol ar berson sy'n dod i gysylltiad â'r Brifysgol trwy gyfrwng ei gwaith, a hynny mewn perthynas â gweithgareddau'r Brifysgol.
- Canfod delweddau o bornograffi plant ar gyfrifiadur aelod o staff.
- Ymchwiliad mewnol wedi canfod diwylliant eang o fwlio o fewn yr elusen.
- Buddiolwr neu unigolyn sy'n dod i gysylltiad â'r Brifysgol wedi marw ar eiddo sy'n berchen i'r Brifysgol neu'n cael ei reoli ganddi, neu yn rhywle arall mewn perthynas â gweithgareddau'r Brifysgol.
- Buddiolwr neu unigolyn sy'n dod i gysylltiad â'r Brifysgol wedi cael niwed difrifol ar eiddo sy'n berchen i'r Brifysgol neu'n cael ei reoli ganddi, neu yn rhywle arall mewn perthynas â gweithgareddau'r Brifysgol, a methiant y Brifysgol i roi polisi perthnasol ar waith yn ffactor cyfrannol sylweddol.

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<sup>1</sup> At ddibenion y Fframwaith hwn, mae buddiolwr yn golygu'r grŵp o bobl sy'n gymwys i elwa yn sgil gwaith y Brifysgol dan ei hamcanion yn y Siarter Frenhinol, h.y. myfyrwyr cofrestredig a defnyddwyr gwasanaeth eraill y gweithgareddau addysgol a ddarperir gan y Brifysgol.

- Methiant i gynnal gwiriadau gofynnol y Gwasanaeth Datgelu a Gwahardd (DBS) a fyddai wedi canfod bod aelod o staff wedi'i anghymhwyso yn ôl y gyfraith (dan ddeddfwriaeth diogelu) rhag cyflawni swydd benodol o fewn y Brifysgol.

Yn ychwanegol at yr uchod, dylai digwyddiadau diogelu o bob math gael eu hadolygu'n ofalus er mwyn pennu a ddylid rhoi gwybod amdanynt dan ganllawiau'r Comisiwn. Dylid nodi nad yw'r Comisiwn Elusennau yn ei gwneud hi'n ofynnol i ddatgelu data personol am drydydd parti (ac eithrio pan na ellir rhoi gwybod am ddigwyddiad heb wneud hynny), a dylid cymryd gofal eithriadol er mwyn cydymffurfio â chanllawiau'r Comisiwn Elusennau yn hyn o beth.

#### Cysylltiadau â therfysgaeth neu eithafiaeth

- Unigolyn sy'n gysylltiedig â gweithgareddau'r Brifysgol wedi cael ei arestio am droseddau yn ymwneud â therfysgaeth.
- Unigolyn sy'n gysylltiedig â'r Brifysgol â chysylltiadau hysbys neu honedig â sefydliad sydd wedi'i wahardd neu weithgaredd terfysgol / anghyfreithiol arall.
- Honiad bod sefydliad sy'n bartner i'r Brifysgol â chysylltiadau â therfysgaeth ac eithafiaeth.
- Ymddiriedolwyr, aelodau o staff neu fuddiolwyr wedi cael eu cadw'n gaeth neu eu cipio gan grŵp terfysgol pan oeddent yn cynrychioli'r Brifysgol neu'n gweithio ar ran y Brifysgol.
- Siaradwr gwadd wedi defnyddio digwyddiad a gynhaliwyd gan y Brifysgol i hyrwyddo negeseuon eithafol, er gwaethaf camau a gymerwyd gan y Brifysgol i roi ei Chod Ymarfer Rhyddid i Lefaru ar waith.
- Arian neu asedau'r Brifysgol wedi cael eu defnyddio i dalu llwgrwobrwyon, arian amddiffyn neu bridwerth.

#### Mynediad Diawdurdod i Ddata neu Golli Data

- Data'r Brifysgol wedi'u cyrchu a'u dileu gan berson anhysbys.
- Achos o ladrata o'r Brifysgol, sy'n arwain at offer cyfrifiadurol heb eu hamgryptio neu gopiâu caled o ddogfennau yn cael eu lladrata, a'r rheini'n cynnwys data personol.
- Gliniadur heb ei amgryptio yn mynd ar goll, a data personol arno.
- Achos o dorri'r Ddeddf Diogelu Data y rhoddwyd gwybod amdano i Swyddfa'r Comisiynydd Gwybodaeth, ac sy'n destun craffu pellach gan y Comisiynydd.

#### Person sydd wedi'i anghymhwyso yn gweithredu fel ymddiriedolwr

- Unrhyw berson yn gweithredu fel ymddiriedolwr neu uwch reolwr tra'i fod wedi'i anghymhwyso rhag cyflawni'r swydd honno.

#### Ymchwiliad gan Gorff Rheoleiddio

- Ymchwiliad swyddogol yn cael ei gynnal i'r Brifysgol gan reoleiddiwr arall (e.e. UKVI, HEFCW).

#### Problemau Sylweddol o ran Llywodraethu

- Nifer fawr o'r ymddiriedolwyr yn ymddiswyddo, gan olygu na all y Brifysgol barhau i weithredu.

- Yr ymddiriedolwyr neu staff uwch yn destun achos troseddol, mewn perthynas â'r Brifysgol neu eu swyddogaeth oddi mewn iddi.
- Yr Is-Ganghellor, fel Swyddog Atebol y sefydliad, wedi cael ei (h)atal o'i waith.

#### Digwyddiadau yn ymwneud â phartneriaid

- Un o bartneriaid darparu'r Brifysgol wedi rhoi'r gorau i weithredu, a hyn yn atal y Brifysgol rhag rhoi cymorth i'w buddiolwyr.



**CHARITY COMMISSION**  
FOR ENGLAND AND WALES

### Examples table: deciding what to report

Serious incidents to report	Incidents not to report
<b>Protecting people and safeguarding incidents</b>	
<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>

<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>
<p><b>Fraud, cyber-crime and money laundering</b></p>	
<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>
<p><b>Theft</b></p>	
<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</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>

<b>income, taking account of the actual harm and potential risks posed</b>	
<b>Unverified or suspicious donations</b>	
<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>
<b>Other significant financial loss</b>	
<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>
<b>Links to terrorism or extremism</b>	
<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>	
<b>Other significant incidents - Disqualified person acting as a trustee</b>	
<p>Any person acting as a trustee or senior manager while disqualified – refer to the Commission's <a href="#">guidance</a></p>	<p>A trustee or senior manager voluntarily steps down from trusteeship when disqualified for having an IVA (Individual Voluntary Arrangement)</p>
<b>Charity subject to investigation by a regulatory body</b>	
<p>Charity is subject to official investigation by another regulator e.g. Fundraising Regulator, Police, UK Visas &amp; Immigration, Ofcom, Information Commissioner, Care Quality Commission or Care Inspectorate Wales</p>	<p><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></p>
<b>Major governance issues</b>	
<p>Mass resignation of trustees, leaving the charity unable to function</p> <p>Evidence that trustees have routinely signed blank cheques</p>	<p>One or two trustees stepping down at year-end, due to other commitments</p>

<b>Fundraising issues</b>	
<p>Suspicious of unauthorised public collections in the name of the charity</p> <p>Charity hasn't complied with law on requirements for solicitation statements or professional fundraising agreements</p> <p>Significant funds, due under a fundraising arrangement, have not been paid by the professional fundraiser, or commercial partner to the charity</p> <p>Incident has taken place involving a fundraising agency which will incur serious damage to the charity's reputation</p>	<p>A missing collection tin thought to contain a small sum of money</p> <p>Failure of a sponsor, e.g. of a local fun run, to submit small amounts of money raised for the charity</p>
<b>Data breaches or loss</b>	
<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>
<b>Incidents involving partners</b>	
<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>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</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	material impact and the assistance to beneficiaries hasn't stopped
<b>Other, including criminality</b>	
Any other type of incident that appears serious and likely to damage reputation or incur loss of charitable funds/assets	