

A constituent has concerns about a charity, what should they do?

Where concerns are raised about a charity it is important that, wherever possible, there is an attempt to resolve those concerns with the charity directly. Many issues and disputes can be resolved without involving the Charity Commission.

When will the Charity Commission get involved?

If you or your constituent is concerned about the functioning of a registered charity that operates in England and Wales then they can submit a complaint to us. Generally speaking the Charity Commission will take up complaints where there is a serious risk of significant harm to, or abuse of, the charity, its assets, its beneficiaries or reputation. We will only intervene where we consider that action is necessary and proportionate.

Circumstances which we would normally perceive as posing a serious risk of harm include those where there is evidence of:

- Connections to banned organisations.
- Links to, or support for, terrorism.
- Misuse of a legitimate charity to foster crime or extremism.
- Fraud or money laundering.
- Abuse of vulnerable beneficiaries.
- Putting beneficiaries at risk by failing to put in place adequate protection.
- Sham charities.
- Financial irregularities.

When won't the Charity Commission get involved?

Our powers are limited by charity law, the autonomy granted to charities' governing bodies and the remits of other regulators and agencies. The Charity Commission cannot investigate criminal or taxation matters. If we are notified of a crime or of suspected tax evasion then we may pass on the details of the complaint to the police or appropriate authority. Our only role will be to assess whether there has been misconduct or mismanagement in the charity's administration which has allowed criminality to occur.

We cannot take up complaints made by an individual about the services they have received from a charitable organisation, nor employment disputes. Charity law also specifically prohibits us from intervening in disagreements and disputes between trustees or patrons on the direction and management of a charity.

How do I complain to the Charity Commission?

If you, or a constituent, have a complaint about a charity which you have been unable to resolve directly and which you believe falls within the Charity Commission's remit then we ask you to write to us and lodge a formal complaint. Including certain information, wherever possible, helps us to deal with your complaint quickly and thoroughly. Please include:

- The name and registration number of the charity concerned.
- The nature of your complaint, including any specific allegations you wish to make.
- Who is involved and what position they hold in the charity.
- The effect this matter has on the charity and its beneficiaries.

- Any action already taken by the charity in response to your concerns.
- Any publicity, you are aware of, that surrounds this issue.
- Copies of any documentary evidence you may possess.
- Details of any previous correspondence on this matter with public bodies.
- Your name, address, email and contact number and any contact you may have with the charity concerned.

If you need to contact the Charity Commission then please email us at our dedicated address for MP enquiries charitycommissiondirectmppost@charitycommission.gsi.gov.uk. Alternatively you can write to us at Charity Commission Direct, PO Box 1227, Liverpool, L69 3UG. We also have a single helpline for complaints, concerns and casework which you, or your constituent, might find useful – telephone 0845 300 0218.

Will the charity know who has complained?

As far as possible we endeavour to protect the confidences and privacy of complainants. However, there may be instances where the identities of complainants have to be disclosed, or where they become apparent during the course of the investigation. We ask complainants to inform us whether they give permission for us to identify them and whether they will allow us to put their evidence directly to the charity itself. Whilst we endeavour to maintain the confidentiality of complainants we are bound by the Freedom of Information Act and may, in certain circumstances, be compelled to reveal their identity.

What will happen next?

The Charity Commission will assess your case, on the basis of the information provided, and decide what action should be taken. That decision may be that:

- No regulatory issues arise but the concerns may usefully be passed on to other agencies.
- Regulatory issues do not arise to a serious enough extent to involve the Charity Commission.
- Regulatory issues arise which we believe can be resolved through assistance and support.
- The issues raised are serious enough to warrant our opening an inquiry.

We aim to ensure that enquiries from MPs receive a response within a deadline of ten days. Sometimes we will need more time to consider the matter which you have raised but we will still aim to update you on our progress within that timeframe.

What happens if you discover a serious problem at the charity?

We have a range of powers which we can use where there is a very serious problem at a charity, and where such a response will be proportionate and helpful. If our assessment suggests that this is the case, we will open a statutory inquiry under section 8 of the Charities Act 1993. This is a serious step and not one we take lightly. If we do open an inquiry, this then gives us powers to take various regulatory actions in respect of the charity. These include the options of freezing a charity's accounts, suspending trustees and employees, appointing new trustees, and prohibiting further action or fundraising. In the most serious cases we might temporarily appoint an interim manager to take over some, or all, of the trustees' powers. Once our inquiry is complete we will produce an inquiry report which will recommend or require further actions. Where necessary we will continue to monitor the charity involved to ensure that problems do not recur.

What information can I expect from you?

We want to ensure that our processes are as transparent and as accessible as possible. However, we have a duty of care to the charities we regulate and we cannot release sensitive or confidential information, especially whilst an inquiry is on-going. We will provide you with as much information as we can whilst protecting the rights of all involved parties. We are also happy to meet with you and do our best to answer your questions. Once an inquiry is complete we will send you a copy of our inquiry report (which we publish on our website) and will be happy to meet and discuss any outstanding concerns.

How long will it take?

The Charity Commission aims to enforce regulation fairly and proportionately. We also often need to work with other agencies who may have a role to play in concerns about a charity. For this reason we work on a case by case basis and have no fixed timescale for inquiries or cases. We will keep you updated on the progress of those you are interested in.