



CHARITY COMMISSION
FOR ENGLAND AND WALES

Inquiry Report

Hindu Swayamsevak Sangh (UK)

Registered Charity Number 267309

A statement of the results of an inquiry into Hindu Swayamsevak Sangh (UK) (registered charity number 267309).

Published on 2 September 2016.

The charity

Hindu Swayamsevak Sangh (UK) ('the charity') was registered on 29 April 1974. It is governed by a trust deed dated 4 March 1974 as amended by special resolution dated 25 November 2001.

The charity's entry on the register of charities can be found on GOV.UK (**HSS (UK) - 267309**).

The charity's objects are:

'To advance Hindu religion and to educate the public in the Hindu ideals and way of life.'

Source of concern

On 17 February 2015 the Charity Commission ('the commission') opened a statutory inquiry ('the inquiry') into the charity under section 46 of the Charities Act 2011 ('the act'); this was in part as a result of the commission being made aware of undercover footage highlighting concerns about the content of the charity's Sangh Shiksha Varg (SSV) event, held between Sunday, 26 July 2014 and Monday, 3 August 2014. In particular the commission was concerned about comments made during Hindu history classes presented by a volunteer ('the speaker') who the trustees confirmed was not, nor had been, a trustee or office bearer of the charity, to a group of children and young people; comments which were subsequently broadcast on ITV's 'Charities Behaving Badly' ('the programme'). During this event, the speaker was recorded by an undercover journalist expressing comments considered by the commission to be wholly inappropriate and unacceptable at an event run by a charity.

The commission first became aware of the programme on 6 January 2015 when contacted by the trustees of another charity who explained that their charity had been subject to an undercover investigation conducted by a television production company, 'Hardcash'. On the same day the commission contacted Hardcash to seek further information regarding its undercover investigation.

On 9 January 2015 Hardcash wrote to the commission and named the charities who were to be the subject of the programme which was to be broadcast on ITV.

Also on 9 January 2015, prior to the commission being aware that the charity would be subject of the programme; the trustees had, through a report of a serious incident (RSI), informed the commission that the charity had been subject of an undercover investigation by Hardcash, that a television programme entitled 'Charities Behaving Badly' was shortly to be aired and the charity was to feature in the programme.

The commission opened a monitoring case on 15 January 2015 to engage with the trustees of the charity and to determine what, if any, regulatory action was required. The trustees provided the commission with correspondence received by them from Hardcash; this stated that the programme investigated extremism and the promotion of hatred connected with the charity, and specifically would contain footage obtained covertly by an undercover reporter who had attended the charity's SSV event.

On 20 January 2015 the commission attended the premises of Hardcash and viewed the footage due to be aired on the programme. After viewing the footage and prior to the programme being broadcast, the commission, on 16 February 2015, met with the trustees to discuss the issues that this had raised, and to obtain from them verbal and documentary evidence relevant to the case.

The commission considered that the footage raised a number of concerns, particularly in relation to the content included in Hindu history lessons given by the speaker. At the meeting with the commission, the trustees offered mitigation in respect of this, explaining that the speaker had spoken at a number of events organised by other organisations or charities and there had been no previous complaints in this regard; the speaker had also previously addressed an event held in respect of Hindu-Jewish inter-faith co-operation. The commission explained however that the views expressed by the speaker appeared anti-Islamic, and the commission saw that no-one with a countervailing view, to that of the speaker, spoke during the lessons. The commission also considered that the age of those attending the classes increased the seriousness of this issue. The trustees provided assurances that they had asked the speaker not to attend any further events held by the charity or attend his local branch pending their own investigation and training in which they made clear to him that his statements were wholly unacceptable and he was shown the charity's new Code of Conduct prepared for the guidance of speakers since the commencement of the commission's inquiry.

The commission undertook its own analysis of the undercover footage to examine the veracity of the allegations put forward by Hardcash, in its letter dated 9 January 2015, that the charity was inciting hatred¹. This analysis was assisted by obtaining all of the footage recorded by the undercover reporter working for Hardcash through use of the commission's power under section 52 of the act. By assessing the full and unaired footage, the inquiry identified that the speaker was permitted to speak at the event as a consequence and reflection of the trustees mismanagement including the failure to appropriately screen speakers; to follow their own policies and allow the speaker to continue to speak despite his inflammatory statements. The commission also identified that the most offensive and inappropriate comments recorded at the SSV event were included in the programme and the commission found some of these to be particularly objectionable and anti-Islamic.

As part of the evidence provided to the commission the trustees submitted a policy document entitled 'Safe to Trust' 'a framework for action to promote children's welfare and to prevent abuse in various forms taking place'. The inquiry was concerned that the trustees had not followed the guidance set-out in this document in their management of the speaker.

Investigation

On 17 February 2015, after assessing the issues against its published risk framework², the commission opened the inquiry into the charity. On 18 February 2015 the commission issued a public statement regarding the opening of a formal investigation into the charity³.

The following factors were of particular relevance in the commission's decision to open the inquiry:

- it was necessary to verify or establish facts or collect evidence
- there is significant public interest and need for public accountability in relation to serious issues of concern in the administration of charities

¹ Some information about the programme can be found on the **Hardcash website**.

² **Risk Framework our regulatory approach to protecting the public interest in charity.**

³ **New charity investigations Global Aid Trust and Hindu Swayamsevak Sangh UK.**

- based on the facts and evidence available and the identified risks there is likely to be significant damage to public trust and confidence in the charity, or charities more generally, if an inquiry were not opened
- indication of serious and/or deliberate wrongdoing by trustee/trustees or those otherwise involved in the control or management of the charity

The regulatory concerns identified by the commission were:

- lack of control by the trustees of the charity's events and the content of these
- significant damage to public trust and confidence in the charity or charities more generally

The inquiry was opened to investigate and consider the following issues:

- management and oversight by the trustees of the charity's events and the content of these
- whether or not the trustees had complied with and fulfilled their duties and responsibilities as trustees under charity law
- the role of the speaker in the charity, his supervision and whether views expressed by him are isolated incidents, or, as alleged by Hardcash, systemic across the charity and its activities

The inquiry also considered:

- the relationship between HSS and Rashtriya Swayamsevak Sangh⁴ (RSS), an Indian group described as a 'National Volunteer Organisation', due to the fact that reference was made to the relationship in unaired footage

The inquiry closed on 2 September 2016 with the publication of this report.

Initial findings

Following the initial meeting with the trustees and the screening on ITV of the programme the inquiry, through an order under the provisions of s.52(1)(b)(i) of the act obtained from Hardcash a copy of all of the footage recorded by the undercover journalist including that not shown as part of the programme. In order that the inquiry could make a fully informed determination as to the content of the footage and any regulatory concerns arising from it; all of the footage obtained was viewed as part of the inquiry; this amounted to over 43 hours of product.

The inquiry considered that the nature of the footage seen and the actions of the trustees raised regulatory concerns which required further examination.

⁴ <http://www.britannica.com/topic/Rashtriya-Swayamsevak-Sangh>.

Findings

1. There was mismanagement in the management and oversight by the trustees of the charity's events and the content of the presentations

2. The trustees had failed to comply with their duties and responsibilities as trustees under charity law

The trustees are responsible for the general control and management of the administration of the charity. The charity is managed by 15 trustees on a day to day basis, assisted by a number of additional volunteers at events, such as the annual SSV event.

Under charity law, trustees must comply with a number of common law and statutory duties, including the duty to act in the charity's best interests; the duty to act with reasonable care and skill and the duty to further the charity's purposes for the public benefit. Promoting views which are harmful to social cohesion, such as denigrating those of a particular faith or promoting segregation on religious or racial grounds are inconsistent with the public benefit requirement and pose unacceptable risks to the public's trust and confidence in charity.

The SSV event for 2014 was held at a school premises. The event was attended by children and young people from the ages of 13 to 18 years, both males and females. The attendees were segregated by gender; the Hardcash footage and the programme concentrate almost exclusively on male beneficiaries.

The SSV event consisted of a number of assemblies where a large number of students would be addressed in respect of various issues, for example about the Hindu religion or talks by a variety of speakers, and smaller class room based events which could cover religious matters or other educational content such as Hindu history.

The inquiry found that generally the SSV event was well managed and saw in the footage that there appeared to be sufficient volunteers and trustees present, day to day, to ensure safety at the event.

The speaker gave a number of classes in respect of Hindu history. These classes were delivered in a classroom to a group of about 10 individuals aged 13 to 18. The speaker was seen to have access to a pre-prepared presentation which appeared to the inquiry to be designed to take the speaker and audience through several centuries of Hindu History in an ordered fashion. The trustees informed the commission that the speaker was a last minute substitute for a speaker who found he was committed to another assembly; and it was that other speaker who had prepared the presentation.

From the footage supplied by Hardcash, it was evident that the speaker delivered all of his classes without another adult being present. The inquiry saw no evidence, from the footage reviewed, of the speaker receiving any support from other members of the charity's staff or volunteers, neither was there evidence of other adults entering the classroom from time to time to check on proceedings or the content of the class. This is at odds with information supplied to the commission by the trustees, the speaker and with the contents of the charity's policy, Safe to Trust.

The inquiry found that there was little in the unaired footage that on the face of them, raised further regulatory issues, in addition to the footage broadcast in the programme, in respect of the charity. The inquiry found that the most offensive and inappropriate comments recorded at the SSV event were included in the programme and the commission found some of these to be particularly objectionable and anti-Islamic.

The commission contacted the speaker who in response expressed regret and explained that his comments were badly phrased and mistranslations of what he actually intended to say.

As part of the commission's correspondence with the trustees and prior to the commission's first meeting with them on 16 February 2015, the trustees provided the commission with a number of documents relevant to the management of events and the safety of children under their care. As previously stated one of these documents entitled 'Safe to Trust' provided 'a framework for action to promote children's welfare and to prevent abuse in various forms taking place'.

The inquiry found that the policy 'Safe to Trust' gave clear guidelines as to how staff and volunteers should behave at events where children are present and in respect of the support that should be offered to adults acting on the charity's behalf at such events. The inquiry found that the trustees had failed to abide by the charity's own guidelines as laid down in 'Safe to Trust', wherein the document states:

- 'it is not enough to rely on someone's good reputation to guarantee that they are suitable to work with children and young people' - in evidence given to the inquiry, the trustees stated that the volunteer who should have delivered the series of lessons on Hindu history at the SSV event had at short notice been unable to attend; the trustees who knew the speaker asked him to fill the gap precisely because they knew him, he had a good knowledge of Hindu history and he had a good reputation
- 'at least two workers will conduct any children's and young people's activity' - the inquiry viewed footage of the speaker active in a classroom with a number of children and young people; for the entirety of the relevant footage the inquiry saw no evidence of other adults present in the classroom
- 'leaders should take opportunities to observe workers in activities with children and young people and to discuss what they have observed with the worker' - the trustees gave evidence that this would have happened in the normal course of events; the inquiry saw no evidence that at any time did a leader (supervisor) enter the classroom either to observe the speaker, the class and its content or to offer him support as he worked

The inquiry found that in using the services of the speaker to provide Hindu history lessons to the group of SSV event attendees:

- the trustees failed to carry out and record any formal assessment of the individual and his suitability or preparedness for the role
- having placed him in a position where he had access to a group of children the trustees failed to appropriately manage the speaker

The commission acknowledges that the trustees, in accordance with best practice, did report, under the serious incident reporting regime ('RSI Regime'), the fact that the charity was subject to an undercover investigation by Hardcash and was to be featured in the programme. The trustees provided the commission with copies of all correspondence between the charity and Hardcash. In notifying the commission through the RSI regime, the commission accepts that the trustees carried out their obligations in this respect and acted properly in the circumstances.

However, the inquiry found that there was evidence of mismanagement in the administration of the charity by the trustees and indicators of breaches of trustee duties evidenced in the fact that the speaker made a number of wholly inappropriate and offensive comments at the charity's event which have impacted negatively on the charity.

3. There was insufficient evidence to demonstrate that the views expressed by the speaker were endemic or systematic in the charity and its activities

Trustees must act responsibly and make sure the charity's assets are used only to support or carry out its purposes. This includes avoiding exposing the charity's assets, beneficiaries or reputation to undue risk, and taking clear and reasonable steps to ensure that its beneficiaries are protected from harm.

In order to manage the risk to its assets or beneficiaries responsibly, the trustees should ensure that they:

- have in place adequate and demonstrable risk policies and processes and review these periodically
- regularly review, monitor and evaluate any risk to assets or beneficiaries
- implement adequate safeguards if they work in areas or undertake activities that involve greater risk

The inquiry found that the trustees' failure to adhere to the charity's own policy and guidelines; clearly set-out in 'Safe to Trust', and failure to take sufficient steps to implement it was evidence of mismanagement in the administration of the charity.

However, based on a review of all of the footage provided to the commission by Hardcash the inquiry found that there is insufficient evidence to demonstrate that the views expressed by the speaker were endemic or systematic in the charity and its activities. The commission accepts, as stated earlier in the report, evidence given by the trustees that the speaker was a volunteer and had no formal role in the charity.

The commission acknowledges that the trustees co-operated fully with the inquiry throughout, as they are expected to. They responded responsibly to the commission's regulatory concerns, its criticism of them and the impact of the programme on the charity by reviewing and improving the charity's management and policies. This action has included providing the commission with a number of updated and/or new formal written policies; for example the charity's safeguarding children, complaints, and events risk assessment policies. The trustees also arranged for key staff and volunteers to take part in on-line safeguarding training provided by the NSPCC.

4. The inquiry found no other evidence of formal links between the charity and RSS

The commission considered the implications for the charity if it was associated with RSS. This included whether the trustees were in fact furthering the charitable purposes of the charity, could be said to be acting in the charity's best interests in doing so and the impact of the association damaging public trust and confidence in the charity and/or charities generally.

In 2001 the commission opened an inquiry regarding the charity and expenditure of charitable funds to aid victims of an earthquake in Gujarat. That inquiry also considered issues around the relationship between the charity and RSS. The trustees at that time assured the commission that there were no formal links between the 2 organisations and that there was only an ideological commonality; this was then not considered further during that inquiry.

During the SSV event, the speaker was asked by the undercover reporter if he considered himself to be part of RSS or HSS and he said, *"See they are both the same, only thing is that here [in the UK] we cannot call RSS as RSS so we call it HSS"*.

During the inquiry the commission used its powers under section 47(2) (a) to direct the speaker to answer certain questions; when asked to comment in respect of what he had said about the relationship between RSS and the charity he said *"I acknowledge that perhaps it would have been more accurate to say [that the two organisations are] similar or founded on some common principles"*. The inquiry took steps to verify the veracity of this statement. This included seeking a formal response from the trustees in respect of the relationship between the charity and RSS.

The commission questioned the trustees on a number of matters on the relationship between the charity and RSS. The trustees' response was that *"HSS neither funds nor is funded by RSS; none of the trustees of HSS are members of RSS and RSS has no control, influence or governance over HSS or HSS over RSS...The two entities are completely separate and independent from one another and are accordingly not inter-dependent"*.

The inquiry found no evidence other than the comments made by the speaker, referenced above, of formal links with RSS. However, the inquiry has advised the trustees that they need to take proactive steps to ensure RSS has no control or influence over the charity and its affairs and that if links arise due to any personal links individuals may have, that these are separated from the charity and do not damage it or its reputation.

Conclusions

The commission concluded that there was evidence of mismanagement in the administration of the charity and indications of a potential breach of trustees' duties, which was evidenced by:

- the failure to follow its own policy and guidelines as set out in the document 'Safe to Trust'
- the failure to have adequate procedures in place to ensure that appropriate speakers participate at events
- the failure to follow safeguarding procedures by ensuring that the appropriate number of adults were present in the classroom with the speaker during his presentations
- the failure of appropriate oversight and monitoring on the part of the trustees
- the trustees failed to carry out and record any assessment of the speaker prior to allowing him to provide lessons at the SSV event
- the speaker's comments were wholly inappropriate and unacceptable at an event run by a charity

There was insufficient evidence to show that the views of concern expressed by the speaker were endemic or systematic in the charity.

The trustees cooperated with the inquiry and have responded appropriately in respect of actions taken in response to the programme and the commission's concerns reporting the matter to the commission as a serious incident. After they were notified by Hardcash of the intention to air the documentary, the trustees acted promptly to review policies and procedures and set in motion their own review of events.

The commission considers that implementation by the trustees of the reviewed policies will reduce the risk of a similar instances occurring.

The inquiry found no other evidence of formal links with RSS. However, the inquiry has advised the trustees that they need to take proactive steps to ensure RSS has no control or influence over the charity and its affairs and that if links arise due to any personal links individuals may have, that these are separated from the charity and do not damage it or its reputation.

Regulatory action taken

The commission used its powers under the act on 3 occasions during the inquiry:

- under s.46 to open the statutory investigation
- under s.52 to order Hardcash to provide the complete recordings made by the undercover journalist at the SSV event
- under s. 47 to direct the speaker to provide answers in writing to questions relevant to the inquiry.

In order to assist the trustees in improving the administration and management of the charity regulatory advice and guidance was provided under section 15(2) of the act and the trustees were referred to the following commission guidance in the areas as set out:

- How to manage risks in your charity
- Safeguarding children and young people
- Protecting charities from harm - due diligence
- Charity trustees and decision making

The commission requested information from the trustees, and met with them on 2 occasions.

If problems in the charity continue and/or arise in the future and the advice and guidance is not acted upon by the trustees, the fact that this regulatory advice and guidance has been given to the trustees and has not been followed will be taken into account in considering whether we should take regulatory action against the trustees. This may include considering the need to make a remedial order or direction using our legal regulatory powers under the act.

Issues for the wider sector

The purpose of this section is to highlight the broader issues arising from the commission's assessment of the issues raised publicly that may have relevance for other charities. It is not intended as further comment on the charity in addition to the findings and conclusions set out in the earlier sections of this report, but is included because of their wider applicability and interest to the charitable sector.

Safeguarding

Children and young people under 18 years of age are an especially vulnerable group and therefore the commission is concerned to stress the importance of charities having proper safeguards in place for their protection.

Charity trustees are responsible for ensuring that those benefitting from, or working with, their charity, are not harmed in any way through contact with it. They have a legal duty to act prudently and this means they must take all reasonable steps within their power to ensure that this does not happen.

Management of events and speakers

When organising charitable activities, trustees have to comply with their fiduciary duties as trustees under charity law, in relation to guest speakers these are set out in chapter 5 of the commission's toolkit⁵. This includes their duties to further the charity's purposes; to act with reasonable care and skill; to manage the charity's resources responsibly, not expose the charity and its assets, including its reputation, to undue risk and to act in the charity's best interests at all times.

⁵ **Compliance toolkit chapter 5.**

Trustees must comply with their governing document and the law, including criminal, human rights and equality law. This means ensuring that the charity's decision-making and risk assessment procedures take account of the wider legal framework.

Staff and volunteers

As part of their overall responsibility for the charity, trustees and co-trustees have responsibilities towards any volunteers or staff. Trustees must manage the charity's resources responsibly, and people are key resources.

Trustees must ensure that:

- the charity complies with relevant law including employment, pension, equality and health and safety law
- volunteers are clearly distinct from employees in terms of responsibilities and rights; for example by not requiring volunteers to work set hours, nor paying them more than expenses they actually incur

Trustees should ensure that:

- people are clear about what they are supposed to do, through appropriate job descriptions for staff or role descriptions for volunteers
- people are aware of the rules and boundaries within which they must work, for example, when representing, speaking on behalf of the charity
- people work safely
- people know what to do if there's a problem
- people know what they need to report and who they report to

Trustees should ensure that the charity has appropriate procedures and policies in place, that staff and volunteers get appropriate training, and people know they must comply with policies and procedures. Trustees also have an important role in promoting effective working relationships between trustees, senior staff (if any), staff and volunteers.