



Guidance

Applying to register a charity - questions

Introduction

This guidance lists the questions you may be asked when you apply to register an organisation as a charity in England or Wales. Before you start, make sure you've read the commission's guidance on how to set up a charity and on how to write your charity's purposes.

Read the application questions, including the guidance notes, carefully and answer them fully.

Your application needs to satisfy the commission that:

- the organisation is a charity and should register
- its trustees understand their role and responsibilities

Submit your application well in advance if you need to register the organisation as a charity by a particular date.

Tell the commission when you apply about any special circumstances that may affect your application - for example if a charity needs to be set up urgently, such as a disaster appeal, but the trustees haven't had time to meet and agree its governing document.

The organisation's details

The organisation's names

You'll be asked for the organisation's:

- main name
- working names (if any)

If any of these names contain acronyms, made-up or non-English words, you'll need to provide explanations or translations.

If any name contains a word you need permission to use (eg 'Royal'), you'll need to attach evidence (in PDF format) of your permission to use that word.

The organisation's address and contact details

You'll be asked for:

- a person or organisation the public can contact about the organisation - this includes name, postal address, email address, telephone and their role in the organisation
- a public postal address, email and website for the organisation - you'll need to provide a separate (private) address if the organisation doesn't operate from this address
- an email for the commission to use when contacting the organisation (this isn't made public)

The organisation's people

Your details

As the contact for the application, you'll need to:

- say what your role is, eg trustee, founder or charity adviser
- give your full name, telephone number and email
- say whether this contact is a person or an organisation (eg a firm of solicitors)

The organisation's trustees

You'll need to say:

- how many trustees the organisation has
- the minimum number it can have, according to its governing document
- whether the trustees are people or a single 'corporate trustee' - for example, a local authority

For each trustee, you'll need to provide:

- full name
- postal address
- email address
- date of birth (unless a corporate trustee)
- date of appointment (if applicable)

Only the trustees' names will be made public. But you can also give reasons why a trustee's name should not be made public.

Declaration that trustees are eligible

You'll need to print a trustee declaration form, ask all trustees to sign it and then scan this as a PDF file. This must be attached to your application form.

Protecting vulnerable people

If the organisation works with children or vulnerable adults, you'll need to confirm that the trustees have read, understood and are following the commission's safeguarding guidance.

The organisation's structure and purposes

The organisation's governing document

A governing document sets out a charity's rules; it's the key legal document that says what it is and how it will be run. Different charities have different governing documents. You'll need to:

- say what sort of governing document the organisation has, eg 'memorandum and articles'
- say if the governing document has been issued by another organisation or umbrella body, and if so, choose that organisation from a list
- give the date the governing document came into effect (if applicable)

If the organisation is replacing an existing charity, you'll need the existing charity's name and number.

What the organisation does

You'll need to select one or more charitable purposes from a list and select further options. For example, if the organisation advances education, you'll need to choose ways it does that - eg 'pre-school education'. You have to give extra information for the following charitable purposes:

Religion

If the organisation advances religion, you'll also need to explain:

- the tenets of faith it advances
- any moral or ethical framework promoted by the religion it advances
- specific ways the organisation advances religion

Arts

If the organisation advances the arts, you'll also need to explain:

- how the trustees decide that the art displayed, presented, promoted or performed is of artistic merit
- how works of art, performances or concerts are selected for public presentation

If the organisation promotes the work of individual artists or performers, you'll need to explain:

- how individuals' work is promoted
- how artists or performers are selected for support
- how the trustees are satisfied that any personal benefit to these individuals is incidental

Amateur sport

If the organisation advances amateur sport, you also need to detail:

- any social or members-only facilities it offers to non-playing members
- any payments or personal benefits provided to players, trainers and coaches
- any competition or team structures the organisation runs or participates in

Animal welfare & sanctuaries

If the organisation deals with animal welfare, you also need to say:

- how you identify animals that need help from the organisation
- the qualifications and experience the organisation's personnel must have
- the basis on which animals are rehomed, returned to owners or released into the wild (if applicable), including how such decisions are made

If the organisation will care for and protect sick, neglected, abandoned, lost or mistreated animals, you'll need to provide evidence of (or realistic plans to ensure):

- appropriate people and financial resources to look after the animals properly
- facilities maintained to an acceptable standard
- sufficient funds to meet veterinary and associated expenses where necessary
- compliance with legal requirements and good practice for animal care

Who the organisation helps

You'll need to choose one or more groups that the organisation helps. Give as much detail as possible - for example:

- children or young people living in a specified geographical area or attending a named educational establishment
- people with a particular medical condition or illness
- other charities or voluntary bodies

Where the organisation operates

You'll need to say exactly where the organisation works. This could include:

- specific counties or regions in England or Wales - eg 'Bedford'
- specific areas in London, eg 'Brent' and 'Highbury and Islington'
- the whole of England or Wales
- countries outside England or Wales, eg 'Australia'

How the organisation will be regulated

If the organisation is a company, you'll need to provide:

- its company number
- its certificate of incorporation (as a PDF file)

You'll need to give the organisation's number if it is regulated by:

- OFSTED or HM Inspectorate of Education and Training in Wales
- the Financial Conduct Authority
- the Homes and Communities Agency or Welsh Government (Social Landlords and Housing)
- the Care Quality Commission (or Care and Social Inspectorate Wales)
- the Healthcare Inspectorate Wales

How the organisation provides benefits

The organisation's purposes

You need to state the organisation's purposes exactly as they are written in its governing document. If they're different, you'll need to explain why (and your application could take longer to process).

You'll then need to explain how the organisation carries out its purposes. You can attach a document which does this (such as a business plan) in PDF format.

You will be asked to state how these purposes provide actual, demonstrable benefits. You can attach any document that does this, in PDF format.

Who can benefit

You'll need to select one or more groups that can benefit from the organisation's purposes. For example, 'People defined by age'. You can also enter free text.

If the organisation only provides benefits to a restricted group, you'll need to explain how the trustees are satisfied that this is justified under the Equality Act.

Membership

If people or organisations have to be members of the organisation to benefit from it, you'll need to explain:

- the benefits that members get
- why those benefits are limited to members
- who can be a member

If there's a limit on membership numbers, you'll need to explain why - and how membership is allocated. You can attach any document which sets out membership rules, in PDF format.

Carrying out purposes for the public benefit

You'll need to explain the criteria the trustees use to decide:

- who the organisation benefits
- what work it does
- any work it supports

Making grants

You'll need to set out the criteria the organisation uses if it makes grants to individuals or organisations. You can attach any document that does this, in PDF format.

Benefits to people involved with the organisation

You'll need to say if the organisation does - or will - employ:

- a trustee
- its founder
- a person related to a trustee or the founder
- an organisation connected to a trustee or the founder

You'll need to provide a copy (in PDF format) of the minutes of any meeting at which any such employment was agreed by the trustees.

If someone involved with the organisation receives any other kind of benefits from it, you'll have to state:

- their name
- what benefit they receive
- how they are connected to someone at the organisation

Providing services or facilities

If the organisation provides public facilities or services as a way of carrying out its purposes, you'll need to explain:

- the sort of facility or service provided
- when the public can access the facility or service

You'll need to list - and give reasons for - any restrictions on:

- who can access the facility or service
- when it can be accessed
- what people have access to

Overseas aid

If the organisation works outside England and Wales, you'll need to set out:

- the needs it will address in overseas locations
- how it will address these needs
- how it identified these needs, specifically what evidence or information has it used

If the organisation works with (or sends funds to) local partner organisations or other agents that operate overseas on its behalf, you'll need to say:

- which overseas partners the organisation will work with and/or fund
- how it selects its partners
- what arrangements (eg formal agreements) are in place with partners
- how the organisation will monitor, verify and account for its partners' work and money spent

If the organisation carries out its own operations outside England and Wales, you'll need to say:

- how it decides which activities to carry out and how it will fund them
- how volunteers or staff will be selected
- how the organisation will manage risks to its volunteers or staff working overseas

The organisation's money, tax and assets

The organisation's income

Unless the organisation is a charitable incorporated organisation (CIO) you'll need to prove that its income is already over £5,000 by uploading a bank statement or its latest accounts. In some cases, a funding offer may be acceptable.

If the organisation is replacing an existing registered charity, you'll need to provide:

- the existing charity's latest accounts (in PDF format)
- the existing charity's gross annual income

Bank or building society account details

If the organisation has a bank or building society account, you'll need to provide:

- the account name
- the bank or building society's name
- the account number
- the sort code or roll number

Property

If the organisation does (or will) use premises owned by its founder, a trustee or someone connected to them, you'll need to:

- say who owns the premises and how they are connected to the organisation
- explain how the organisation uses the premises
- provide a copy of any lease or other formal agreement (as a PDF file)
- provide a copy of the minutes of any meeting in which it was agreed it was in the organisation's best interests to use these premises (as a PDF file)

If the premises are also used for another purpose, you'll need to explain:

- how joint costs are shared by every occupant, according to usage
- how the trustees are satisfied that any benefit the premises' owner receives are incidental

Tax relief

You'll be asked to give details of any tax relief the organisation expects to benefit from, including:

- gift aid (you must provide your gift aid number from HMRC if you have one)
- business rate relief
- VAT relief
- corporation tax relief
- investment relief

If the organisation plans to reduce the tax it pays in any other way, you'll need to give details of this - and whether or not you have disclosed this to HMRC.

Goods and services bought

You'll need to say if the organisation does - or will - buy goods or services from:

- a trustee
- its founder
- a person related to a trustee or the founder
- an organisation connected to a trustee or the founder

You'll need to provide:

- the details of any individual benefiting from the organisation in this way
- a copy (in PDF format) of the minutes of any meeting at which this was agreed by the trustees

Funding the organisation

You'll need to explain how the organisation is (or will be) funded. You'll be asked specific questions about each type of funding the organisation will receive.

Public donations & legacies

You'll need to say how the trustees will:

- identify and verify donors
- consider conditions attached to any donations made

Grants & investments

You'll need to say who will provide grants, eg another charity or a public body.

Charging for services or facilities

If the organisation charges fees to be a member, or for access to its services or facilities, you'll need to explain:

- what services or facilities are charged for
- how much is charged

If the trustees consider these charges are more than the poor can afford, you'll need to explain:

- how the trustees have reached this view
- what provision they will make for the poor to benefit
- the factors taken into consideration when making this decision

Corporate donors and commercial sponsorship

You'll need to name any company you know will donate. If it's a commercial sponsorship, you'll need to explain the arrangement and why it's in the organisation's best interests.

Working with professional fundraisers

You'll need to explain any such arrangement and why it's in the organisation's best interests.

Loans (from any source)

You'll need to explain how the loan will be arranged and handled - for example, interest and return on endowments or sale of assets. You'll have to tell the commission if a loan is from a person or company connected to a trustee, employee or founder.