



Operational Case Report

Southwark Muslim Women's Association (1144149)

About the charity

The charity's object is to improve the quality of life for Muslim women, children and elders through providing a variety of educational courses in Southwark.

Why the commission got involved

We were made aware of the conviction of an employee of the charity for historic sexual offences against minors. This matter had not been reported to us as we would expect under our 'Reporting serious incidents' (RSI) policy. This was a cause for concern, and we needed to assure ourselves that the charity had safeguarding policies in place.

The action we took

We opened an operational monitoring compliance case and arranged a meeting with the trustees to discuss our concerns about their failure to report the incident and the reputational risk to the charity.

What we found

At the meeting, the charity revealed that they had been contacted by the police in 2012 regarding allegations of historical abuse. The trustees advised they had discussed the risks and had agreed to allow the employee to continue to come to the charity building at certain times (evenings and weekends). This was within bail conditions. The charity had safeguarding policies in place and we were assured by the trustees that no beneficiaries were placed at risk. The victims were not beneficiaries of the charity. However, the employee in question did not have up to date DBS checks as stipulated in the safeguarding policy. This suggests the trustees had not completely informed themselves that correct up to date safeguarding policies were in place.

The charity had failed to notify both Southwark Council (the main funder for the charity) and the commission about the serious incident.

The suspended employee had held responsibility for submitting the charity's annual return 2013. We explained that there was a conflict of interest inherent in this arrangement, as the annual return requires trustees to confirm whether any serious incidents have taken place at the charity over the past financial year. It is up to the trustees to manage this conflict of interest.

It was also revealed that the employee had been in constant attendance at trustee meetings and this affected the governance of the charity. Trustees may invite staff to attend meetings but staff should not participate in making decisions (except in the few cases where they are also trustees).

We have recently been informed that Southwark Council has recommended the withdrawal of funding to the charity and this is likely to result in its closure.

Impact of our involvement

We are not a safeguarding authority, and any concerns or allegations of abuse should be reported to the police. Our concern as regulator was whether the trustees had fulfilled their legal duties and responsibilities.

We made the trustees aware of the importance of submitting RSIs and of carrying out board meetings independently, and the risk to the reputation of the charity if situations are not properly managed.

We also made the trustees aware of the importance of ensuring that checks on trustees and employees are fully up to date with any update on checks being completed as required.

The trustees and representatives of the charity have cooperated with us throughout the case and have been made fully aware of their responsibilities. They are now fully aware of the mistakes that have been made and have advised they will be acting upon information and guidance that has been provided.

Lessons for other charities

Trustees should report serious incidents to us as soon as they suspect them, even if the incident has already been reported to the police or another regulator.

Trustees must ensure that robust safeguarding policies are implemented, to protect beneficiaries from harm and prevent abuse occurring. Staff and trustee checks must be fully updated regularly.

It is essential that everything is done to preserve the reputation of a charity. It is important that trustees act transparently and actively inform funders and any other interested parties of incidents that may affect the reputation of the charity.

Trustees are responsible for the decision making at their charity. They must ensure that their decisions are independently made and in the charity's best interests. Our guidance on [Charities and Meetings \(CC48\)](#) makes it clear that staff members can attend board meetings at the invitation of the trustees. However, when staff members attend trustee meetings, their role in the meeting should be clear, for example as a minute taker or as an 'expert adviser' on an agenda item (they should not participate in making decisions). The trustees should also give consideration to managing conflicts of interest and confidentiality when deciding whether staff members should be present.

The trustees are responsible for the accuracy of information in their annual return, even if staff or volunteers complete it. Trustees also have overall responsibility for dealing with conflicts of interest in their charity; they should take account of potential conflicts of interest for members of staff.