

Inquiry Report

Rainbow Rooms LGBT UK Limited

Registered Charity Number 1135298 (now removed from the register)



A statement of the results of an inquiry into Rainbow Rooms LGBT UK Limited (registered charity number 1135298 - now removed from the register).

Published on 23 March 2016.

The charity

Rainbow Rooms LGBT UK Ltd ('the charity') was incorporated on 2 February 2010 and registered with the Charity Commission ('the commission') on 30 March 2010. It was governed by a memorandum and articles of association.

The charity was established to provide information, advice, services and support for lesbian, gay, bi-sexual and transgender persons, in particular young persons up to the age of 21, and their families. The charity's services included a telephone helpline.

Background

The commission received information in July 2013 that William Clark, chief executive officer ('CEO') and sole remaining trustee of the charity, was under police investigation. In the course of that investigation, evidence had been obtained by the police to suggest that he may have made a false declaration in his application to register the charity with the commission, in that that he had claimed he had obtained a check from the then Criminal Records Bureau (CRB) which confirmed that he was suitable to act as a trustee of a charity which worked with children and vulnerable young adults.¹

Issues under investigation

The commission opened a statutory inquiry ('the inquiry') into the charity on 23 October 2013, after liaison with other statutory agencies.² The inquiry was opened to determine the following:

- whether there were any immediate risks to vulnerable beneficiaries
- the suitability of Mr Clark to continue as a trustee and/or CEO of the charity
- the administration, governance and management of the charity particularly as Mr Clark was the sole trustee of the charity which meant that the charity was inquorate and
- whether, and to what extent, there was mismanagement or misconduct on the part of the trustees

¹ Now known as the Disclosure and Barring Service.

² Using the commission's powers under section 46 of the Charities Act 2011.

Findings

The inquiry found that the charity had not operated since March 2013; there were therefore no beneficiaries at risk and no ongoing questions around administration, governance or management.

The inquiry also confirmed that in 2010 the trustees, including Mr Clark, had all signed a declaration that they had obtained CRB checks and were suitable to act as trustees of a charity that worked with children and vulnerable adults. Mr Clark later admitted to the police that he had not obtained such a check as it would have exposed a conviction which would have prevented him from serving as a trustee. Mr Clark also told the police that he had not disclosed his conviction to the other trustees. The inquiry found that Mr Clark had provided false or misleading information to the commission and referred its evidence of the false declaration to the police for further consideration.³

The commission closed the substantive investigation phase of its inquiry on 23 April 2014, pending the outcome of the police investigation and prosecution.

Conclusions

The commission concluded that there had been serious misconduct by Mr Clark. He failed to obtain a CRB check and had then lied to the other trustees and to the commission. His actions meant that the charity and its beneficiaries were exposed to a safeguarding risk they could neither identify nor manage. Had the charity continued, he would not have been suitable to remain in post as a trustee or CEO.

The charity was removed from the commission's register of charities on 7 March 2014, as it had ceased to exist.

On 12 November 2015, Mr Clark was sentenced to a total of 28 months' imprisonment for offences relating to indecent images of children and voyeurism; he was also made subject to a sexual harm prevention order and was required to sign the sex offenders' register for 10 years.

Mr Clark was in addition sentenced to 4 months' imprisonment (to be served concurrently) for supplying false or misleading information to the commission.

³ It is an offence under section 60 of the Charities Act 2011 to knowingly or recklessly provide false or misleading information to the commission.

Issues for the wider sector

It is an offence under section 60 of the Charities Act to knowingly or recklessly provide false or misleading information to the commission. The sentence imposed on Mr Clark demonstrates how seriously the courts take cases where individuals give false information to the commission.

Charities have a responsibility to ensure that trustees, employees and volunteers who work with children and adults who may be vulnerable obtain appropriate checks from the Disclosure and Barring Service. Copies of checks should be obtained and verified. Trustees should also be aware that even where such work does not form part of the core business of the charity, they must be alert to their responsibilities to protect vulnerable groups they come into contact with from harm. Further **guidance** on safeguarding is available on GOV.UK.

A person who is required to sign the Sex Offenders' Register has not historically been automatically disqualified from being a charity trustee. This will change with the implementation of the Charities (Protection and Social Investment) Act 2016.