



## Case Report

# GYSO Limited

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### About the charity

It was registered in June 2014 following a successful campaign on social media which raised awareness of prostate and testicular cancer.

### Why the Charity Commission got involved

We were alerted to information from a media article stating that one of the trustees had been convicted of theft. Charity law disqualifies people who have an unspent conviction for a crime involving dishonesty from being a trustee.

### The action we took

We contacted the trustee and told him we had become aware of reports that he had been convicted of a criminal offence involving fraud. We explained that the law disqualifies people who have an unspent conviction for a crime involving dishonesty from being a trustee. We requested that the trustee notify us about his conviction and if it was spent. We also checked that he was not listed as a trustee of any other charity.

We tried to arrange a meeting with the trustees and sent them regulatory advice but received no further response. This heightened our concerns so we wrote to the trustees individually to inform them that one of the trustees listed on our website was disqualified from acting. We also provided regulatory advice about their role and duties to run the charity in line with charity law and their governing document. Two of the letters were returned to sender, and we did not receive a reply from the third trustee. This increased our concerns and we used our formal powers of direction to obtain the charities' bank statements and full donation histories from those hosting online donation platforms.

### What we found

There was evidence that the charity was still active. The original Facebook page was regularly updated and had a link to the charity website. Members of the public could donate via the Facebook page and the website through charity donation platforms. We analysed the donation histories and established that only a small amount of money had been raised via the online platforms, but that it was still possible for donations to be made.

We reviewed the charity's bank accounts and established that the charity had very limited funds. It would not have been proportionate to take formal action to recover or protect those funds.

We checked records and identified that there was a proposal to strike off the charitable company at Companies House as it had not submitted documents that were required by law to Companies House.

## Impact of our involvement

Once a company has been removed from the Companies House register, it legally ceases to exist. We monitored the removal process and immediately removed the charity from the register of charities when it was removed from the Companies House register. We ensured that the register displayed the correct information and that the public could see that the charity no longer exists.

We also notified the 2 charity donation platforms that the charity had dissolved and monitored the removal of the online donation pages to ensure that no further donations could be made.

## Lessons for other charities

Trustees need to ensure that they and their fellow trustees are not disqualified from acting as a trustee. Some people are disqualified by law from acting as charity trustees without a waiver from the commission or leave from the court.

This includes anyone who:

- has an unspent conviction for an offence involving dishonesty or deception
- is currently declared bankrupt (or is subject to bankruptcy restrictions or an interim order) or has an individual voluntary arrangement (IVA) with creditors
- is disqualified from being a company director
- has previously been removed as a trustee by either the commission or the High Court due to misconduct or mismanagement

These provisions are likely to change in future so ensure that you check on the latest provisions on [GOV.UK](#).

Trustees have a duty to fulfil their legal requirements, which includes keeping their records up-to-date. Failure to comply with company reporting duties may result in the company ceasing to exist and consequently the closure of the charity. It is important that trustees keep their contact details up to date and we expect trustees to respond to us, as regulator, when we contact them. The duties and responsibilities of trustees are set out in our guidance [The essential trustee \(CC3\)](#).

We took action to prevent further donations being made. Donors can use these [tips](#) to make sure they give safely to a genuine charity. They include checking for a registered charity number, but see the commission's [guidance](#) on charities that don't have to register. Donors can report concerns to the police, the commission or Action Fraud.