

Regulatory Case Report

Kenyan Action Mission

Former Registered Charity Number 1113803
(now removed from the Register of Charities)

and

Mind All Support Group

Former Registered Charity Number 1108766
(now removed from the Register of Charities)



This is a Regulatory Case Report¹ of the investigations by the Charity Commission ('the Commission') concerning Kenyan Action Mission and Mind All Support Group ('the two organisations').

The Commission's report was published on 13 February 2014.

The Commission identified common features in the two organisations and their links to other organisations which caused concern about their claims to be charities. This issue had the potential to impact on the integrity of the Commission's Register of Charities ('the Register') and affect public trust and confidence in charities generally.

The report also identifies issues for the wider sector and the public.

Accordingly, having regard to the principles of best regulatory practice, the Commission has decided to publish this Regulatory Case Report.

The two organisations

1. **Kenyan Action Mission** was registered as a charity on 19 April 2006. It is governed by a Memorandum and Articles of Association incorporated on 26 August 2005, as amended by special resolution dated 18 November 2005.

The charity's objects are:

- To promote for the benefit of the public and to relieve poverty in any part of the world, in particular by promoting any charitable purpose to stimulate improvements to the conditions of life in the community and abroad, by the provision of information by the use of the internet and other information and communications technologies as a means of addressing the charitable needs of the poorest communities and by the provision of training equipment to the poor communities to allow them to access the above information.
- To advance education about all aspects of human rights including raising awareness of human rights and to publish the useful results of such research.
- The promotion of research into economic and structural resources and the dissemination of the results of such research.

In the Annual Returns submitted for financial year ending 25 August 2012 the organisation declared an income of £2,545 and expenditure of £2,500.

2. **Mind All Support Group** was registered as a charity on 30 March 2005. It is governed by a Memorandum and Articles of Association incorporated on 5 July 2004, as amended by Special Resolutions dated 7 November 2004 and 16 February 2005.

¹ More information on Regulatory Case Reports and the criteria for publishing can be found on the Commission's website under the heading 'Our regulatory work'.

The charity's objects are:

- To promote for the benefit of the public and to relieve poverty in any part of the world, in particular by promoting any charitable purpose to stimulate improvements to the conditions of life in the community and abroad, by the provision of information by the use of the internet and other information and communications technologies as a means of addressing the charitable needs of the poorest communities and by the provision of training equipment to the poor communities to allow them to access the above information.
- The advancement of education within the UK among refugees from Sub-Saharan communities and among children and young people in the third world countries by the provision of training, support, advice and information and by such other exclusively charitable means as the trustees shall from time to time determine.
- The promotion of research into economic and structural resources and the dissemination of the results of such research.

In the Annual Returns submitted for the financial year ending 31 March 2012 the organisation declared an income of £1,500 and expenditure of £1,450.

Source of Concern

3. In July 2010 the Commission received information from a funding body regarding applications it had received from several organisations for funding, although there were no obvious links between the charities, similarities were identified in relation to the contacts and references for each application. There were further concerns as the same financial information was provided by each of the charities. The Commission carried out an accounts scrutiny which raised concerns about potential false accounting/cloning of accounts. It raised concerns that one or more of the funding applications was fraudulent and/or that false or misleading information may have been provided to the Commission (which is a criminal offence under section 60 Charities Act 2011²) by way of a possible forged signature on the accounts. The Commission determined that the balance sheets and notes to the accounts were the same for each organisation, but used for different years. The Commission conducted further proactive work and detected that Kenyan Action Mission and Mind All Support Group appeared to be linked to organisations through the name of a person connected with one charity who was also named as a trustee for another charity.³

2 Supply of false or misleading information to Commission etc.

(1) It is an offence for a person knowingly or recklessly to provide the Commissioners with information which is false or misleading in a material particular if the information is provided —

(a) in purported compliance with a requirement imposed by or under this Act; or

(b) otherwise than as mentioned in paragraph (a) above but in circumstances in which the person providing the information (i) intends, or (ii) could reasonably be expected to know, that it would be used by the Commissioners for the purpose of discharging their functions under this Act.

(2) It is an offence for a person to alter, suppress, conceal or destroy any document which the person is or is liable to be required, by or under this Act, to produce to the Commission.

(3) A person guilty of an offence under this section is liable —

(a) On summary conviction, to a fine not exceeding the statutory maximum;

(b) On conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.

3 "The person in question told the Commission that they had no link with these two organisations".

Issues examined

4. As a result the Commission opened Regulatory Compliance Cases into the two organisations between 21 October 2010 and 8 December 2010 (together 'the Regulatory Compliance Cases'). The scope of the investigation was to examine further the inter-relationship if any, between the two organisations with each other and in light of the above concerns and apparently similar features, to also examine whether these organisations were shams or, if not whether they were capable of operating as charities, whether the trustees existed and whether there were any risks to the organisations and their assets.

Timescale of the Regulatory Compliance Cases

5. The individual Regulatory Compliance Cases were opened and the Commission's substantive investigations concluded as follows:

Name	Date opened	Conclusion of substantive investigation
Kenyan Action Mission	8 December 2010	14 November 2013
Mind All Support Group	21 October 2010	14 November 2013

The investigations took a long time to complete partly due to police involvements at different times in connection with other organisations.

Findings

Contact with the two organisations

6. During the course of the investigation, the Commission made numerous attempts to contact the two organisations by post, email and telephone. Most of these communications were unproductive as phone numbers were not available, emails were not responded to and letters were returned by the Royal Mail due to "addressee gone away" or "letter not called for". As part of the investigation the Commission also took proactive steps through other sources to identify further information about these organisations. Checks conducted on the bank accounts revealed that the organisations did not appear to have any funds. Information obtained from Companies House indicated that the organisations were dissolved in August and October of 2010. However the organisations filed Annual Returns with the Commission in November 2012 and in March 2013.
7. The Commission was concerned that the personal details provided were incorrect. The Commission was particularly concerned as it had been unable to contact most of the persons named as trustees using the information provided. One person named as a trustee of Kenyan Action Mission responded to correspondence from the Commission. They informed the Commission that they had been approached and asked to be a trustee of the organisation but they had decided not to be a trustee. However their details were provided to the Commission as that person being and acting in the capacity of a trustee. Despite this person asking a trustee of Kenyan Action Mission to remove their details as a trustee this had not been done.

Links with other organisations

8. Given the identified connections between the organisations the Commission was concerned that the information provided may be false⁴. The Commission reported its concerns to the police, who are responsible for investigating and prosecuting criminal matters. The Commission awaited a response from the police. However once it became clear they were not taking the matter further, the Commission sought permission from the police to continue with and conclude its investigation.

Conclusions

9. The Commission was unable to verify the accuracy of the information provided at registration in connection with these organisations nor, despite repeated attempts, was it able to contact persons who were said to be their trustees or connected with their administration. In these circumstances the Commission was unable to conclude that these were in fact legitimate organisations set up to operate as charities.
10. Where a charitable company has dissolved the charity no longer exists.
11. Section 34 of the Charities Act 2011 places a statutory obligation on the Commission to remove from the Register any institution which it no longer considers is a charity and any charity which has ceased to exist or does not operate. As a result the Commission removed Kenyan Action Mission and Mind All Support Group from the Register.

Impact of Commission intervention

12. The Commission was concerned that there was a risk that whilst they remained on the Register of Charities, the public may provide money to these two organisations and further funding applications may have been made on the basis that they were operating legitimate registered charities. By removing the two organisations from the register and in accordance with its statutory objectives, functions and duties to do so, the Commission removed that risk and so maintained public trust and confidence in charities that are on the Register.
13. By removing the charities from the Register, the Commission maintained the integrity and transparency of the Register and acted in accordance with its function of determining whether institutions are charities.

4 See footnote 2.

Issues for the wider sector

14. The Commission has a responsibility to investigate abuses in charities, and the Commission discharges this duty through exercise of its monitoring, advisory and supervisory functions.
15. Sometimes the Commission has to consider the possibility that a body which has been registered as a charity is, in fact, a sham. In the same way that a decision to remove an institution from the Register on the grounds that it no longer appears to be a charity is not a decision the Commission would reach lightly, nor is a conclusion that an institution registered as a charity is a sham. The distinction between a sham charity, and a genuine charity which is being abused by those managing it, has to be kept firmly in mind. It is not appropriate to treat a genuine charity, which is being abused by those managing it, in the same way as the Commission would treat a sham charity. The Commission also has a statutory obligation under section 34 Charities Act 2011 to remove from the Register any institution which it no longer considers is a charity and any charity which has ceased to exist or does not operate.
16. The public give an enormous amount of money to charity - charities depend on it to enable them to do good works and for some charities public donations are their only source of income. One of the ways the Commission recommends the public ensures it gives safely to charity is to ensure they check whether an organisation is a registered charity. They can also check whether an Interim Manager has been appointed to a charity, whether the Commission has made a public statement about a live case into a charity of concern and whether a charity has filed its annual accounts and returns on time.

The Register of Charities therefore plays an important role in assuring the public of the legitimacy of organisations as well as promoting the transparency of the activities and details of charities that are on it. In light of this, it is important that a charity's details are kept up to date. Trustees can use the Commission's online services facility to update their details. Further information about how to do this can be found on the Commission's website <https://www.charitycommission.gov.uk/officeforms/CCPortal.ofml>

17. Any person who has a serious concern about criminal activity involving trustees or any persons connected to a charity should report this to the police and let the Commission know using the reporting a concern about a charity facility on the Commission's website.
18. Any person, who knowingly supplies the Commission with false or misleading information so as to obtain the registration of an institution which is subsequently shown as a sham, may be committing an offence - section 60 of the Charities Act 2011. The Commission refers suspicions of criminal activity to the police to investigate.

Charity Commission

Website: www.charitycommission.gov.uk