



Operational Case Report

Bufferzone (1128748)

About the charity

The charity's objects included promoting the benefit of the people of Cornwall by addressing mental health issues in the community. In practice, it provided an advocacy and outreach service for people with mental health problems.

Why the commission got involved

We received a number of complaints alleging that vulnerable service users had felt threatened and intimidated by the charity. This included being pressurised to pay 'voluntary fees' in return for the charity's help. We needed to get involved to understand the charity's processes for safeguarding vulnerable beneficiaries and to know how they were responding to the specific complaints.

The action we took

We opened an operational compliance case into the charity. We instructed the trustees to report the incidents of concern to the Cornwall County Council Adult Safeguarding Officer. Although we asked the trustees to provide a range of documents and information (including safeguarding policies and accounts), they were unable to do this. We then arranged to meet the trustees.

What we found

During our meeting, it became clear that the trustees' supervision and management of the charity was wholly inadequate. There were no written safeguarding policies or procedures in place and volunteers were left unsupervised for much of the time. The only oversight the trustees appeared to have over the activities of the charity was through telephone conversations. We also found that one of the charity's trustees was related to a volunteer. We explained why, in the context of this case, we considered the trustee's position to be inherently conflicted and untenable.

We also found serious concerns about the wider governance of the charity. The charity's treasurer showed little knowledge of the charity's accounting procedures and there were no ledgers or spreadsheets to manage the flow of funds or management accounts. Indeed it did not appear to have any financial controls in place and was not able to provide us with bank statements or cheque book counterfoils.

We concluded that the trustees were failing in their duty to safeguard vulnerable beneficiaries by not ensuring that robust governance controls and procedures were in place.

Impact of our involvement

We told the trustees that they had two options:

1. either they needed to recognise their responsibility for the governance of the charity and the activities of its volunteers by putting in place proper policies and procedures
2. the trustees could consider dissolving the charity in line with the provisions of its constitution. This was a suggestion made by the trustees themselves at the meeting

The trustees decided that the most appropriate response to the very serious problems at the charity was to dissolve it. We asked the trustees to complete the online process for winding up a charity and to prepare final accounts. Despite repeated attempts by one of the trustees (who cooperated with us), the charity failed to provide this information. It was clear that the charity remained unable to account for its historic income and expenditure. On balance, we decided that the charity's remaining assets were minimal and that further action against the trustees would not be proportionate. For that reason, we used our powers under the Charities Act 2011 to remove the charity from the register of charities on the basis that it no longer operated.

Throughout our case, we liaised closely with other agencies.

Lessons for other charities

All trustees have legal duties and responsibilities towards their charities; for trustees of charities working with vulnerable beneficiaries, these duties include ensuring that there are robust policies in place to safeguard the beneficiaries and to ensure those policies are being followed at all times. [Guidance about the steps trustees need to take to safeguard beneficiaries](#) is available on GOV.UK.

It is not for the commission to decide whether or not a charity should continue to exist. However, it is our role to provide regulatory advice in cases of serious concern. In this case, the seriousness of the governance problems indicated to us that the charity may not be viable. This is why we recommended dissolution as an appropriate way to resolve the concerns and prevent further harm from coming to vulnerable people.

When trustees have decided to wind up their charity, they must complete the online process, which includes a trustee declaration confirming that all the charity's assets have been applied to further its charitable purpose and that the trustees have prepared final accounts.