

Inquiry Report

Azhar Academy

Registered Charity Number 1080849



A statement of the results of the class inquiry into double defaulter charities in particular Azhar Academy (registered charity number 1080849).

Published on 24 January 2014.

The Class Inquiry

On 20 September 2013, the Commission opened a statutory class inquiry (“the Inquiry”) into charities that were in default of their statutory obligations to meet reporting requirements by failing to file their annual documents for two or more years in the last five years and met certain criteria, including that

- the charities were recently (or in the case of charities that would become part of it in due course, would be) given final warnings to comply by a specified date; and
- on the day after the specified date they were still in default (partially or otherwise).

At the point a charity met the criteria they would become part of the Inquiry. The Commission started by looking at and sending final warnings to charities with a last known income over £500,000.

The Charity

Azhar Academy (“the Charity”) was registered on 23 May 2000. It is a trust governed by a Declaration of Trust dated 17 May 2000.

The Charity’s objects are:

“The advancement of religion and education in accordance with the tenets and doctrines of Sunni Islam which is in accordance with the juristic interpretation of the Grand Mufti of Darul-Uloom Al-Arabiyya Al-Islamiyyah, Holcombe Hall, Holcombe, Bury, Lancashire.”

More details about the Charity are available on the Register of Charities which can be accessed through the Charity Commission’s website¹.

Issues under Investigation

The Charity failed to submit to the Commission annual accounts and reports and annual returns required for the financial years ending 31 August 2012 and 31 August 2011. The Charity received various computer generated reminders from the Commission regarding the submission of their annual accounting documents.

¹ <http://www.charitycommission.gov.uk/find-charities/>

In addition, the Commission attempted to contact the charity by telephone on 4 September 2013. Further to this the Commission wrote to the Charity with a final warning on 10 September 2013 requesting that the missing documents be provided by 20 September 2013. The Commission warned what would happen if the Charity remained in default. The Charity has been in default of its obligations under the Act for a lengthy period of time, in respect of more than one set of documents and in spite of receiving numerous reminders. The Charity met the criteria and became part of the Inquiry on 23 September 2013.

The Inquiry is confined to dealing with the trustees' mismanagement and misconduct² and remedying the non-compliance in connection with the annual accounting documents.

During the Inquiry the Charity filed the missing annual accounts and reports for the financial years ending 31 August 2011 on 14 October 2013 and for 31 August 2012 on 21 October 2013. The charity filed the missing annual returns for the financial years ending 31 August 2011 on 12 October 2013 and for 31 August 2012 on 21 October 2013.

The trustees stated that the reasons for not complying were because "over the last few years, the Charity has been extremely active with major new projects, our preoccupation with these major activities and being trustees of a voluntary nature unfortunately resulted in the late submission. However, once notice was served, due to efficient bookkeeping, we were able to submit our accounts within a very short period."

The trustees also explained that the delay in responding to the Commission's letter in September was due to religious, personal and work commitments. They have stated that they regret their shortcomings and that "hopefully this will not be repeated again."

When the Charity's missing documents were submitted, the accounts were referred for scrutiny by the Commission's accountants and any issues have been or are being followed up separately.

Conclusions

The Charity's trustees were in default of their legal obligations to file accounting information with the Commission. This was mismanagement and misconduct in the administration of the Charity and a breach of their legal duties.

The reasons the charity gave for non compliance, namely the voluntary nature of trusteeship and preoccupation with other charitable activities, was of concern to the Commission and was not a legitimate excuse.

As a result of the Inquiry, the Commission ensured the Charity complied with its legal obligations to submit their annual accounting information.

The Charity ceased to be part of the Inquiry when it was no longer in default of its accounting obligations. This happened on 21 October 2013 when the Charity filed the last missing documents.

² The terms misconduct and mismanagement are taken from section 76 of the Charities Act 2011. Misconduct includes any act (or failure to act) in the administration of the charity which the person committing it knew (or ought to have known) was criminal, unlawful or improper. Mismanagement includes any act (or failure to act) in the administration of the charity that may result in significant charitable resources being misused or the people who benefit from the charity being put at risk. A Charity's reputation may be regarded as property of the charity.

Regulatory Action Taken

The Commission used its information gathering powers under section 52 of the Charities Act 2011 (the “Act”) to order and obtain bank records of the Charity relating to the missing years accounts. These will be used in connection with the Commission’s scrutiny of the accounts.

On 24 September 2013 the Inquiry exercised powers under s84 of the Act to direct the trustees to prepare and complete the relevant missing annual accounts, reports and returns for the Charity and provide copies of these to the Commission.

The Commission provided regulatory advice and guidance about the trustees’ duty to file the Charity’s annual accounting information.

Issues for the wider sector

Trustees of charities with an income of £25,000 or over are under a legal duty as charity trustees to submit annual returns, annual reports and accounting documents to the Commission as the regulator of charities. Even if the Charity’s annual income is under £25,000 trustees are under a legal duty to prepare annual accounts and reports and should be able to provide these on request. All charities with an income over £10,000 must submit an annual return.

Failure to submit accounts and accompanying documents to the Commission is a criminal offence. The Commission also regards it as mismanagement and misconduct in the administration of the Charity.

For those individuals who were not trustees at the initial date of default, when they became a trustee, they became responsible for making good the default.

It is important that the financial activities of charities are properly recorded and their financial governance is transparent. Charities are accountable to their donors, beneficiaries and the public. Donors to charity are entitled to have confidence that their money is going to legitimate causes and reaches the places that it is intended to. This is key to ensuring public trust and confidence in charities.

