

# Inquiry Report

Asian Womens Adhikah Association

Registered Charity Number 1093553



# A statement of the results of the class inquiry into double defaulter charities in particular Asian Womens Adhikah Association (registered charity number 1093553) ('the charity').

Published on 7 June 2016.

## The class inquiry

On 20 September 2013, the Charity Commission ('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 2 or more years in the last 5 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
- 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, it then moved on to those over £250,000, and then moved to those with an income of between £200,000 and £249,000. The current phase of the inquiry is looking at charities with a last known income of between £150,000 and £199,999.

## The charity

The charity was registered on 27 August 2002. It is a charitable company governed by memorandum and articles of association incorporated on 16 September 1993 as amended by special resolutions dated 5 September 1997 and 25 September 1997.

The charity's objects are:

'The relief of poverty sickness and distress of women with the particular intent of empowering Asian women within the borough of Wolverhampton without limitation to the generality of the foregoing:

- (1) to provide advice information and support on a wide range of issues including welfare rights, housing, family and matrimonial matters, immigration/nationality and counselling and support for women suffering major personal crises such as domestic violence
- (2) to provide education and training including but not limited to community development work by the provision of workshops and the organisation of events for Asian women of all ages
- (3) to provide a wide range of services for Asian women of all ages including but not limited group work in schools, school placements and one to one work with Asian women experiencing difficulty in coping with a wide variety of pressures
- (4) to provide an advocacy service presenting the needs of Asian women both as a group and individually'

More details about the charity are available on the [register of charities](#) ('the register').

## Issues under investigation

The charity failed to submit its annual returns to the commission for the financial years ending 31 March 2011 and 2012. In addition it also failed to submit its annual accounts, reports and annual returns for the financial years ending 31 March 2013, 2014 and 2015. During the whole period of default, the charity was sent various computer generated reminders from the commission regarding the submission of their annual accounting documents. Although reminders were sent the charity remained in default of its obligations under the Charities Act 2011 ('the act').

In addition an attempt was made to contact the charity on 10 December 2015 by telephone and a final warning letter was issued the same day requesting that the missing documents be provided by 11 February 2016, and warning the charity that if it remained in default it would become part of the inquiry.

The charity failed to submit its outstanding documents by the deadline and became part of the inquiry on 12 February 2016. The inquiry is confined to dealing with the trustees' mismanagement and misconduct<sup>1</sup> and remedying the non-compliance in connection with the annual accounting documents.

The outstanding annual returns for the financial years ending 31 March 2011 and 2012; and annual accounts, reports and annual returns for the financial years ending 31 March 2013, 2014 and 2015, were submitted on 7 March 2016.

When the charity's outstanding documents were submitted, the accounts were referred for scrutiny by the commission's accountants. Any issues arising from that scrutiny will followed up separately.

On 7 March 2016 a charity representative informed the commission that the reason the charity had not complied with their statutory accounting requirements was due to a misunderstanding between the trustees and the charity's accountants, as to who was responsible for submitting the missing accounting documents to the commission. This does not excuse the failure of the trustees to fulfil their statutory obligations, as it their collective responsibility to ensure that the accounting information is submitted to the commission on time.

## 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.

As a result of the inquiry, the commission ensured the charity complied with its legal obligations to submit its annual accounting information. Three sets of accounts were filed and as a result £96 of charitable income is now transparently and publicly accounted for on the register.

The charity ceased to be part of the inquiry when it was no longer in default of its accounting obligations. This happened on 7 March 2016 when the charity filed the last missing documents.

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1 The terms misconduct and mismanagement are taken from section 76 of the act. 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 act to order and obtain bank records and financial information of the charity relating to the missing years accounts. These will be used in connection with the commission's scrutiny of the accounts.

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 over £25,000 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 not greater than £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.