

Archived on 14 October 2019 because the report is over 2 years old.



CHARITY COMMISSION
FOR ENGLAND AND WALES

Inquiry Report

Bethel United Church of Jesus Christ Apostolic UK

Registered Charity Number 1047717

A statement of the results of the class inquiry into double defaulter charities in particular Bethel United Church of Jesus Christ Apostolic UK (registered charity number 1047717) ('the charity').

Published on 24 February 2017.

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 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. Charities that have been identified for inclusion in the class inquiry have a last known annual income of at least £150,000.

The charity

The charity was registered on 4 July 1995. It is an unincorporated association governed by a constitution adopted 29 May 1995 as amended by a resolution dated 29 July 2004.

The charity's object is to advance the Christian religion.

In practice the charity furthers its object by the provision of prayers and worship from its church in West Bromwich and through other churches spread nationally.

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

Issues under investigation

The charity had failed to submit its annual accounts, reports and annual returns to the Commission for the financial years ending 31 March 2014 and 2015 within the statutory deadlines. 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 by telephone on 12 May 2016, and a final warning letter was issued on the same date requesting that the missing documents be provided by 2 June 2016, and warning the charity that if it remained in default it would become part of the inquiry. As the charity failed to submit the outstanding accounting documents by the deadline it became part of the inquiry on 3 June 2016.

The inquiry was confined to dealing with the trustees' mismanagement and misconduct¹ and remedying the trustees' persistent failure to file their annual accounts and returns within the statutory deadlines.

The charity submitted the outstanding accounting documents for the financial year ending 31 March 2014 in July 2016, and the remaining documents were submitted to the Commission in September 2016.

A charity trustee informed the Commission that the reason for not complying with their statutory filing requirements was due to delays which incurred between the trustees and their auditors during the preparation and completion of the outstanding accounting documents. This does not excuse the failure of the trustees to fulfil their statutory obligations.

When the charity's outstanding accounting documents were submitted, the accounts were referred for scrutiny by the Commission's accountants. Issues were identified during the scrutiny and will be followed up with the trustees 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.

As a result of the inquiry, the Commission ensured that the trustees complied with legal obligations to submit their annual accounting information. Two sets of accounts were filed and as a result £2,217,577 of charitable income has been accounted for with the Commission.

The charity ceased to be part of the double defaulter's class inquiry on publication of this report.

Regulatory action taken

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

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 were used in connection with the Commission's scrutiny of the accounts.

On 29 July 2016 the Commission exercised powers under section 84 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.

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.

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.

The Commission will not hesitate to exercise its statutory powers to ensure that a charity's annual reports, annual accounts and annual returns are submitted to the Commission within the statutory deadlines where trustees persistently fail to comply with their legal duties.

Providing timely, accurate and informative financial information that will help funders, donors, beneficiaries and others to understand a charity and its work will encourage trust and confidence in that charity.