



MP Factsheet

Raising concerns about charities

My constituent has concerns about a charity. What should they do?

If a constituent raises concerns about a charity, it's important for them to try to resolve those concerns with the charity directly wherever possible. Many issues and disputes can be resolved without involving the Charity Commission, and often we aren't allowed to intervene in a charity's administration.

When will the Charity Commission get involved?

Generally speaking, the Charity Commission is only to take up complaints where there's a serious risk of significant harm to, or abuse of, the charity, its assets, its beneficiaries or reputation; such as:

- connections to banned organisations;
- links to, or support for, terrorism;
- misuse of a legitimate charity to foster crime or extremism;
- fraud or money laundering;
- abuse of vulnerable beneficiaries;
- putting beneficiaries at risk by failing to put in place adequate protection;
- sham charities; or
- financial irregularities.

We will only intervene where we consider that action is necessary and proportionate.

When won't the Charity Commission get involved?

The Charity Commission's powers are limited by charity law and we can't intervene in areas covered by other regulators and agencies, for example criminal or taxation matters. If we're notified of a crime or suspected tax evasion, we may pass details of the complaint on to the police or appropriate authority. Our role would be to assess whether misconduct or mismanagement in a charity's administration has allowed criminality to occur.

We also can't take up complaints about services individuals have received from a charity, or get involved in employment disputes. Charity law explicitly forbids us from getting involved in disputes between trustees or patrons of a charity. We also can't intervene if a charity is using a lawful method of fundraising, however controversial it may be.

How can my constituent complain to the Charity Commission?

If your constituent hasn't been able to resolve their concerns directly, and believes the matter falls within our remit, you should contact us and lodge a formal complaint. It's helpful to include certain information, so we can deal with your complaint quickly and thoroughly. This includes:

- the name and registration number of the charity concerned;
- the nature of your complaint, including any specific allegations you wish to make;
- who is involved and what position they hold in the charity;
- the effect this matter has on the charity and its beneficiaries;
- any action already taken by the charity in response to your concerns;
- any publicity of which you are aware that surrounds this issue;
- copies of any documentary evidence you may have;
- details of any previous correspondence on this matter with public bodies; and
- your name, address, email and contact number and any contact you may have with the charity concerned.

Email us directly at: enquiries@charitycommission.gsi.gov.uk, or call the Public Affairs team on the number below.

Will the charity know who has complained?

We try to protect the confidence and privacy of complainants wherever possible. Sometimes, however, the identity of a complainant needs to be disclosed or becomes apparent during the course of an investigation. We ask complainants to let us know if they're willing for us to identify them and for their evidence to be presented to the charity directly. We may also, in certain circumstances, be compelled to reveal a complainant's identity under the Freedom of Information Act.

What will happen next?

Once we receive a complaint, we assess it on the basis of the information provided. We then reach a decision about what, if any, role we may have. It could be that:

- no regulatory issues arise, but the concerns may be passed on to other agencies;
- regulatory issues arise, but are not serious enough for us to intervene;
- regulatory issues arise, which we believe can be resolved through assistance and support; or
- the issues raised are serious enough for us to open an inquiry.

We aim to reply to all enquiries from MPs and AMs within ten days. Sometimes we need longer to consider the matter you've raised, but we'll still update you on our progress within this time.

What happens if I report a serious problem at the charity?

Where there's a serious problem at a charity, we have a range of powers if we feel such action is proportionate and useful. If our assessment suggests that such a problem exists, we can open a statutory inquiry under section 8 of the Charities Act 1993. This is a serious step and not one we take lightly.

Opening an inquiry gives us powers to take various regulatory actions, including freezing a charity's accounts, suspending trustees and employees, appointing new trustees, and prohibiting further activity or fundraising. In the most serious cases, we might temporarily appoint an interim manager to take over some, or all, of the trustees' powers.

What information does the Charity Commission provide during an inquiry?

We aim to provide you with as much information as we can, whilst protecting the rights of all the parties involved. We have a duty of care to the charities we regulate and cannot release sensitive or confidential information, especially whilst an inquiry is underway. We're happy to meet with you and answer your questions. Once an inquiry is complete, we'll send you a copy of our inquiry report - which we also publish on our website - and will be happy to meet and discuss any outstanding concerns.

How long will it take?

The Charity Commission aims to enforce regulation fairly and proportionately. We also often work with other agencies that may have a role to play in concerns about a charity. For this reason, we work on a case-by-case basis and have no fixed timescale for inquiries or cases. We do promise to keep you updated on the progress of cases in which you are interested.

Our senior staff are always happy to meet with parliamentarians to brief them on an issue, to address specific concerns, or to discuss the work of the Charity Commission generally. If such a meeting would be useful to you, contact our Public Affairs Manager, Jack Rowley, by telephone on 020 7674 2322 or by email at jack.rowley@charitycommission.gsi.gov.uk