



**CHARITY COMMISSION**  
FOR ENGLAND AND WALES

Chris Brown

Charity Commission  
PO Box 211  
Bootle  
L20 7YX

via email:

request-471914-6e73439e@whatdotheyknow.com

T:

**Your ref:**

**Our ref: C- 476689-R1H6**

**Date: 26 April 2018**

Dear Chris Brown,

### **FREEDOM OF INFORMATION REQUEST**

Further to your email of 18 March 2018. I apologise for the delay in responding. Your patience in this matter has been much appreciated.

For ease of reference you requested the following information:

1. The number of cases, recorded by or notified to the Commission, where a Charity Trustee has been found to be in breach of Section 171 and 172 , during the years 2012 to 2017 (ie failure to provide a public copy of Annual Report and Annual Statement of Accounts) (These statistics should show differentiation between Registered Charities and those with Excepted status).
2. The amount of fines levied as provided by Section 173, in each of those years, again differentiated between Registered and Excepted status.
3. Given the stipulation of Section 173 and the specific reference to offences committed by Trustees, which body or person is empowered by statute, to instigate proceedings under Statute.
4. Are other options available, within Statute, to enforce provisions of Charity Law, and provide details of where this has happened, since the implementation of the 2011 Act.

The information requested has been dealt with under the Freedom of Information Act 2000 (which I will go on to refer to as 'the Act'):

Using your numbering I can comment as follows:

1. The Commission does not maintain data relating to this particular matter and so does not have the specific information you have asked for.
2. No fines have been levied – the Commission itself does not fine charities.
3. The charity Commission.
4. In relation to number four I have taken the point to mean in relation to section 173 (as referred to in your email). The Commission engages with registered charities and those that are excepted (and have a specific requirement to comply with the Commission in respect of reports and accounts [s168 of the charities Act 2011 refers]), in seeking to bring about compliance. In general terms the Commission deals with such issues in a number of ways depending upon severity, the evidence to support, the impact and what is required to resolve an issue.

The Commission engages in a variety of ways – through dialogue with organisations, helpline information, ad hoc correspondence or as part of case work (which may be ‘regulatory compliance’ case work or more specifically ‘inquiry’ case work). In inquiry case work the Commission identifies and investigates apparent misconduct or mismanagement in the administration of charities, and works to resolve issues of concern. Deliberate wrongdoing, illegal activity, criminality and serious abuse is dealt with rigorously and decisively. Inquiries focus on serious regulatory issues and also address matters that might require attention through use of the exercise of formal powers that are only available in inquiry (focussing upon evidence of misconduct or mismanagement, or a risk to charity property or a need to safeguard public trust and confidence in a charity or charities). A link to our website information is available: <https://www.statutory-inquiries-into-charities>

Further, amongst other things the Commission may, in inquiry, make Orders or Directions to obtain information or documents.

In relation to point four we do not maintain data relating to this particular subject matter and so do not have the specific information you have asked for.

In terms of what I have set out relating to our response, if you think it is wrong, you can ask for it to be reviewed. Such requests should be submitted within three months of the date of our response and should be addressed to the Charity Commission at PO Box 211, Bootle, L20 7YX (or the email address of: [RIGA@charitycommission.gsi.gov.uk](mailto:RIGA@charitycommission.gsi.gov.uk)). More information about our Freedom of Information Act review service can be found on the following link on our website: [Charity Commission - Complaints- Procedure](#).

If, after this, you remain unhappy with the decision, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted our review procedure. The ICO can be contacted at the Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (email: [casework@ico.org.uk](mailto:casework@ico.org.uk).)

Yours sincerely,

The Charity Commission