



CHARITY COMMISSION
FOR ENGLAND AND WALES

By email only: request-628307-b2264e4a@whatdotheyknow.com

Charity Commission
PO Box 211
Bootle
L20 7YX

Your ref:
Our ref: C-511958

Date: 22 January 2020

Dear Mrs Kaur

GURU NANAK GURDWARA CULTURAL AND RECREATIONAL CENTRE : 1138835

Thank you for your request for information which I have dealt with under the Freedom of Information Act 2000 (the Act).

You have asked for:

- 1. The total number of serious incident reports made by the above charity to the Charity Commission*
- 2. The nature of each of those above serious incident reports and action taken by the Commission and/or the Charity*
- 3. Copies of the above serious incident reports, and if required with personal information redacted.*
- 4. The total number of concerns/complaints raised by the public about the above charity or it's trustees, in 2019.*
- 5. The nature of those concerns/complaints raised by the public.*
- 6. What action was taken by Commission to address the concerns/complaints raised by the public, in 2019.*

In answer to your requests the Commission would respond as follows:

Q1. None

Q2. N/A

Q3. N/A

On track to meet your deadline?

Visit www.gov.uk/charity-commission for help on filing your annual return and accounts

t: 0300 066 9197 (General enquiries)

w: www.gov.uk/charity-commission

Q 4, 5 and 6. The Charity Commission neither confirms nor denies that it holds information falling within the description specified in your request.

The duty at section 1(1)(a) of the Act does not apply in this instance by virtue of the exemption at section 31(3) of that Act.

Section 31 (3) provides that the duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a): the right to be informed, would, or would be likely to prejudice the exercise by the Commission of its functions for the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration (section 31(2)(g)).

This part of your request relates to whether or not the Commission has received concerns in 2019 and if so, how many and what action has been taken.

In accordance with its objectives and functions in charity law, the Charity Commission is responsible for regulating the charity sector, including performing functions such as identifying and investigating apparent misconduct or mismanagement, and encouraging and facilitating the better administration of charities.

If the Charity Commission was required to disclose whether or not it had received concerns about the charity and how many, this would prejudice the ability of the Commission to perform these core functions.

Disclosing whether or not the information is held to the wider public would be likely to prejudice the Commission's regulatory functions by discouraging individuals from coming forward to the Commission with their concerns in the future.

Section 31 is a qualified exemption and, as a consequence, it is a requirement to consider a public interest test before deciding that this exemption can be applied.

Please see below for the results of the public interest test which has been considered.

Public Interest Test:

Arguments in favour of disclosure:

Public authorities such as the Charity Commission have a wider duty to be transparent and accountable for the decisions they make.

Disclosure of the requested information would help to inform public debate on issues of regulatory significance.

Disclosure of this information would help to educate and inform the public by detailing how the Commission handles regulatory complaints and concerns, providing a fuller picture of the Commission's statutory functions and duties.

Arguments against disclosure:

Confirmation and release of this type of information (if such information was held) could provide a distorted picture of charities that would likely threaten the trust that those organisations have with us. Charities could receive large numbers of innocuous or false complaints against them and releasing such information would, in our view, likely lead to negative perceptions of charities.

This would be counter to our statutory objective of increasing public trust and confidence in charities.

If the Commission routinely disclosed whether or not it had received concerns about a charity (and how many) as well as any actions taken, this would undermine confidence in the Commission's ability to handle such concerns in a confidential manner. Consequently individuals would be reluctant to come forward with information in the future as they would fear that their communications and possibly their identities would be disclosed as part of an FOI request.

Disclosing this information would undermine the Commission's role as an effective and efficient regulator of charities that is able ensure compliance with the relevant regulations.

Outcome:

It is the Commission's view that the greater public interest lies in favour of issuing a neither confirm nor deny response in this instance.

The fact that the exemption at section 31 of the Act has been cited should not be taken as an indication that information relevant to your request is or is not held by the Commission.

This concludes your information request

Yours sincerely

Katherine O'Hare
Information Rights and Complaints Manager
Charity Commission

If you are dissatisfied with the handling of your request or the decision which has been reached, you have the right to ask for an internal review. Internal review requests must be submitted within two months of the date of this response and should be addressed to the Charity Commission at PO Box 211, Bootle, L20 7YX (email: RIGA@charitycommission.gov.uk).

If you are not satisfied with the internal review, you are able to appeal to the Information Commissioner. 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).