



**CHARITY COMMISSION**  
FOR ENGLAND AND WALES

Mr M Carroll-Owen  
By email: [request-753391-61bed68c@whatdotheyknow.com](mailto:request-753391-61bed68c@whatdotheyknow.com)

Charity Commission  
PO Box 211  
Bootle  
L20 7YX

**Your ref:**  
**Our ref: C-010738**

**Date: 29 June 2021**

Dear Mr Carroll-Owen,

### **RESPONSE TO REQUEST FOR INFORMATION**

Thank you for your request for information which I have dealt with under the Freedom of Information Act 2000 (the Act). Please accept my apologies for the delay in providing you with a response.

You have requested the following in relation to the LGB Alliance (1194148):

1. Constitution & Minutes of 1st Meeting of the Charity Trustees
2. Safeguarding Policy as this would have been asked for as they work with children and young people according to their activities
3. Caseworking notes including regarding the decision to approve the registration of the charity including the designation/government grading i.e. AO (Administrative Officer), EO (Executive Officer), HEO (Higher Executive Officer) of the case worker for this application - please note we request this with the name of the employee redacted for the purpose of Data Protection of your employee.
4. Please provide acceptance documentation from the charity commission to the above named charity both physical letters and emails also please include if any conditions were placed on the charity for it breaches Equality Act Legislation due to the concerns raised around this charities aims.

#### **On track to meet your deadline?**

Visit [www.gov.uk/charity-commission](http://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](http://www.gov.uk/charity-commission)

I will deal with each request in turn as numbered above:

1. As far as your request for the Constitution is concerned, I can confirm that the Commission holds the requested information (Memorandum and Articles of Association). However, this information is exempt from disclosure under section 21 of the Act. Section 21(1) states:

*“Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.”*

The document is available on the Companies House website. However, the Commission is legally obliged to provide this document under section 38 of the Charities Act 2011 and therefore, on that basis, I attach a copy.

The Commission does not hold a copy of the minutes of the first meeting of the charity trustees.

2. The Commission does not hold a copy of the Safeguarding Policy.
3. I can confirm that the Commission does hold relevant information.

You have requested the designation/government grading i.e. AO (Administrative Officer), EO (Executive Officer), HEO (Higher Executive Officer) of the case worker for this application. The case worker dealing with this application was a Pay Band 4 grade (HEO). The final decision was made at Pay Band 6 (Grade 7) level.

As far as the request for caseworking notes is concerned, we are unable to disclose this information to you as we consider that the exemption at section 31 of the Act applies.

#### Section 31

Section 31(1)(g) states that:

*“Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—*

*(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)”*

Relevant purposes in subsection (2) include ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.

The information subject to this exemption was received or held by the Commission in furtherance of its statutory objectives and the functions as outlined by sections 14 and 15 of the Charities Act 2011. These include determining whether institutions are or are not charities, increasing public trust and confidence in charities, promoting compliance by charity trustees with their legal obligations, identifying and

investigating apparent misconduct or mismanagement in the administration of charities and taking appropriate remedial or protective action in connection with misconduct or management therein.

The disclosure of internal caseworking notes regarding the decision to register the charity would be likely to prejudice the exercise of the Commission's regulatory functions. Disclosing the Commission's internal deliberations and discussions concerning registration would be likely to inhibit the openness of future deliberations and discourage frankness in future communications within the Commission about the charity, other charities and bodies seeking registration. It would be likely to impede the exchange of information and opinions within the Commission and impair the quality of decision making within the Commission.

This is a qualified exemption which means that it requires the Commission to balance the public interest in disclosure against the public interest of non-disclosure. Please see below for the outcome of the test we have undertaken.

#### Public Interest Test:

##### *Arguments for 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, and demonstrate that the Commission is effectively and efficiently regulating the charity sector;
- Disclosure of this information would help to educate and inform the public by detailing how the Commission handles the registration of charities, providing a fuller picture of the Commission's statutory functions and duties.

##### *Arguments against disclosure:*

- Disclosure would impact upon the relationship of trust that the Commission has with the charity sector. If institutions seeking to become charities recognised that the Commission disclosed its internal communications regarding registration, this would undermine the trust which underpins how we engage with charities and would also serve to unnecessarily undermine public trust and confidence in the charity sector as a whole.

##### *Outcome:*

In balancing the public interest of disclosure against the public interest in withholding the information, it is the Commission's view that, in this instance, the greater public interest lies in withholding the information.

### Section 42(1)

Some caseworking notes record communications with Commission lawyers. In the case of such communications, these are additionally exempt from disclosure under section 42 (1) of the Act, as they constitute information in respect of which a claim to legal professional privilege could be maintained.

The exemption under section 42(1) is a qualified exemption, and the Commission must consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### Public Interest Test:

#### *Arguments for disclosure:*

- There is a public interest in the accountability and transparency of the Commission which favours disclosure. To this end, the Commission has published a detailed decision document on its website.

#### *Arguments against disclosure:*

- The Commission's view is that there is much greater public interest in relying on the exemption as it enables the Commission to seek and receive clear, open and frank legal advice on particular matters which arise. Making the Commission's privileged legal advice on a case by case or point by point basis available to the public is likely to impact on the legal advisers' ability to provide such legal advice. This would hinder the Commission in exercising its regulatory functions since it is essential that the Commission has access to clear, open and frank advice about the extent and limitations on its powers and the legal context in which it finds itself.

#### **Outcome:**

We have therefore concluded that the public interest in withholding privileged legal advice outweighs the public interest in disclosure.

4. I can confirm that we do hold relevant information, but we are unable to disclose this information to you as we consider that the exemption at section 31 of the Act applies.

Section 31(1)(g) states that:

*“Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—*

*(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)”*

Relevant purposes in subsection (2) include ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.

The information subject to this exemption was received or held by the Commission in furtherance of its statutory objectives and the functions as outlined by sections 14 and 15 of the Charities Act 2011. These include determining whether institutions are or are not charities, increasing public trust and confidence in charities, promoting compliance by charity trustees with their legal obligations, identifying and investigating apparent misconduct or mismanagement in the administration of charities and taking appropriate remedial or protective action in connection with misconduct or management therein.

It is considered that the disclosure of the information requested would be likely to prejudice these functions. If the details of communications between a body seeking registration and the Commission are routinely disclosed, such bodies, charities, and other parties, would be reluctant to co-operate or enter into open and frank discussions with the Commission in the course of its work. This would adversely affect the Commission's ability to regulate efficiently and effectively.

This is a qualified exemption which means that it requires the Commission to balance the public interest in disclosure against the public interest of non-disclosure. Please see below for the outcome of the test we have undertaken.

#### Public Interest Test:

##### *Arguments for disclosure:*

- Public authorities such as the Charity Commission have a wider duty to be transparent and accountable for the decisions they make. In this regard, I would refer you to the decision published on the Commission's website [LGB Alliance - Full decision - GOV.UK \(www.gov.uk\)](#);
- Disclosure of the requested information would help to inform public debate on issues of regulatory significance, and demonstrate that the Commission is effectively and efficiently regulating the charity sector.

*Arguments against disclosure:*

- Disclosure would impact upon the relationship of trust the Commission has with the charity sector. If bodies seeking charitable status recognised that the Commission disclosed communications with them, this would undermine the trust which underpins how we engage with such bodies and charities generally, and would also serve to unnecessarily undermine public trust and confidence in the charity sector as a whole.

*Outcome:*

In balancing the public interest of disclosure against the public interest in withholding the information, it is the Commission's view that, in this instance, the greater public interest lies in withholding the information.

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](mailto: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 ([Home | ICO](#)).

Yours sincerely,

Lucy Breakspere

Information Rights and Complaints Manager