



CHARITY COMMISSION
FOR ENGLAND AND WALES

Mr S Gasson
By email: request-541855-804e15fa@whatdotheyknow.com

Charity Commission
PO Box 211
Bootle
L20 7YX

Your ref:
Our ref: C-491217

Date: 22 January 2019

Dear Mr Gasson,

REQUEST FOR INFORMATION

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

You have asked whether the Commission has been consulted by or given advice to:

- (a) the Trust
- (b) the charity
- (c) charity members
- (d) any of the current or past trustees
- (e) any other NHS or Department of Health body particularly in light of their Kings Research Partner Kings College Hospital going into financial special measures.

Regarding:

- (a) why the NHS trust no longer has charitable status;
- (b) the legality of that decision to separate from the trust;
- (c) disparity in terms of membership numbers;
- (d) whether the trust and charity made or makes it possible for inpatients to be members during their care and how it helps them, including access to legal resources to challenge decisions by trust staff using the Mental Health Act to enforce medication on them while inwards and not to discharge them from wards.

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)
0300 066 9219 (Textphone)

w: www.gov.uk/charity-commission

Has advice been sought from, or supplied by, the Commission considering the charity acting in the best interests of beneficiaries in terms of:

- (a) different process over time of how staff, in-patients, patients and the general public are able to become and apply for membership;
- (b) how it invites them to join but also the community it serves to take part in such a decision, including the Commission, other regulators, funders, local councils and the Department of Health;
- (c) how much the charity spends in terms of beneficiaries and any confusion that exists between how it perceives patients, in-patients, general public and current trust staff and those that have left follow a complaint or investigation regarding patients;
- (d) where projects like Healthlocker are discontinued, whether funding schemes deliver real long term benefit to the charity and beneficiaries, how beneficiaries are involved in decisions and can influence things, and are appropriately reported on and monitored;
- (e) (how) income from the charities assets is charged, calculated and collected eg relating to Ortus, or how intellectual property from its research programme is owned and helps support in-patients and patients and patients and in-patients are involved in the decisions regarding spending and funded programmes;
- (f) the long term viability of the Trust or charity in light of Kings financial special measures, liabilities in terms of insurance claims or legal action or as a result of medication, safeguarding failures or criminal action by trust staff or police investigations.

By way of background, the South London and Maudsley NHS Foundation Trust (the NHS Trust) does not hold charitable status and never has.

In 1996, a charity was registered under number 1055440. It was called South London and Maudsley NHS Trust Charitable Funds, and subsequently changed its name to Maudsley Charity. The NHS Trust (as corporate body) was the trustee of this charity. The charity was removed from the register on 12 November 2018.

A new charity (registered number 1175877) with the same name, Maudsley Charity, was registered on 22 November 2017 and received the funds and assets of 1055440. It has been set up as a charitable company and you will be able to find a copy of its Memorandum and Articles on the Companies House website. Rather than the NHS Trust acting as corporate trustee, individuals have been appointed as directors/trustees of the charity. You can see more details on the register of charities on the Commission website - <http://apps.charitycommission.gov.uk/showcharity/registerofcharities/RegisterHomePage.aspx>.

The Commission did engage with the charity regarding the removal of 1055440, the setting up of 1175877 and the transfer of assets. The Commission does not hold any further information relevant to your request.

If you think our decision 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 (email: 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: <https://www.gov.uk/government/organisations/charity-commission/about/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.)

Yours sincerely,

Lucy Breakspere
Information Rights and Complaints Manager