



CHARITY COMMISSION
FOR ENGLAND AND WALES

Inquiry Report

Global Aid Trust Limited

Registered Charity Number 1123560

A statement of the results of an inquiry into Global Aid Trust Limited (registered charity number 1123560).

Published on 9 September 2016.

The Charity

Global Aid Trust Limited ('the charity') was registered on 10 April 2008. It is governed by a memorandum and articles of association dated 28 December 2007.

The charity's objects are to:

- advance the education of the public in the United Kingdom and overseas by the provision of such services, facilities or funding as the trustees may from time to time determine
- relieve sickness and preserve and protect good health in the United Kingdom and overseas by the provision of health facilities
- relieve the financial hardship of people living in the United Kingdom and overseas by the provision of grants of money or services
- advance the education of women in the United Kingdom and overseas by the provision of such services, facilities or funding as the trustees may from time to time determine
- relieve the needs of vulnerable members of society in the United Kingdom and overseas

The Charity's entry on the register of charities can be found on [GOV.UK](http://gov.uk).

Source of Concern

On 18 February 2015 the Charity Commission ('the commission') opened a statutory inquiry ('the inquiry') into the charity under section 46 of the Charities Act 2011 ('the act').

On 12 November 2014, prior to the opening of the inquiry, the commission undertook a compliance visit ('the visit') at the charity's premises. The purpose of this was to examine the charity's management of its events where speakers, who were subject to adverse media reporting, had been invited and the charity's activities in high risk countries. The commission sought to establish what controls the charity's trustees had put in place to manage such events and the level of due diligence conducted when selecting guest speakers. During the visit the commission was assured that, whenever there are speaker events, the CEO is always present and will intervene in the event that a guest speaker acted or spoke inappropriately; this was provided as an example of how the charity manages the associated risks of hosting events and speakers. The visit focussed on the charity's event "Make Bread not War" which was held on 5 May 2014 ('the May event'). The speakers at this event ('Speaker 1' & 'Speaker 2') both had adverse reporting against their names online.

During the visit the commission reviewed the charity's completed due diligence forms in respect of the invited speakers and found these to be lacking sufficient evaluation of the speakers invited. To have demonstrated that the trustees had conducted thorough due diligence, the commission would have expected the trustees to note the past negative public reporting regarding the invited speakers and the reasons why they considered it was in the best interests of the charity for both Speaker 1 and Speaker 2 to speak at the charity's events. The commission saw a lack of evidence of measures being put in place to manage any identified risks arising from the hosting of this event. As part of the visit the trustees provided the commission with the charity's policies and procedures. Following a review of these, the commission was not satisfied that the trustees had followed the charity's own policies and procedures.

The trustees were made aware of a planned programme on ITV's "Charities Behaving Badly" (the programme) and recorded footage (the footage), intended for broadcast, by Hardcash Production Limited ('Hardcash') on 23 December 2014. Despite the commission's open case and active engagement with the charity at this time the trustees did not advise the commission of Hardcash's communication with them and is critical of the trustees for their failure to promptly report this matter to the commission, particularly as issues raised by Hardcash's correspondence were directly related to those that the commission was also concerned with. The charity's legal representatives informed the commission in a letter dated 30 January 2015 that they provided advice to the trustees, during an initial consultation in December 2014, for the charity to delay reporting a serious incident to the commission until the programme had been broadcast. The trustees followed this advice. The trustees provided assurances to the commission that future incidents would be reported swiftly. This was evidenced by the trustees informing the commission on the same day (3 March 2015) they received notification from the charity's bank of its withdrawal of services.

The commission was contacted by Hardcash directly on 9 January 2015 and was advised that the charity was one of the charities to be featured in the programme.

On 20 January 2015 the commission attended the premises of Hardcash and viewed the footage due to be aired on the programme. The commission considered that the footage raised a number of concerns, particularly in relation to the charity's events.

After viewing the footage and prior to the programme being broadcast on 18 February 2015, the commission corresponded with the trustees by email and telephone to discuss the commission's concerns regarding the footage that it had seen and to obtain from them relevant records. The trustees provided the commission with correspondence received by them from Hardcash, minutes relating to emergency meetings held by the trustees in response to Hardcash's intended broadcast, completed due diligence forms for the events covered by Hardcash, and a notification of the formal resignation by the charity's CEO and trustee which was confirmed in minutes dated 10 February 2015 to be due to personal circumstances.

The programme showed footage, taken by an undercover journalist, of staff and volunteers from the charity and external guest speakers invited to speak at one of the charity's fundraising events making comments that were presented, by the programme, as "extremism and the promotion of hatred". Comments and views made by the charity's invited speaker and some of its employees and volunteers, as featured in the programme, raised concerns about the lack of trustee or professional oversight and management of the charity's events.

Both the aired and unaired footage taken in relation to an event held by the charity, 'Iftar Under the Moonlight' on 22 July 2014 ('the July event') raised further concerns in relation to a lack of trustee and staff oversight of the event; this highlighted, as evident from the programme, that the event was being managed by an inexperienced volunteer who had little, if any, experience at managing such functions. The commission undertook its own analysis of the unaired footage. This analysis was assisted by obtaining all of the 72 hours of footage recorded by the undercover reporter working for Hardcash through use of the commission's power under section 52 of the act; the order was issued to Hardcash on 20 February 2015. During this period, the trustees confirmed their willingness to cooperate fully with the inquiry and they also provided the inquiry with actions they were undertaking at their own initiative with the intention to remedy the failures identified in the programme.

The programme was broadcasted on ITV on 18 February 2015.

On 18 February 2015 the commission opened the inquiry into the charity. This was as a result of the commission's concerns regarding the management of the charity's events and use of guest speakers by the trustees as identified by the commission's findings from its visit and the undercover footage obtained by Hardcash regarding the charity's events.

The inquiry was opened to investigate and consider the following issues:

- the overall governance of the charity by the trustees
- how the trustees exercised sufficient oversight to ensure that the charity is not used as a platform for individuals to express extremist views and/or material not suitable for a charity
- whether the trustees have complied with their duties and responsibilities under charity law

On 3 March 2015, the trustees notified the commission, in the form of a serious incident report, that the charity's bank had advised them of its decision to withdraw services to the charity. The letter from the charity's bank, also dated 3 March 2015, provided the trustees with 60 days' notice in order to secure a new bank account. Subsequently, the trustees advised the commission they were unable to identify another bank that would accept them as a customer. It was only after the expiry of the bank's 60 day notice period and the trustees' unsuccessful attempts in securing a new bank account that the scope of the inquiry was extended, on 1 May 2015, to include the actions taken by the trustees to secure banking services. The commission's expectations of the trustees to pursue alternative arrangements regarding a permanent bank account for the charity were communicated to them also on 1 May 2015. The trustees acted appropriately, and timely, in the circumstances by reporting the withdrawal of banking services as a serious incident report to the commission.

The inquiry closed on 9 September 2016 with the publication of this report.

Findings

The overall governance of the charity by the trustees

The trustees are responsible for the general management and administration of the charity. The charity is managed by 12 trustees. There are a number of volunteers who hold delegated authority to undertake a number of tasks on behalf of the trustee board. The charity has maintained a history of filing all of its statutory returns within their required timeframes.

Prior to the opening of the inquiry a trustee and former CEO ('the former CEO') resigned from his roles within the charity. The former CEO's resignation was confirmed in minutes of an emergency meeting held by the trustees dated 10 February 2015. The reason for his resignation was noted in the charity's minutes to have been for personal circumstances. The minutes also record the trustees' view that the resignation would protect the charity from likely harm caused by the media. The former CEO's resignation and the minutes relating to the emergency meeting held by the trustees were communicated to the commission on 13 February 2015. The commission considered the former CEO's resignation, in light of inappropriate comments made by him and as aired by the programme, to be a prudent step taken in the best interests of the charity.

During the visit the commission addressed the former trustee and CEO's role as an interim CEO for the charity and whether he was remunerated for the role. The trustees confirmed during the visit that his role as CEO was unpaid and a temporary position until a suitable candidate could be hired. At the time of the visit the trustees advised that the decision was taken by non-conflicted trustees and was appropriately managed and evidenced in the form of minutes. The commission did not pursue the decision further once it was notified of the formal resignation of the former trustee and CEO. In addition to this, the charity's filed accounts for the financial year ending 31 December 2014 note that payment made to the former trustee and CEO under note 19, "Transactions with Trustees/Directors".

The inquiry also probed other events and activities hosted by the charity; the trustees were able to demonstrate that these activities furthered the charity's purposes. The inquiry reviewed a sample of trustee meeting minutes relating to some events and was satisfied that these were activities which were capable of furthering the charity's objects – particularly its object to advance education.

How the trustees exercised sufficient oversight to ensure that the charity is not used as a platform for individuals to express views and/or material not suitable for charity

Charities and their trustees must comply with the law. This means they must not promote or support extremist views or activity that promotes terrorism and terrorist ideology through the charity's work. In addition, trustees must not misuse a charity's funds or assets and must ensure that its finances and property are used appropriately and in accordance with its charitable purposes. Charity law places clear obligations on trustees to always act in the best interest of the charity and make sure the charity's assets are used only to support or carry out its purposes. This includes avoiding exposing the charity's assets, beneficiaries or reputation to undue risk. Trustees also cannot use a charity's name to promote views or activities inappropriate for a charity.

Expressing strongly controversial or partisan views is not illegal or unacceptable under charity law in itself, unless they are criminal. However, whether they are unacceptable for a charity to promote or condone under charity law will depend on the circumstances, what is said, when, who to and why, as well as how, if at all, they can be said to further the charity's purposes. Trustees must not allow the charity to be used as a vehicle for the expression of extremist, radicalising or other views which promote or support terrorism. The trustees must be able to show that an activity is in furtherance of the charity's purposes. Even if this can be shown, expressing or promoting extreme, partisan or controversial views on a particular issue as part of that activity may compromise the charity's integrity, purposes or public trust and confidence in it. It may pose or result in risks to the charity's operations and other activities, or safety of its staff and volunteers. Trustees need to assess these risks and manage them if they are considering inviting a speaker who has controversial or partisan views.

The inquiry established that the July event was a fundraising event in the name of the charity during the holy month of Ramadan. Around 300 people attended the event, the majority of whom were donors; other attendees included some of the charity's staff, and trustees.

The inquiry found that the lack of effective controls in place by the trustees for the charity's events was evidenced in footage aired in the programme, in particular the footage of Speaker 1 delivering wholly inappropriate and unacceptable comments at an event organised and hosted by the charity, and for its benefit, on 22 July 2014 ('the July event') where Speaker 1 spoke as a guest speaker. Speaker 1 was recorded and broadcast to have made comments which were described by the programme as being "apparently anti-Semitic".¹

Trustees must be able to show that an activity is in furtherance of the charity's purposes. Even if this can be shown, expressing or promoting extreme, partisan or controversial views on a particular issue as part of that activity may compromise the charity's integrity, purposes or public trust and confidence in it. It may pose or result in risks to the charity's operations and other activities, or safety of its staff and volunteers. Trustees need to assess these risks and manage them if they are considering inviting a speaker who has controversial or partisan views. In this instance the trustees, by failing to manage the contents of Speaker 1's topic and by lacking sufficient due diligence on a negatively reported controversial/extremist speaker, exposed the charity to reputational damage as indicated in the broadcast of the undercover footage.

The inquiry established that the July event was managed by a volunteer of the Charity who had little experience of overseeing events which was confirmed by the inquiry's assessment of the aired footage obtained from Hardcash as well as the trustees' own independent report completed by the charity's consultant. Footage in the programme shows Speaker 1 asking what subjects he is to speak on during his address; no instructions as to subject matter were given by the Charity's volunteer to Speaker 1.

The commission's guidance **protecting charities from abuse for extremist purposes** makes clear that if trustees fail to implement appropriate measures to protect their charity they may find they are in breach of their duties. The guidance sets out steps to help manage the risks, including that charities should provide a written briefing for speakers which sets out the charity's expectations and its requirements of speakers and how they should conduct themselves at an event. The briefing should make speakers aware of the charity's purposes and of its charitable status, of the key factors which they must consider, and are relevant to the need for their contribution to be consistent with the charity's purpose. The inquiry found the charity did not do this and did not properly ensure that guest speakers were properly briefed as to the subject matter, purpose of the event and what is and is not acceptable for the guest speaker.

1 <http://www.itv.com/news/2015-02-18/exposure-the-charities-accused-of-promoting-hatred-and-extremist-views/>

The inquiry saw a lack of evidence of supervision of the charity's volunteers in their work either by the trustees or another senior employee. The programme showed that 3 of the charity's then trustees were in attendance at the July event. At no point did any of the trustees intervene, object or react to the contents of the address given. The inquiry found this failure to act on the part of the trustees in attendance as mismanagement. The commission's guidance highlights that charities should ensure that staff and chairs of events, attending events and activities where there are invited speakers, understand and follow the charity's policy and procedures, are adequately briefed and tasked and know when to intervene if inappropriate comments are made.

In response to the inquiry's findings set out in this report, the trustees stated that:

"The trustees had taken a decision to delegate the due diligence and management of speaking events to the CEO (and trustee) who was most experienced in this area. This arrangement had worked well in previous events. However, on this occasion, the CEO had delegated this responsibility to other staff as he would not be attending. The trustees were not made aware of any potential issues and the need to take actions."

The trustees also advised the inquiry that: "at no time were trustees made aware of or received complaints by either the undercover reporter or any staff, therefore they could not have been expected to take actions." The inquiry found the absence of complaints from the undercover reporter and staff irrelevant due to the following reasons.

The inquiry found that the trustees failed to properly manage the July event generally and the associated risks of having Speaker 1 speak at the July event particularly given his public profile and comments attributed to him. The trustees confirmed to the inquiry on 17 March 2015 that they initiated the charity's own internal investigation following the airing of the program and the allegations it made. The inquiry welcomed the trustees' decision in this regard. Both the aired and unaired footage and the charity's own independent report show evidence of mismanagement on the part of the trustees for failing to control and manage an event where a known controversial speaker had been hosted and for failing to intervene when Speaker 1 delivered wholly inappropriate and unacceptable comments at a charity event. The charity's independent investigation reported the following in relation to Speaker 1 and the July event:

"It is obvious [Speaker 1] had not been provided with guidance for the speech. The speech appears to be off the cuff and not thought through with a complex subject matter based on historical incidents taken from the Quran.

The trustees present were more senior and English was not their native language. They had clearly not been focused on the speech also dealing with the many issues at the event. However they were also writing their own speeches at the time and fundraising plan. They had heard bits of the speech but said they were not able to clearly understand what [Speaker 1] was saying given his use of slang, strong accent and speed of his speech."

Both the aired and unaired footage confirm the trustees did not exercise sufficient oversight over employees/volunteers and external speakers who have been recorded and broadcasted making inappropriate comments at the charity's events. Additionally, despite assurances from the trustees, provided at the time of the visit, evidence from footage reviewed shows that the trustees did not intervene to address such comments at events at which they were in attendance.

The failure on the part of the trustees to adequately manage both the May and July events and the associated risks arising from inviting external speakers is mismanagement within the administration of the charity. At the time of these events the charity had policies and procedures in place which were designed to ensure that the charity was not abused to promote extremism or hate. Despite having these policies in place, the trustees and the charity's staff failed to adhere to them; this is further evidence of mismanagement within the administration of the charity.

In order to manage the risk to the charity's assets or beneficiaries responsibly, trustees should ensure that they:

- have in place adequate and demonstrable risk policies and processes and review these periodically
- regularly review, monitor and evaluate any risk to assets or beneficiaries
- implement adequate safeguards if they work in areas or undertake activities that involve greater risk

The trustees did have in place an Extremism Policy. It gave clear guidelines and set out procedures on the selection of and due diligence on speakers for the charity's events as well as abstaining from partisan political commentary:

"GAT does not subscribe to any local or political groups and ideologies. Therefore, it does not promote or invoke in any kind of political activities or debates. No events should promote, support or assist any kind of activities or attitudes which can be linked to terrorism, violence, racial-religious-ethnic intolerance or public safety or law and order. Each event must uphold this key characteristic". (Policy document submitted by the trustees to the commission on 15 December 2014).

The inquiry found that the trustees had not complied with the charity's own guidelines as set out in the policy document submitted to the commission as evidenced by the remarks made by Speaker 1 (as referred to earlier in this report). The inquiry found that the trustees' failure to adhere to the charity's own policy and guidelines and failure to take sufficient steps to implement it was evidence of mismanagement and misconduct in the administration of the charity.

Whether the trustees have complied with their duties and responsibilities under charity law

There have been occasions when those with extremist views who encourage and support terrorism and terrorist ideology have used charity events to make those views known or have used charities to promote or distribute their literature. Trustees therefore need to be aware of these risks and take reasonable steps to protect the assets of their charity. The risks are likely to be higher for those charities that regularly run speaking events or use literature to promote the charity's purposes. The trustees did not evidence they had complied with the charity's own Extremism Policy by failing to prevent Speaker 1 delivering his address and by not intervening during the delivery.

There was evidence of mismanagement by the trustees in respect of failure to manage events, as set out previously, involving invited guest speakers, in the name of and for the benefit of the charity.

In relation to duty of care, the commission's **essential trustee guidance** states that trustees must use reasonable care and skill in their work as trustees, using their personal skills and experience as needed to ensure that the charity is well-run and efficient. In order to comply with that duty the trustees should:

- act in the charity's interest, and must not represent the interests of any outside organisation or their own personal interests
- ensure that the way the charity is administered is not open to abuse by unscrupulous associates or employees and their systems of control are rigorous and constantly maintained

- report a serious incident as soon as possible after they become aware of it; as part of their Annual Return trustees must report any serious incident if they have not already done so or confirm that no such incident has occurred
- apply the charity's income and property only for the purposes set out in the governing document
- ensure that the charity does not breach any of the requirements or rules set out in its governing document and that it remains true to the charitable purposes and objects set out there
- comply with the requirements of other legislation and other regulators (if any) which govern the activities of the charity
- consider getting external professional advice on all matters where there may be material risk to the charity, or where the trustees may be in breach of their duties
- in the context of guest speakers, be able to demonstrate that they have processes in place to satisfy themselves that addresses and remarks made at events are appropriate and consistent with the intended purpose and the charity's charitable objects and does not place the charity at undue risk; if things do go wrong within a charity, the trustees must take appropriate action to put things right

The charity's banking services

After the programme aired on television and the opening of the inquiry, the trustees submitted a serious incident report on 3 March 2015 informing the commission that they had, on that day, received notification from the charity's bank that the charity's account was to be closed in 60 days. The serious incident report also informed the commission that the charity's online payment service provider had also notified the trustees on 19 February 2015 of their withdrawal of services for the charity. In submitting the serious incident report the trustees acted appropriately in the circumstances and complied with best practice².

Following the notification from the charity's bank, the trustees advised the commission that they made a series of unsuccessful attempts to obtain an alternative bank account on behalf of the charity. The trustees advised the commission on 17 March 2015 that the banks they approached did not provide a reason for declining a banking service for the charity. On 15 April 2015 the trustees provided the commission with a letter from a further bank informing the charity of its decision to decline banking services.

On 28 April 2015 the trustees proposed an alternative interim banking arrangement by using the banking facilities of a separate charity as a temporary measure while they continued their efforts in obtaining a bank account for the charity. The trustees provided a number of assurances as to the safeguards to be put in place, through a Memorandum of Understanding ('MoU') dated 28 April 2015 between the charity and the proposed partner charity. The trustees advised the commission that, although the banks approached by them had declined to provide a reason for refusing the charity banking services, it was their belief that the reason for refusal was based on the commission's active inquiry. The trustees advised the commission that they considered that the charity would be in a better position to apply for an alternative permanent banking service once the inquiry was complete.

² <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

The commission issued regulatory advice to the partner charity to proactively engage with its own bank regarding this action and the influx of funds into its account (which had a small income in comparison to the charity). The commission followed up the issue to ensure that the partner charity complied with this and also recommended it do the same with its chosen financial service provider in the interests of transparency and to maintain good relations. The partner charity complied with this request and has not communicated any issues being raised by its bank to date to the commission. The commission expects the trustees to pursue alternative arrangements regarding a permanent bank account for the charity as the arrangement with the partner charity should only be viewed as an interim arrangement.

On 17 August 2015 the inquiry conducted a books and record visit ('BRV') to the charity to assess its compliance with the MoU in respect of the interim banking arrangement. This concluded that the trustees had put in place sufficient controls over the operation of the bank account which should, if operated properly, safeguard the assets of the charity until alternative banking arrangements are secured. At the time the BRV concluded that payments from the bank account had been made in accordance with these control procedures.

Conclusions

The commission's conclusion is that:

- the charity and its reputation were exposed to undue risk, which the trustees did not manage – various comments and the content of key speeches at the charity's event on 22 July 2014 were inappropriate and unacceptable for a charity to promote
- the trustees did not exercise sufficient oversight over employees/volunteers and external speakers at events and did not put in place adequate measures to ensure extremism and hate is not promoted in the charity's events
- the policy the charity had in place prior to the opening of the inquiry, was not followed as evidenced by comments made by guest speakers at the charity's events; the new policy implemented by the trustees must be followed and evidenced
- the trustees need to take steps to better evidence their own decision making, as required under the charity's governing document and policy
- the former trustee and CEO, who was responsible for the due diligence on Speakers 1 & 2, made comments at one of the charity's events which were entirely inappropriate and not capable of furthering the charity's purposes for the public benefit
- the commission identified regulatory concerns relating to the charity's governance and record keeping; accordingly, the trustees must follow the commission's advice in respect of trustee duties, due diligence and record keeping
- as a result, the trustees failed in the duties to protect the charity and there has been misconduct and mismanagement in the administration of the charity

The commission acknowledges that the trustees co-operated fully with the inquiry throughout, as they are expected to. They responded responsibly to the commission's regulatory concerns, its criticism of them and the impact of the programme on the charity by reviewing and improving the charity's management and policies. This action included providing the commission with a number of updated and/or new formal written policies; for example an improved process for risk assessing speakers. However, as with past policies on this matter the trustees will need to better evidence how the charity has complied with the key requirements of due diligence.

The trustees provided the inquiry with a revised event/speaker due diligence policy and a new (counter) extremism policy on 17 August 2015. The speaker forms were expanded to include more thorough analysis of the historical reporting and media checks against speakers. However, as with past policies on this matter the trustees will need to better evidence their own decision making by comprehensively documenting results on all checks carried out and by providing a reason why a speaker has been selected for a particular event and that associated risks can be managed.

As a result the commission took action in directing trustees to take a number of steps to rectify the issues. The trustees must complete the actions required in the commission's order under section 84 Charities Act 2011 dated 19 February 2016, by 26 September 2016. The trustees have taken a number of steps already to address the commission's concerns including:

- updating their policies designed to ensure extremism and hate is not promoted in the Charity's events and literature as evidenced in the provision of a revised event and speaker due diligence and a revised extremism policy to the commission on 17 August 2015; as the charity has not undertaken any events, the inquiry has not seen the policy being implemented
- updating and put in place an improved process for risk assessing speakers; however, as with past policies on this matter the trustees will need to better evidence how the Charity has complied with the key requirements of due diligence - the trustees also need to take steps to better evidence their own decision making, as required under the charity's governing document and policy

Regulatory action taken

In addition to an analysis of aired and unaired footage obtained from Hardcash, the commission was in regular communication with the charity's trustees, their solicitors and the consultant that carried out the trustees' own investigation throughout the inquiry. The commission also met with and interviewed the trustees at the charity's premises on 17 March 2015 and 17 August 2015 to discuss the progress of the inquiry, improvements established by the trustees and to conduct an onsite books and records inspection.

The commission issued an order on 19 February 2016 under section 84 of the 2011 act, directing the trustees to take immediate action to:

- engage the charity solely for the purposes set out within its governing document and refrain from activity outside the scope of its stated objects until any modification or addition to the charity's objects is approved by the commission
- secure an alternative bank account for the charity and arrange for the transfer of its funds from the bank account from its partner charity
- develop a due diligence policy, or other controls in order to ensure that specific checks are carried out and any risks are mitigated, before inviting any external speaker; supplementary to this the trustees are to provide the commission with a report to evidence that monitoring of the charity's recent/planned events takes place and also external speakers are actively managed
- develop a compulsory diversity training module for all trustees and employees of the charity, or other controls in order to ensure that the equalities legislation is complied with in the operation of the charity; supplementary to this, the trustees must demonstrate that all trustees and employees of the charity have complied with the Equality Act 2010 with a report to evidence monitoring of the charity's compliance with the Act

All aspects of the order must be complied with by 26 September 2016. The trustees must provide the commission with a written report on their compliance with the order by no later than this date. As part of its future monitoring the commission will arrange an inspection visit to the charity to ensure the trustees have complied and remain in compliance.

In addition to the order, as a result of our engagement with the trustees and a review of the charity's records the commission identified regulatory concerns relating to the charity's governance and record keeping. Accordingly regulatory advice and guidance was given under section 15(2) of the Act in respect of:

- trustee duties on speakers and website literature
- due diligence
- record keeping

Issues for the wider sector

The purpose of this section is to highlight the broader issues arising from the commission's assessment of the issues raised publicly that may have relevance for other charities. It is not intended as further comment on the charity in addition to the findings and conclusions set out in the earlier sections of this report, but is included because of their wider applicability and interest to the charitable sector.

When organising charitable activities, trustees have to comply with their fiduciary duties as trustees under charity law. This includes their duties to further the charity's purposes, to act with reasonable care and skill, to manage the charity's resources responsibly, not exposing the charity and its assets, including its reputation, to undue risk and to act in the charity's best interests at all times.

Trustees need to be vigilant, particularly if they regularly run events and use literature which is controversial. They need to put appropriate policies and procedures in place and ensure they take reasonable steps to protect their charity.

Trustees:

- must ensure that proper and adequate procedures are put in place and properly implemented to prevent terrorist organisations and extremists who seek to encourage or support terrorism from taking advantage of a charity's status, reputation, facilities or assets
- must, in this context, implement effective procedures for assessing the risks posed by speakers who may speak at events organised by the charity, and which include carrying out appropriate background checks; this includes assessing the risks when working with other organisations or groups to host an event
- should be able to demonstrate that they have considered the suitability of individuals or groups the charity is going to be closely associated with
- should be able to demonstrate that they have processes in place to satisfy themselves that literature distributed by or made available by the charity is consistent with its charitable objects and does not place the charity at undue risk
- must be vigilant to ensure that a charity's premises, assets, staff, volunteers or other resources cannot be used for activities inappropriate for a charity
- should be alert to the risk that, very occasionally, a speaker may have an ulterior motive for wanting to work with their charity that could be unconnected with the charity's work, and which could adversely affect the charity's reputation, independence and public confidence in it

- should take all necessary steps to ensure their activities or views cannot be misinterpreted; trustees should ensure their charitable activities and conduct are open and transparent, and that they do not place the charity at undue risk - where a charity's activities may, or appear to, support, condone or encourage terrorist activity and terrorist ideology, trustees should take immediate steps to make clear it does not support terrorist or violent activities and views, these are not the charity's views and that it does not condone or support them, if there is a close association between the activities and a terrorist group, the charity is likely to have to stop those activities

Trustees should ensure that their charity's staff and volunteers:-

- are clear about what they are supposed to do, through appropriate job descriptions for staff or role descriptions for volunteers
- are aware of the rules and boundaries within which they must work, for example, when representing or speaking on behalf of the charity
- work safely
- know what to do if there's a problem
- know what they need to report and who they need to report to

Trustees should ensure that the charity has appropriate procedures and policies in place, that staff and volunteers get appropriate training, and that they must comply with the charity's internal policies and procedures. Trustees have an important role in promoting effective working relationships between trustees, senior staff (if any), staff and volunteers.