



Case Report

Help for Heroes and Help for Heroes Recovery

About the charities

Help for Heroes was registered with the Commission in 2007. It has become a very well-known national charity which provides direct, practical support for wounded, injured and sick servicemen and women, veterans and their families.

Working in partnership with the Ministry of Defence (MoD) and other military charities it maintains 4 recovery centres.

They provide local recovery facilities and act as hubs for tailored individual recovery programmes for beneficiaries including physical training, confidence building, education, job skilling and wellbeing.

The centres are Tedworth House, Colchester Recovery Centre, Catterick Garrison and Parker VC (The Endeavour Centre at Plymouth). Nearly 4,000 individuals made use of the recovery facilities in 2014-15.

Help for Heroes Recovery was registered as a separate charity with the Commission in 2011. In addition to running Tedworth House, Help for Heroes Recovery also operated 3 other recovery centres. It was also responsible for oversight of a grant giving programme. It was funded by Help for Heroes who also provided its business support function (for example HR, IT).

This enabled Help for Heroes (Recovery) to concentrate on its core object of helping the recovery of its beneficiaries.

The 2 charities merged on the 1 April 2016.

Why the Charity Commission got involved

Serious concerns and allegations were raised with the Commission in 2014 and allegations and concerns also featured in the national media in 2015, about the services provided to beneficiaries (persons who are currently serving or who have served in the armed forces) at Tedworth House.

These included:

Governance

The Commission received concerns and allegations regarding Tedworth House including:

- that the charity did not have safeguarding policies for adults or children
- that there was no complaints policy for veterans and
- that no risk assessments were carried out on beneficiaries

Data breaches

There was an allegation that there was a lack of confidential data protection protocols at Tedworth House with a practice of sharing (internally, within the charities) sensitive information about beneficiaries inappropriately.

Mismanagement/poor control

There were accusations that employees at Tedworth House who raised concerns had been bullied, and that pay-offs to former employees totalling £200,000 had been made from 2011 to 2015.

As well as being physically wounded or injured, many of the beneficiaries of the charity will have also suffered emotional distress and can need specific psychological support. Given the allegations above received by the Commission and reported by the media it was important for the Commission to engage with the charity in line with our published risk framework and duty to maintain public trust and confidence.

The action we took

The allegations gave rise to serious regulatory concerns. The Commission contacted the trustees of both charities in April 2015 to obtain information and to assess the allegations and concerns against the information which received by the Commission had received, to determine whether there were any regulatory concerns.

Following the receipt of information and assessment we met trustees of both charities to look into the allegations and asked the trustees to provide a wide range of documents and information.

Following extensive questioning with the trustees we undertook a further assessment of the charities' management and practices.

The trustees of both charities co-operated with us fully and provided the information we requested over a series of months.

What we found

Governance

The charities had grown significantly over a very short period. We established that Help for Heroes and Help for Heroes Recovery did have relevant policies in place, which were routinely communicated to staff. While there were policies in place, it was not clear that they were being utilised. Some policies were marked as draft and had not been added to the health and safety manual used in both charities. This indicated that the charities policies and procedures needed review. Prior to the Commission's engagement, trustees had already started to take steps to ensure a programme of full review and implementation across the charities in consultation with third party experts including the Social Care Institute of Excellence.

Action: We issued formal regulatory advice. We required the trustees of both charities to continue their work undertaking a review of management and governance policies and to continue involving external experts in the field to assist the review and subsequent implementation.

Data breach

During the course of our engagement we received a complaint about a serving soldier about a breach of confidential medical details. The complaint was investigated by the charity using an external third party who did not find in favour of the soldier. An appeal was heard by the director of recovery at the charity who upheld the initial findings. No further appeal has been made.

The charity submitted a serious incident report to the Commission. The Commission decided that the trustees had appropriately handled the situation, so no further regulatory action was necessary.

Mismanagement/poor control

The trustees provided information showing that they had made payments since 2012 totalling approximately £158,000 to former employees as settlement of employment claims. This figure represents all sums paid since the inception of the 2 charities and the trading subsidiary.

What we concluded

Governance

Before the Commission's contact with the charity, the trustees had embarked on a considerable programme of work, employing policy professionals and external organisations, to obtain the appropriate policies and procedures to enable the charity to operate effectively.

The Commission monitored and reviewed the implementation of this programme of work.

The charity has reviewed and updated its policies and procedures, and has safeguarding policies in place for adults and children. We are satisfied that the charity is taking steps to continually review and improve its policies and ensure that they are properly implemented and communicated to staff, beneficiaries and volunteers as appropriate.

All applications from veterans and families to access the charity's services are reviewed in a multi-disciplinary working meeting and are risk assessed. The initial welfare interviews take place with a representative of Veterans UK who has a statutory responsibility for the welfare of veterans.

The charity now has Memorandums of Understanding in place with the Army, Navy and Royal Air Force for serving personnel. This means that each service will provide risk assessment information to the charity including any changes that increase the risk. This helps ensure all beneficiaries are provided for appropriately and beneficiaries and staff properly protected.

Mismanagement/poor control

Employment issues between an employee and a charity are contractual matters that the Commission cannot become involved in. However, when dealing with such issues, trustees must ensure that they are acting in accordance with their duties to the charity, making proper decisions in the best interests of the charity.

We requested further information from the charity about their decision-making about the settlements. The trustees sufficiently demonstrated to us that the settlements were made having followed the correct procedure, taken the appropriate legal advice and in the interests of the charity.

The trustees have also undertaken changes to help protect the charity from any further claims.

In conclusion, the Commission is satisfied that the trustees of the charity have taken the appropriate steps to address our regulatory concerns by improving the charity's governance and has appropriate review processes in place.

Impact of our involvement

A number of serious allegations had been made about the charity which were also reported in the media. It was important that the Commission examined these concerns in detail.

Governance

During the course of our engagement with the charity, the trustees carried out a series of actions to strengthen the charity's governance. The strengthened governance structures will ensure that relevant procedures are followed to minimise the risk of harm to beneficiaries while using the charity's facilities.

In addition, before our engagement with them, the trustee bodies of the 2 charities had recognised that having 2 separate charities involved in delivering support to beneficiaries was unnecessarily complex and had decided to restructure the charities. We monitored the progress of this restructuring

On 1 April 2016, Help for Heroes and Help for Heroes Recovery merged to form a single charity, Help for Heroes. This enables a swifter flow of information within the charity, and allows greater oversight of all operating matters within the 4 recovery centres. In turn, this enables the new single charity to provide better care and support to its beneficiaries and work in a more effective way.

Data breach

We reviewed claims that confidential medical details were being shared by the charity to ensure that the correct procedures for exchanging information are being followed at the charity.

Mismanagement/poor control

The charity has had a number of employment claims. While the settlement of these claims are a matter for the charity, we ensured that the trustees had fulfilled their trustee duties by following an appropriate process when making these decisions. The charity has also taken steps to reduce the potential for future claims to help protect the charity and its assets moving forward.

Lessons for other charities

Working with the Commission

This case is an example of where trustees have worked well with the Commission to ensure that the issues identified by the Commission were addressed. The trustees cooperated fully with the Commission and expressed a willingness to improve their charity's governance. We have published advice on what we expect from trustees and charity staff **in our case work**.

When a charity identifies an issue or problem, most of the time it can be resolved by the trustees of the charity. However, in serious cases the Commission may need to advise the trustees or take action to protect the charity.

Our guidance sets out what to do if something does go wrong, including preventing or minimising any further loss or damage and taking reasonable steps to prevent it from happening again. It is also important that if it is serious it should be reported to the Commission as a serious incident - **our guidance** sets out what and when to report.

Find out more: Please refer to Section 8.3 of our guidance: **The essential trustee: what you need to know, what you need to do (CC3)**.

Reviewing governance

Where charities grow rapidly this growth can be a particular risk and challenge that needs to be managed appropriately. Trustees should ensure that their charity's governance keeps pace with changes within their charity and is regularly reviewed. Our '**15 questions trustees should ask**' is a helpful starting point to thinking about what challenges your charity might face.

There is a range of resources available from sector bodies on different governance models including **Good Governance: a code for the voluntary and community sector**. Trustees can also use online tools and Commission guidance such as **The hallmarks of an effective charity (CC10)** to develop their own action plans for areas of weakness.

In this case, the charity had a linked charity which operated a number of recovery centres. Charities may create a subsidiary or linked charity to run a specific operation. There can be advantages to having this type of structure, but charities should keep this under review for effectiveness and to consider whether the charity's mission is best delivered by the single charity or through some more collaborative or group structure approach.

Trustees after considering what governance arrangements will work best for their charity may want to identify whether a merger will improve their charity's effectiveness. Our guidance: **Making mergers work: helping you succeed** and the Commission's **Checklist for mergers** will help trustees in what factors they should consider.

Policies and procedures

Trustees are responsible for the management of a charity and have a duty to manage the charity's resources responsibly (including any staff and volunteers). In a larger charity, how trustees put in place policies and apply them is important, as it is one of key ways trustees can hold their staff to account for delivering the charity's mission and how trustees can demonstrate public accountability.

Trustees always remain collectively responsible for all decisions that are made and actions that are taken with their authority. However, trustees will often need to delegate day to day activities to particular trustees, staff and volunteers. It is important therefore that trustees put in place a system to ensure that all policies are effective, regularly reviewed and updated to follow best practice.

Find out more: Please refer to Section 7 of our guidance: **The essential trustee: what you need to know, what you need to do (CC3)**.

Safeguarding

Trustees have a duty to avoid exposing the charity's assets, beneficiaries or reputation to undue risk. Trustees of charities have a duty of care to their charity which, if they work with vulnerable groups, will include taking the necessary steps to safeguard and take responsibility for them. Trustees must put safeguards in place to protect vulnerable people from abuse, and prevent abuse happening in the first place. They must have a safeguarding policy which they must keep up-to-date and use.

Find out more: Please refer to our guidance **Safeguarding children and young people**.

Litigation

Where claims are made against a charity trustees should use our guidance to review what steps the charity may take to resolve them.

In some cases the trustees may decide that it is in the best interest of the charity to settle claims than to pursue litigation.

Find out more: Please refer to our guidance **Charities and litigation: a guide for trustees (CC38)**.