

Disqualification Orders Decision following Deregistration of Hope for Children Charitable Foundation Board (CC34059)

The facts

1. The Hope for Children Charitable Foundation Board (the Trust) was registered by the Charities Commission (the Commission) on 11 November 2008 with registration backdated to 30 June 2008.
2. On 11 June 2010, the Commission:
 - made the decision to deregister the Trust being satisfied that it was in the public interest and that the Trust had engaged in serious wrongdoing or a person had engaged in serious wrongdoing in connection with the Trust;
 - made the decision to remove the Trust from the Register with effect from 9 July 2010;
 - agreed the proposal to make an order that “an application for the re-registration of the Trust not be made before the expiry of three years”; and
 - agreed the proposal to make an order that “officer David Charles Williamson be disqualified from being an officer of a charitable entity for a period of three years”.
3. On 11 June 2010, the Commission forwarded a copy of its decision to the Trust, and a letter advising of the intention to make orders in regard the Trust and the officer David Charles Williamson. This letter indicated that the Trust and the officer had the right to object to these orders and gave a deadline of 9 July 2010 for making a submission.
4. Neither the Trust nor the trustee provided a submission regarding the intention to make the orders.
5. The Trust was removed from the register of charitable entities on 9 July 2010.

The issues

6. The Commission has considered whether to confirm its earlier intended course of action, recommending orders under section 31(4) of the Charities Act 2005 be made:
 - to prevent the Trust from reapplying to re-register for a specified period; and/or
 - to disqualify an officer of the Trust from being an officer of any charitable entity for a specified period that does not exceed 5 years.

Relevant law

7. Section 31(4) of the Act provides that the Commission may, where it has removed an entity from the register make either or both of the following orders:
 - (a) *an order that an application for re-registration of the entity as a charitable entity must not be made before the expiry of a specified period;*
 - (b) *an order disqualifying an officer of the entity from being an officer of a charitable entity for a specified period that does not exceed 5 years.*

Charities Commission's analysis

8. The Commission made the decision on 11 June 2010 to deregister the Trust, being satisfied that it was in the public interest, and on the ground that the Trust had engaged in serious wrongdoing or a person had engaged in serious wrongdoing in connection with the Trust.
9. The Trust was removed from the Register with effect from 9 July 2010.
10. The Charities Commission considers that there have been significant and fundamental failures by the Trust and its trustee David Charles Williamson, specifically:
 - failing to maintain acceptable financial records and to be in a position to prepare acceptable financial reports;
 - failing to be in a position to account for funds received by the Trust from public donations;
 - failing to comply with the provisions set out in the trust deed; and
 - failing to comply with the trustees' obligations under the Charities Act.
11. The conclusion reached by the Commission is that the Trust and its trustee, David Charles Williamson, have been acting contrary to the specific provisions of the trust deed and in a manner below the standards set by the courts for trustee account keeping and reporting. The Trust and its trustee have also failed to comply with the requirements set out in the Charities Act. There is a risk of the adverse activities continuing or reoccurring. The result is an adverse effect on public trust and confidence in the charitable sector.
12. The nature and magnitude of the conduct by the Trust and the trustee justifies the making of orders under section 31(4) in relation to both the Trust and its officer David Charles Williamson, for a period of three years.

Charities Commission's determination

13. The Commission has concluded that, in accordance with section 31(4)(a) of the Act and as the Trust has been removed from the register, an order be made that an application for the re-registration by the Trust as a charitable entity must not be made before the expiry of three years after the date of removal.
14. The Commission has concluded that, in accordance with section 31(4)(b) of the Act and as the Trust has been removed from the register, an order be

made that officer David Charles Williamson be disqualified from being an officer of a charitable entity for a period of three years after the date of removal.

For the above reasons, the Commission determines to make an order that :

(a) an application for the re-registration of the Hope for Children Charitable Foundation Board as a charitable entity must not be made before the expiry of three years after the date of removal of the Trust from the Register, being 9 July 2013.

(b) officer David Charles Williamson be disqualified from being an officer of a charitable entity for a period of three years after the date of removal of the Hope for Children Charitable Foundation Board from the Register, being 9 July 2013.

Signed for and on behalf of the Charities Commission



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Trevor Garrett
Chief Executive

28/7/10
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Date