

News story: Regulatory alert for military charities

The Charity Commission, the independent regulator of charities in England and Wales, is issuing this alert to recently registered charities that, according to their objects and/or name, support veterans. It reminds trustees of the importance of:

- ensuring they are safeguarding people in their care
- complying with their legal trustee duties when carrying out and overseeing their charity's fundraising.

This alert follows a proactive review of a sample of military charities that were registered since 2007 and are involved in service delivery to veterans and / or in public fundraising.

The review found the charities were providing a wide range of services and activities that were appreciated by and had a positive impact on the lives of veterans. We also identified areas of good practice, including examples of effective collaborative working to provide better services to beneficiaries, and trustees working together to make decisions in the best interests of their charity.

However, the Commission also found a concerning lack of safeguarding policies and practices in some of the charities reviewed. In a number of other cases, it found that the charities needed to strengthen their safeguarding policies. The review also found weaknesses in most of the charities' oversight of fundraising, with some having no basic agreement in place with professional fundraisers, and some having no systems to ensure the charity receives all of the funds raised by professional fundraisers.

The Commission is reminding trustees of charities providing services to veterans that they must:

- take the necessary steps to safeguard their beneficiaries and all reasonable steps to prevent harm to them; this means assessing their vulnerability and ensuring that appropriate safeguarding policies and procedures are in place;
- be alert to the particular needs and vulnerabilities of their beneficiaries. This includes identifying and dealing with safeguarding responsibilities connected with mental as well as physical health. Even if they are not focused on helping vulnerable veterans specifically, all charities supporting veterans need to be alert to the potential for some

of their service users to have experienced events or situations making them potentially vulnerable, and should have appropriate procedures in place.

The Commission is reminding trustees of charities that fundraise from the public that they must:

- comply with specific legal requirements which apply when a third party fundraiser meets the definition of a [professional fundraiser](#) or [corporate partnerships](#). These rules promote transparency, protect potential donors, and give them a fair indication of the extent to which the charity (or charities) will benefit from the fundraising;
- ensure they have effective systems in place to keep control of the fundraising to properly protect the charity's interests, assets and reputation – the Commission's guidance [Charity fundraising: a guide to trustee duties \(CC20\)](#) sets out what trustees need to consider; our [checklist for trustees](#) allows you to assess how well they are doing and to identify areas they need to strengthen.

Michelle Russell, Director of Investigations, Monitoring and Enforcement at the Charity Commission, said:

The charities we examined had been set up with good intentions by people with genuine compassion for veterans. And we saw some really innovative work being done in those charities.

But it takes more than good intentions and a good idea to run a charity properly. The trustees' role is to govern a charity well. And one of their most basic duties is to take safeguarding seriously. Some veterans may be vulnerable for a variety of reasons because of what they've seen and been through, and charities set up to help them must make caring for them, and protecting them, an absolute priority. The public would be rightly concerned if vulnerable veterans were exposed to harm through a charity supposed to help them.

Help and guidance

There is more information about safeguarding beneficiaries in the Commission's guidance [Charities: How to protect vulnerable groups including children](#).

There is more information about the legal requirements that apply to arrangements with a professional fundraiser or commercial participator, and trustees' general duties with regard to fundraising, in the Commission's guidance [Charity fundraising: a guide to trustee duties \(CC20\)](#). The

Commission has also published a [checklist](#) designed to help trustees evaluate their charity's performance against the legal requirements and good practice recommendations set out in above guidance.

You can also view the information and advice provided by the (Fundraising Regulator)[<http://www.fundraisingregulator.org.uk>] on its website, including information about the new requirements for contracts between charities and third party fundraising organisations which came into force on 1 November 2016.

The [Institute of Fundraising](#) also has advice and information on its website, including a [guide on working with fundraising agencies](#).

Our guidance [about decision making](#) sets out the principles that charity trustees should follow to make sound decisions and fulfil their legal responsibilities.