

## 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.

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## [News story: Hoddesdon people smuggler jailed](#)

On 13 June 2015 Border Force officers at the UK inward tourist controls at the Channel Tunnel in Coquelles, France stopped a British-registered VW Touran. They questioned the driver of the car, Russell Milton, who said he had been on a day trip to Belgium.

The purpose of his trip had been to identify a suitable location to scatter the ashes of his girlfriend's Belgian grandfather.

Officers noted a blanket had been laid across the rear seats in such a way that it obscured the view into the vehicle's boot. They asked Milton to open the vehicle's boot and found the Albanian hidden inside.

Paul Morgan, Director of Border Force South East and Europe said:

This was a deliberate attempt to bypass the UK's border controls, made all the more shameless by Milton's efforts to use the death of his girlfriend's grandfather as a cover story.

Border Force officers are on the frontline keeping our borders safe and secure. We will continue to work with law enforcement colleagues to ensure that people smugglers and traffickers, who often put the lives of others at risk through their actions, face the consequences of their crimes.

Milton was arrested and the investigation passed to Immigration Enforcement

Criminal and Financial Investigation (CFI) officers. During subsequent interviews Milton claimed he would be travelling back to Belgium with his girlfriend and intended to combine the ashes-scattering with a surprise proposal of marriage.

He was charged with assisting unlawful immigration into the UK.

Milton was found guilty by a jury after a trial lasting 3 days at Canterbury Crown Court and was sentenced immediately.

Assistant Director David Fairclough, from the CFI team, said:

Milton's explanation for his trip did not stand up to scrutiny. He claimed he was looking for a romantic spot where he intended to both propose marriage and scatter the ashes of a loved one, yet when he was asked where he had been in Belgium he could not even recall the name of the town.

This was a pre-meditated, if unsophisticated attempt to undermine the UK's border controls and the case should serve as a warning to anyone tempted to get involved with this kind of criminality. We will catch you, and put you before the courts.

We work closely with Border Force colleagues to rigorously investigate allegations of immigration related criminality.

The Albanian man involved was passed to the French Police Aux Frontières.

Anyone with information about suspected immigration abuse can contact Crimestoppers on 0800 555 111 anonymously or visit [crimestoppers-uk.org](https://www.crimestoppers-uk.org).

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## [News story: UK and Poland meet for Security and Defence Talks](#)

Boris Johnson and Sir Michael Fallon hosted Foreign Minister Witold Waszczykowski and Defence Minister Antoni Macierewicz in London.

The Foreign Secretary and Mr Waszczykowski discussed areas of shared interest including European security, joint work on the Western Balkans, and countering Russian influence in Eastern Europe.

During their meeting, the Defence Secretary and Mr Macierewicz discussed increasing military ties and co-operation, in particular working towards a Defence Capability and Industrial Partnership to strengthen cooperation between UK and Poland defence industries.

They also progressed talks on the Defence and Security Cooperation Treaty, which the Prime Minister will sign at the next UK-Poland Inter-Governmental meeting in December.

Formalising the already strong relationship between the two countries, the treaty will encourage greater collaboration and joint military training and exercising.

Sir Michael also renewed the UK's commitment to NATO's enhanced Forward Presence with 150 British troops deployed in Poland to support the US-led Battlegroup. Over the next week, the next squadron of soldiers from the Light Dragoon's B Squadron, based in Catterick, will arrive in Poland. From 20 October they will stand alongside the US and other NATO allies, deterring any potential threats of Russian aggression.

The UK-Poland Quadriga also saw all four ministers come together for further discussions, including planning for the upcoming Prime Minister-led UK-Poland Inter Governmental Consultations in December.

Foreign Secretary Boris Johnson said:

UK-Poland relations are at an all-time high and will only get stronger over the coming years.

We also look forward to working together even closer on the biggest global issues as our likeminded ally Poland takes up its seat on the UNSC in January.

This meeting was another demonstration of the UK's unbreakable commitment to European security, working with our allies such as Poland to ensure the stability and prosperity of our continent.

Defence Secretary Sir Michael Fallon said:

The UK and Poland have a long and historic military relationship. Our troops fought together in the First and Second World Wars and, with the next squadron of soldiers heading to Poland, we will keep standing by our NATO allies deterring any threats of aggression.

We want to further our already strong relationship and today will agree a capability partnership to boost both our defence industries and work towards finalising the Defence and Security Cooperation Treaty.

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# Press release: Dodgy psychiatrist banned after jeopardising patient safety

Dr Richard Wayne Seamark, a consultant psychiatrist, has been disqualified as a company director for seven years following an investigation by the Insolvency Service.

His company, Care+ Ltd, went into creditors' voluntary liquidation on 17 March 2016. The estimated deficiency to creditors and shareholders was £350,381. The Insolvency Service investigation was aided by various healthcare regulators including the Care Quality Commission (CQC), NHS England and Lewisham Clinical Commissioning Group, with further information provided by London Fire Brigade.

Various concerns were raised about the quality of care being provided by the company, including:

- Care + did not report all serious incidents, including medicine errors
- One patient had been locked in their room for several weeks in breach of the patient's human rights
- Defibrillator pads, used to restart a person's heart, had expired seven years prior to the CQC's last inspection in February 2016 and an oxygen cylinder was not properly secured
- The environment was neglected and not kept clean or properly maintained
- Premises operated by Care + did not comply with Fire Regulations

The CQC ultimately cancelled the company's registration on 11 April 2016 after a three-day inspection of one of its independent mental health hospitals in February 2016 found Care+ 'inadequate' in every area inspected.

Robert Clarke, Head of Insolvent Investigations North at the Insolvency Service, said:

The failure by Dr Seamark to adequately safeguard patients' well-being and safety presented a significant risk to vulnerable patients, staff and members of the public. His disqualification sends a clear message that such appalling behaviour will not be tolerated in the context of the wider corporate regime.

I would like to thank all those who assisted our investigation and helping to ensure a successful outcome.

The Secretary of State for Business, Energy and Industrial Strategy accepted a Disqualification Undertaking from him which began on 11 September 2017. The

disqualification means that Dr Seamark cannot control or manage any limited company without leave of the court until 2024.

## Notes to editors

Dr Richard Wayne Seamark date of birth is May 1960 and he currently resides in Queensland, Australia.

Care+ Limited (CR0 No. 05627818) was incorporated on 16 November 2005 and had a registered office at 55 North Cross Road, East Dulwich, London, SE22 9ET.

Dr Seamark was a director from 18 November 2005, until the company went into creditors' voluntary liquidation on 17 March 2016. The estimated deficiency to creditors and shareholders is £350,381.

The matters of unfitness, which Dr Seamark did not dispute in the Disqualification Undertaking, were that:

- He failed to ensure Care+ Limited complied with its statutory requirements under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 and the Care Quality Commission (Registration) Regulations 2009 in respect of the services and care provided at two Mental Health Independent Hospitals and one Residential Social Care Nursing Home, in that:
  1. Between March 2015 and February 2016 the Care Quality Commission carried out at least four inspections across three of the services operated by Care+. It was found that standards were not being met and regulations were being breached in all locations. The CQC issued Care+ with Enforcement Notices and Warnings following those inspections.
  2. Between 3 and 5 February 2016, CQC carried out an inspection of one of the Mental Health Independent Hospitals operated by Care+ and returned a finding of 'Inadequate' due to serious regulatory breaches, including those relating to patient safety and leadership. The CQC found that the service had not had a Registered Manager for 11 months prior to the inspection and that there was a systemic failure to assess, monitor and improve the safety, care and treatment of patients.
- He failed to ensure the company complied with statutory requirements under the Regulatory Reform (Fire Safety) Order 2005 in respect of the facilities provided at one Mental Health Independent Hospital, one Residential Social Care Nursing Home and two Supported Living services.

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership

- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings.

Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy (BEIS), administers the insolvency regime, and aims to deliver and promote a range of investigation and enforcement activities both civil and criminal in nature, to support fair and open markets. We do this by effectively enforcing the statutory company and insolvency regimes, maintaining public confidence in those regimes and reducing the harm caused to victims of fraudulent activity and to the business community, including dealing with the disqualification of directors in corporate failures.

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

## Contact Press Office

You can also follow the Insolvency Service on:

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## [Press release: Guto Bebb: UK Government is committed to tackling poverty in Wales](#)

UK Government Minister Guto Bebb MP set out the UK Government's commitment to tackling poverty in Wales at a Policy Forum for Wales event in Cardiff today (12 October).

The Minister told an audience of senior politicians and academics about the Prime Minister's mission to "build a country where no one and no community is left behind," by improving access to employment and making it pay to be in work.

In his speech to the forum, the Minister demonstrated the impact that record employment across the UK (as well as 93,000 more people in work in Wales than in 2010) and the introduction of the National Living Wage is having on reducing absolute poverty.

The Minister also spoke about UK Government plans to reduce the number of children living in workless families, by introducing statutory measures to

address parental worklessness and children's educational attainment, areas known to make the biggest difference to disadvantaged children.

**UK Government Minister for Wales Guto Bebb said:**

This government is serious about tackling poverty in Wales. We've taken decisive action to create the right conditions for employment, making sure that more people are in work and are earning a living wage.

Welfare reform in Wales is transforming the lives of those from the most disadvantaged backgrounds for the better. Universal Credit is simplifying the tax and benefit system while supporting those on the lowest incomes.

Creating the correct conditions for job creation through the ambitious Industrial Strategy remains at the heart of the UK Government's priorities. I am optimistic that as we leave the EU, we will develop a new and lasting partnership which enables businesses across the UK to continue to trade with their partners in the EU.

The UK Government recognises how important the availability of affordable housing is in the fight against poverty. That's why last week the Prime Minister announced £2bn to be made available to increase the affordable housing stock in England, and I ask the Welsh Government to consider if a similar policy is needed in Wales.

**Further information:**