

ANNUAL RETURN 2018 CONSULTATION

NCVO RESPONSE

November 2017

About NCVO

Established in 1919, the National Council for Voluntary Organisations (NCVO) is the largest representative body for voluntary organisations in England, with over 13,000 members. NCVO champions voluntary action: our vision is a society where we can all make a difference to the causes that we believe in. A vibrant voluntary sector deserves a strong voice and the best support. NCVO works to provide that support and voice.

General observations

NCVO welcomes the opportunity to respond to this consultation. There is a delicate balance between ensuring the Charity Commission has the information it needs to assess risk and identify issues which need further investigation and ensuring the burden on charities especially is proportionate and manageable.

Before responding to the Commission's specific questions, we would highlight five overarching issues.

Transparency: what is the role of the Charity Commission?

NCVO is strongly supportive of transparency. However, we believe it is worth asking how far the Commission wishes to go in seeking information solely for transparency purposes and whether this fits with its fundamental role. Arguably, the Commission should focus on making sure it can assess risk and make appropriate decisions about when to investigate further. Going too far towards seeking large amounts of information purely for transparency, when this information may be better presented elsewhere, might both blur that remit and lead to expectations on the Commission to act in cases where it should not and would not wish (or be able) to do so, placing it in a difficult position.

Where is information best displayed?

Transparency is not just about publishing figures or answers to 'yes/no' questions: it is about ensuring people can understand those figures and why charities have acted in the way they have. We know that that issues such as CEO pay and certain types of income and expenditure can easily be misinterpreted if not explained and set into the individual charity's context. This is why NCVO's report on charity senior executive pay recommended that charities publish an annual statement explaining their ethos and policy on remuneration. In a number of cases NCVO would ask whether the annual report is a better place to display some of the information the Commission is proposing to seek.

How much duplication is required?

Some of the information the Commission is proposing to seek is already required by the Statement of Recommended Practice (SORP) to be included in the annual accounts and report, which are filed alongside the annual return for charitable companies and non-company charities with a gross income of over £25,000 and for all charitable incorporated organisations (CIOs).

What will the cumulative impact of these proposals be?

It is important to consider the impact of all the additional questions taken together. Even if some of them are relatively easy to answer in themselves, they add a significant regulatory burden overall. NCVO appreciates the Commission's commitment to minimising that burden, but is not convinced that the right balance has been struck in all areas.

How will the Commission build trust in how information is used?

A key issue that has emerged from our engagement with members is the lack of trust in how the Commission will use the information obtained. NCVO's members have raised more concerns with us about the reasons why the Commission is interested in this information than they have about the regulatory burden they would create. We would therefore urge the Commission to be as open and clear as possible about why it is asking for this additional information and how it will be used.

Fundraising

Q1 Do you agree with the proposal to introduce this series of questions about the arrangements which charities have when they work with professional fundraisers?

~~Yes~~ / No / Don't know

Q2 If you disagree it would be helpful if you could give the reasons why.

If you have any amended wording, please provide this with your explanation in support of this.

While NCVO is not opposed to these questions being included, we note that the information is already provided in charities' annual reports as a result of the requirements introduced by the Charities (Protection and Social Investment) Act 2016. This means that, although on the one hand charities should have the information readily available, on the other there is an element of duplication. The Commission therefore needs to be clear as to the reasons why it is asking for this information also in the Annual Return.

We would also note that the Annual Return, unlike the trustee's annual report, does not allow charities to provide a context for their decisions about using professional fundraisers. This lack of a wider explanation could create confusion and misunderstanding within the public about charities' activities in this area.

We would also point out that the Fundraising Regulator, as the specialist body responsible for overseeing fundraising methods and practice, may be the more appropriate body to collect and monitor this information.

Q3 We intend to publish the information resulting from this question on the charity's public register page. Do you consider that publishing the information resulting from this question would aid general transparency and accountability?

~~Yes / No~~ / Don't know

Please give the reasons for your view.

Again, NCVO would note that this information may be better included within the public register from the Fundraising Regulator (though we acknowledge that not all charities with income over £10,000 are currently registered). These questions essentially confirm whether, if charities use professional fundraisers or have arrangements with commercial participants, they comply with existing requirements. However, they will do little to aid public understanding without proper context.

Q4 Are you aware of any other sources from which the Commission can obtain the information being sought in these new questions?

Yes / ~~No / Don't know~~

If 'yes', please provide details.

This information will be available in charities' annual reports.

Q5 If your charity would have to provide this further information about professional fundraisers, is there a cost in putting this together?

~~Yes / No / Don't know~~

Please explain the reasons for your answer.

This information should already be compiled for the annual report, so there should not be a huge additional cost.

Central and local government income

Q1 Do you agree with the proposal to revise the questions which we ask about the income which charities receive from central and local government as shown above?

~~Yes / No / Don't know~~

If you disagree it would be helpful if you could give the reasons why.

If you have any amended wording, please provide this with your explanation in support of this.

NCVO is in favour of greater transparency and we have argued for more information about local and central government grant-making to be made available for some time – including arguing that we need to be able to link grants data to a specific supplier (service provider) and buyer (public body) via a unique identifier for each, so that figures can be cross-referenced and trends identified across central and local government.

We also recognise that the extent to which a charity is dependent on a small number of sources of income has a bearing on how exposed it is to risk and how sustainable it is. However, while we know this is a long-term aim, a shift to greater government transparency

should make the information the Commission seeks readily available elsewhere, and we think this is ultimately a better way to source it.

NCVO would also point to many questions raised by charities about how the Commission would use this information. It would fall far short of a full picture, saying nothing about (for instance) the relative size of different contracts or their length, or the balance between central and local government. As such, we know charities are uncertain about what the Commission intends to do with the new information it receives.

Finally, we would say that there is considerable potential for confusion in these questions, which may undermine the Commission's intended aims. Different people may interpret 'grants' and 'contracts' differently, meaning that the information may not assist the Commission much in pinpointing cases where there is cause for concern.

The provision of this information is further complicated, and could therefore create an inaccurate picture for the Commission, by the different classifications used by the Office for National Statistics and the Commission. In particular, the ONS public sector classification guide adopts a different definition of charities for national accounting purposes.

Q2 We intend to publish the information resulting from this question on the charity's public register page. Do you consider that publishing the information resulting from this question would aid general transparency and accountability?

~~Yes/No~~ / Don't know

Please give the reasons for your view.

While we tend to think the Annual Return may be too blunt an instrument for making some aspects of charity finance public (as opposed to the annual report) and would caution against conflating the roles of risk-based regulation and promoting transparency in and of itself, we would agree that there is both a public interest and a potential risk here. However, the shift towards greater transparency in government contracts would, if fully realised, be a much better way to make this information available to the public.

Q3 Are you aware of any other sources from which the Commission can obtain the information being sought in these new questions?

~~Yes / No / Don't know~~

If 'yes', please provide details.

Charities may, but do not always, provide information about their share of income from central and local government. Local authorities do publish grants and contracts, but it is clearly prohibitive to expect anyone to cross-check across so many different sources. It is as yet unclear how much information the Government Grants Information System (GGIS) will ultimately make generally available from central government.

Q4 If your charity would have to provide this further information about grant and contract income from central and local government, is there a cost in putting this together?

Yes / ~~No / Don't know~~

Please explain the reasons for your answer.

As the Commission says, charities which already have to prepare accrual accounts will already have this information compiled, albeit in a somewhat different format. This covers company charities and non-company charities with a gross income of over £250,000. It is, however, worth noting that the new structure of a charitable incorporated organisation (CIO) is likely to be used more over time, and if so the requirement to draw up accrual accounts for the purpose of SORPs could lapse in a number of cases.

Gift Aid

Q1 Do you agree with the proposal to introduce this question about Gift Aid?

~~Yes~~ / No / ~~Don't know~~

If you disagree it would be helpful if you could give the reasons why.

If you have any amended wording, please provide this with your explanation in support of this.

NCVO can see that this information may be relevant to issues around risk or investigations relating to abuse or malpractice. However, we also note the importance of appropriate information sharing between HMRC and the Commission, which has been emphasised by the Public Accounts Committee among others in the recent past as a major area for improvement. We would argue that appropriate access to HMRC data for the Commission would be a much better way of addressing these concerns than placing a new burden on charities. If the information collected by HMRC is currently in a format that is not usable by the Commission, then we would urge the two bodies to work together to find a solution to this problem.

As the Commission does not itself regulate Gift Aid, this is another question that has raised concerns within our members about why the information is being required and how it will be used. NCVO is mindful of previous cases such as the Cup Trust, where charities were set up for tax avoidance and Gift Aid abuse, and which therefore give reason for the Commission to have a regulatory interest in this issue. However, such a regulatory interest is not backed up by regulatory powers, so there is a risk that the Commission raises expectations that it cannot meet.

Q2 We intend to publish the information resulting from this question on the charity's public register page. Do you consider that publishing the information resulting from this question would aid general transparency and accountability?

~~Yes~~ / ~~No~~ / Don't know

Please give the reasons for your view.

If this question is asked, NCVO understands the transparency rationale for allowing the public to see how much money a charity derives from Gift Aid. It might be better for this information to be included in the annual report so that it can be placed in its proper context, but we accept this is not currently a requirement (and not within the Commission's purview to make it one).

Q3 Are you aware of any other sources from which the Commission can obtain the information being sought in these new questions?

Yes / ~~No~~ / ~~Don't know~~

If 'yes', please provide details.

Although the format may be different, this information nonetheless exists within HMRC.

Q4 If your charity would have to provide this further information about Gift Aid, is there a cost in putting this together?

Yes / ~~No~~ / ~~Don't know~~

Please explain the reasons for your answer.

This is not information which is currently published in annual reports, so there may be some additional effort in terms of labour costs. However, as charities have to claim Gift Aid back, creating an appropriate audit trail is unlikely to be too difficult.

Income received from outside the United Kingdom

Q1 Do you agree with the proposal to introduce this series of questions about the income which a charity receives from countries outside the UK?

~~Yes~~ / No / ~~Don't know~~

If you disagree it would be helpful if you could give the reasons why.

If you have any amended wording, please provide this with your explanation in support of this.

This question has been met with the highest level of concern by NCVO's members and other sector bodies, mainly around the Commission's intentions in using the information required rather than the regulatory burden it may create.

While operating overseas funding is a notably complex business, so this question is likely to increase the regulatory burden for charities, the strongest opposition to the inclusion of this question is based on:

- The correlation between the Charity Commission's role in collecting this information and the already existing banking de-risking agenda. Some international transactions are monitored by banks as part of their de-risking agenda, while the regulated sector is required to submit Suspicious Activity Reports if information emerges in the course of ordinary business. While of course this information is not available to the Commission, it is not clear that it is necessary or proportionate to place further burdens upon charities when, for example, *Tackling Abuse and Mismanagement 2015 to 2016* states that there were only 227 new operational compliance cases opened relating to financial abuse.
- The negative experience of NGOs dealing with similar regulation in foreign countries. At the moment, we are aware that legislation introduced in Hungary, India and Russia and requiring NGOs to declare their foreign funding, is being used to discriminate against such organisations and restrict their ability to operate within the civic space. Of course, the Commission is independent of government – but as the Commission is viewed by

many as the exemplar of charity regulation, the implementation of such a change would be sending a strong, and worrying, message to other regulators around the world.

Q2 We do not intend to publish information resulting from this question on the charity's public register page. Do you agree that data provided by individual charities in response to this question should not be published?

Yes / ~~No~~ / ~~Don't know~~

Please give the reasons for your view.

NCVO is strongly in favour of greater transparency. However, as highlighted above we understand the concerns that providing this information would cause. If the Commission were to nevertheless decide to implement this change, then we agree that the information should not be displayed on the register due to its sensitivity. The raw numbers are too blunt an instrument to provide meaningful transparency without proper context, and could readily be prone to misrepresentation if presented on their own. NCVO would also note that the Charity Commission itself could face some reputational risk on the basis of such misrepresentation.

Q3 Are you aware of any other sources from which the Commission can obtain the information being sought in these new questions?

~~Yes~~ / ~~No~~ / Don't know

If 'yes', please provide details.

Some of the information being sought should be available from most banks, which carry out regular monitoring as part of their de-risking agenda.

Q4 Do you agree that all charities with an income in excess of £10,000 should be asked these questions about income from overseas?

Yes / No / ~~Don't know~~

If you disagree it would be helpful if you could say what the threshold should be and give the reasons why.

Given NCVO's answer to Q1, this is not applicable, but clearly this requirement would be more onerous for smaller charities.

Q5 If your charity would have to answer these questions about income from overseas, is there a cost in putting this together?

Yes / ~~No~~ / ~~Don't know~~

Please explain the reasons for your answer.

This information should presumably be available from a charity's accounts, but would be complicated to present correctly, especially factoring in exchange rate fluctuations (see below), and could be significant in terms of staffing time.

Q6 We propose to ask for the value of the income from each question to be given in Pounds Sterling. Do you agree that this is appropriate?

Yes / ~~No~~ / ~~Don't know~~

If you disagree it would be helpful if you could give the reasons why

It makes sense for pounds sterling to be used to enable comparisons between charities and to allow people to gauge the relative value of income from different countries.

Q7 Some charities may find it easier to report the income received in US Dollars. Do you think that there should be an option to report in either Pounds Sterling or US Dollars?

Yes / ~~No~~ / ~~Don't know~~

If you disagree with this proposed option, it would be helpful if you could give the reasons why.

This is already a complicated and potentially quite onerous requirement: if there is evidence, especially for internationally-focused charities, that providing the option of accounting in US dollars would assist, the opportunity should be taken to reduce the burden on them.

Employees' salaries

Q1 Do you agree that charities should be asked for this information about staff pay?

Yes / ~~No~~ / ~~Don't know~~

If you disagree it would be helpful if you could give the reasons why.

We agree with the inclusion of this question, which aligns with our recommendations on transparency set out both by the Inquiry into Charity Senior Executive Pay and the Charity Code of Good Governance.

However, we suggest that the Commission considers the following when implementing the change:

- Providing a way in which charities can explain the figures and put them into context. The risk is that otherwise they will be misinterpreted and damage public trust and confidence, rather than educating the public about how modern charities operate.
- Being clearer and more specific about the information required. In particular, the salary the only information being sought, or are other payments such as expenses or allowances included?
- Instead of asking how much the CEO is paid, asking how much the highest member of staff is paid (from our research into high pay, there is sufficient evidence to suggest that for many charities the CEO is not the highest paid member of staff).

Q2 Do you have suggestions for the framing of the questions and guidance to help charities recognise that they are within the intended scope of these questions?

Yes / ~~No~~ / ~~Don't know~~

If you do, please provide suggested wording and reasoning.

NCVO would suggest asking for the salary of the highest-paid member of staff rather than that of the CEO: this is unambiguous for all and will also cover those cases where the CEO is not in fact the highest-paid staff member.

Q3 We intend to publish the information resulting from this question on the charity's public register page. Do you consider that publishing the information resulting from this question would aid general transparency and accountability?

Yes / ~~No~~ / ~~Don't know~~

Please give the reasons for your view.

NCVO is strongly in favour of greater transparency, which is why we have always supported information about pay being included in charities' annual reports. We have also recommended that charities publish an annual statement explaining their ethos and policy on remuneration. We are therefore supportive of this change. However, we also think that this information needs to be given in its proper context, making the wider reasoning behind pay decisions clear. The bald numbers, taken out of context, may lend themselves to misrepresentation. Without context, there is risk that publication could actually have the opposite effect to the one intended – damaging public trust and confidence in charities. The Commission therefore needs to provide ways in which the figure in the Annual Return can be explained by charities.

Q4 Are you aware of any other sources from which the Commission can obtain the information being sought in these new questions?

Yes / ~~No~~ / ~~Don't know~~

If 'yes', please provide details.

This information can be found in charities' annual reports.

Q5 If your charity would have to answer these questions about staff salaries, is there a cost in putting this together?

~~Yes~~ / No / ~~Don't know~~

Please explain the reasons for your answer.

As this is already required for annual reports, the cost in terms of time should be minimal.

Payments to trustees

Q1 Do you agree that charities should be asked for this further information about trustee payments?

Yes / ~~No~~ / ~~Don't know~~

If you disagree it would be helpful if you could say whether you disagree with all or just some of the proposed further questions and the reasons for your views.

If you have any amended wording, please provide this with your explanation in support of this.

This information is available in charities' annual reports, but NCVO recognises that not all charities which complete an Annual Return are obliged to submit these to the Commission. From a risk-based regulation perspective, we can see the case for ensuring the Commission has this information to help it in making an informed assessment of the risk of poor administrative practice.

Q2 We intend to publish the information resulting from this question on the charity's public register page. Do you consider that publishing the information resulting from this question would aid general transparency and accountability?

Yes / ~~No~~ / ~~Don't know~~

Please give the reasons for your view.

NCVO is strongly in favour of greater transparency and supports the requirements for charities to disclose information about trustee payments in their annual reports. We are therefore supportive of this change. However, we also think that this information needs to be given in its proper context, making the wider reasoning behind such decisions clear. The bald numbers, taken out of context, may lend themselves to misrepresentation. Without context, there is risk that publication could actually have the opposite effect to the one intended – damaging public trust and confidence in charities. NCVO would argue that charities' annual reports are a better framework for this information. The Commission therefore needs to provide ways in which these decisions can be explained by charities.

Q3 Are you aware of any other sources from which the Commission can obtain the information being sought in these new questions?

Yes / ~~No~~ / ~~Don't know~~

If 'yes', please provide details.

This information can be found in charities' annual reports.

Q5 If your charity would have to answer these questions about staff salaries, is there a cost in putting this together?

~~Yes~~ / No / ~~Don't know~~

Please explain the reasons for your answer.

As this is already required for annual reports, the cost in terms of time should be minimal.

Expenditure in countries outside England and Wales

Q1 Do you agree with the proposal to introduce this series of questions about a charity's use of alternative/informal financial systems to hold or move charity money in countries outside England and Wales and the ways in which it manages risk?

~~Yes~~ / ~~No~~ / Don't know

If you disagree it would be helpful if you could give the reasons why.

Clearly the transfer of money outside the regulated banking system is, by its nature, a relatively high-risk activity. NCVO appreciates why the Charity Commission might wish to be aware of cases where this is being undertaken. However, we would like to know more about how the Commission plans to use this information:

- would it open an investigation or simply alert the charity to the risks of a particular method of transfer?

- if the Commission proposes to take a case-by-case approach, what criteria would it have in mind in deciding what action to take?
- what are the resourcing implications of this sort of work and are those resources available to the Commission?

If you have any amended wording, please provide this with your explanation in support of this.

Not applicable.

Q2 We do not intend to publish information resulting from this question on the charity's public register page. Do you agree that data provided by individual charities in response to this question should not be published?

Yes / ~~No~~ / ~~Don't know~~

Please give the reasons for your view.

The purpose of this question is to assess potential risk and allow the Commission to determine whether further investigation is warranted, not to publicise the fact that money is being transferred in this way. This data is potentially sensitive and, without context, there is risk that publication could actually have the unintended consequence of damaging public trust and confidence in charities.

Q3 Are you aware of any other sources from which the Commission can obtain the information being sought in these new questions?

~~Yes~~ / No / ~~Don't know~~

If 'yes', please provide details.

Not applicable.

Q4 If your charity would have to provide this further information about its use of alternative/informal financial systems to hold or move charity money in countries outside England and Wales and the ways in which it manages risk, is there a cost in putting this together?

Yes / ~~No~~ / ~~Don't know~~

Please explain the reasons for your answer.

The Commission may well feel that if appropriate checks are in place for this activity, then this should in itself mean that the audit trail will exist to compile the figures in the form requested. However, it is likely to be a relatively complicated set of figures to put together, with implications in terms of time.

Q5 Some charities may find it easier to report the income received in US Dollars. Do you think that there should be an option to report in either Pounds Sterling or Dollars?

Yes / ~~No~~ / ~~Don't know~~

If you disagree that there should be this option, it would be helpful if you could give the reasons why.

This is already a complicated and potentially quite onerous requirement: if there is evidence, especially for internationally-focused charities, that providing the option of accounting in US dollars would assist, the opportunity should be taken to reduce the burden on them.

Land and buildings

Q1 Do you agree with the proposal to ask charities which own or lease land and/or buildings if they receive rate relief?

~~Yes/No~~ / Don't know

If you disagree it would be helpful if you could give the reasons why.

If you have any amended wording, please provide this with your explanation in support of this.

NCVO notes the Commission's comment that this issue is a matter of direct and ongoing concern in its regulatory work. The question itself is a binary one and should not in principle be onerous to answer. On the other hand, the binary nature of the question means that it is unlikely to provide the Commission with useful information that will enable it to assess whether there is a regulatory issue on which it needs to act.

Q2 We do not intend to publish information resulting from this question on the charity's public register page. Do you agree that data provided by individual charities in response to this question should not be published?

Yes / ~~No/Don't know~~

Please give the reasons for your view.

The purpose of this question is to assess potential risk and allow the Commission to determine whether further investigation is warranted, not to publicise rate relief status.

Q3 Are you aware of any other sources from which the Commission can obtain the information being sought in these new questions?

Yes / ~~No/Don't know~~

If 'yes', please provide details.

Local authorities will be aware of which properties have claimed rate relief in their area. Data on the extent and distribution of charitable business rates relief is freely available on GOV.UK, and some local authorities routinely publish lists of individual recipients. This is becoming increasingly common and would in any event be available to the Commission if required. Data on GOV.UK also includes forecast amounts of charitable rate relief and the likely numbers of charities receiving it (by local authorities in both cases).

Q4 If your charity would have to provide this further information about rate relief, is there a cost in putting this together?

~~Yes~~ / No / ~~Don't know~~

Please explain the reasons for your answer.

Given that this is a 'yes/no' question, it is unlikely to be onerous to answer.

Trading subsidiaries

Q1 Do you agree with the proposal to ask charities about whether trustees are also directors of the subsidiary company?

Yes / ~~No~~ / ~~Don't know~~

If you disagree it would be helpful if you could give the reasons why.

If you have any amended wording, please provide this with your explanation in support of this.

NCVO would agree that this is an area in which the Charity Commission would have a regulatory interest in terms of potential conflicts of interest.

Q2 Do you consider that this question should be widened in scope to cover other types of non-charitable organisation that have a close link to the charity?

~~Yes~~ / ~~No~~ / Don't know

It would be helpful if you could give your reasons in support of or against this proposal.

It is hard to give a definitive view on this without a clearer idea of which relationships with other organisations would be covered. NCVO would also ask whether this risks creating substantial duplication with Companies House among others, especially where the charity itself is the subsidiary.

Q3 We intend to publish the information resulting from this question on the charity's public register page. Do you consider that publishing the information resulting from this question would aid general transparency and accountability?

~~Yes~~ / ~~No~~ / Don't know

Please give the reasons for your view.

NCVO is strongly in favour of greater transparency. However, we also think that this information needs to be given in its proper context, making the wider reasoning behind such decisions clear. Charities' annual reports may be a better framework for this information, but we do recognise the interest in highlighting overlaps of personnel between different organisations which may have separate annual reports and entries in different registers.

Q4 Are you aware of any other sources from which the Commission can obtain the information being sought in this new question?

Yes / ~~No~~ / ~~Don't know~~

If 'yes', please provide details.

The information could presumably be gained by cross-checking the subsidiary's own annual report with that of the charity.

Q5 If your charity would have to answer this question about trading subsidiaries, is there a cost in putting this together?

~~Yes~~ / No / ~~Don't know~~

Please explain the reasons for your answer.

The list of directors and of trustees should be readily available to the charity and to the subsidiary.

Safeguarding

Q1 Do you agree with the proposal to ask charities further questions about safeguarding?

~~Yes/No~~ / Don't know

If you disagree it would be helpful if you could give the reasons why.

Evidently, safeguarding is critically important and should be a core concern for any charity working with vulnerable beneficiaries. NCVO is not clear how the Commission envisages not asking charities these questions 'where the information is not already required by another regulator', but assumes this would be derived from the charity's responses on Update Charity Details. The intent behind these additional questions is understandable, but we have some concerns about their implications. In particular, there is a risk that this will encourage too much of a focus on DBS checks as part of charities' approach to safeguarding, with a twofold impact:

- First, there is a risk that this promotes too much reliance on DBS checks as a guarantee of good safeguarding practice, when we know they are only part of the mix along with effective recruitment techniques, good management, training, monitoring and supervision. It is unlikely that just asking about DBS will give the Commission a good understanding about how effective the charity's approach to safeguarding is.
- Second, there is a risk that the Commission's question will create the misunderstanding that charities need to DBS check everyone, leading to people being asked to complete DBS checks 'by rote' even when it is not appropriate.

NCVO would also note that the language around 'vulnerable beneficiaries' is unhelpful in the context of the Safeguarding Vulnerable Groups Act. The Act no longer labels adults as 'vulnerable' because of the setting in which the activity is received, nor because of the personal characteristics or circumstances of the adult receiving the activities. Instead, a 'vulnerable adult' is defined as any adult to whom a regulated activity relating to vulnerable adults under the Act is provided.

If this question is to be asked, it would therefore be better worded as 'Do any trustees, staff or volunteers provide a regulated activity in the course of their duties?' If so, the question about DBS checks would follow from that.

Q2 We intend to publish the information resulting from this question on the charity's public register page. Do you consider that publishing the information resulting from this question would aid general transparency and accountability?

Yes / ~~No~~ / Don't know

Please give the reasons for your view.

If this information is sought, then it seems reasonable to publish it on the same basis as other regulators.

Q3 Are you aware of any other sources from which the Commission can obtain the information being sought in these new questions?

~~Yes~~ / No / ~~Don't know~~

If 'yes', please provide details.

Not applicable.

Q4 If your charity would have to answer these questions about safeguarding checks, is there a cost in putting this together?

~~Yes~~ / No / ~~Don't know~~

Please explain the reasons for your answer.

Records of whether employees or trustees have been DBS checked should be readily available.