



# What to expect if your charity is subject to an inquiry

---

Our role as regulator includes encouraging charities to comply with the Charities and Trustees Investment (Scotland) Act 2005. We recognise that most charities are doing a good job providing public benefit, and any areas of concern are relatively low. However, there are times when we receive concerns about charities.

When we receive a concern, we will check if:

- the issues relate to charity law
- there is enough supporting evidence
- there is a serious risk to the charity or the people that the charity helps
- there is a need for us to intervene.

We will only take matters forward that are within our [regulatory remit](#) (link to Inquiry Policy) to do so.

If we receive a concern about your charity and have decided that it needs further inquiry, we will contact you via the charity's nominated Principal Contact. We will always contact the charity trustees because according to charity law they are the people in overall management and control of the charity. This applies even where there are paid members of staff.

Our contact with your charity does not imply that we agree with the concerns raised or infer any wrongdoing on the part of the

charity. We will explain what the concerns are and will ask you for information about your charity in order to give us a better understanding of how your charity operates generally and of the particular issues raised. We will expect you to provide information to us by a specified date.

Once we have received the information, we will assess it with the other information that we have about your charity. We will contact you to let you know the outcome of the assessment.

Your charity should be able to continue operating normally during our inquiries. However, there may be instances when we have to use our [formal powers](#) during an inquiry and this may impact on the day to day running of the charity.

Please note that we will not disclose who raised the concern with us unless we have permission to do so or are required to do so by a Court. This is because it is important that concerns about charities can be raised with us in confidence.

## Outcomes

We will write to let you know our findings when our inquiry is complete. Our aim is to encourage charities to comply with charity law and to support them by giving guidance and making recommendations or signposting



them to other sources of help. Where possible we try to work with charity trustees to effect positive change. However, we will take regulatory action where we need to.

### **We identify the conclusion of an inquiry as:**

- No further action is necessary and the inquiry has been satisfied
- We have provided guidance and recommendations to the charity. We may also seek assurance of future compliance and carry out a review to check this.

### **In more serious cases:**

- We will use targeted and proportionate intervention, including use of our powers under the 2005 Act such as a formal directions or suspension notices. If formal directions or suspension notices are issued, these will be displayed against the charity's entry in the Scottish Charity Register
- Where we exercise statutory powers with consent of the Court, this will automatically be in the public domain. We will also enter this against the charity's entry in the Register.

If we do use our formal powers, the charity, individual trustee, or a body representing itself as a charity, may appeal.

### **You can find out more about the powers available to us, [here](#).**

We may issue press statements or publish reports about individual inquiries or the exercise of our intervention powers. Where we issue a report, we will put a link to it on the Charity's Register entry.

Any report about individual inquiries will take into account the rights of the organisations and individuals concerned. We will also respond to any requests for information in accordance with our obligations under the Freedom of Information (Scotland) Act 2002.

We aim to conclude inquiries as quickly as possible and generally within six months. However, the nature of some inquiries may be complex and require input from multiple sources or the use of one or more of our powers under the 2005 Act. Our target is to conclude 75% of inquiries within nine months.

When we conclude an inquiry, we write to the person who raised the concern and tell them in general terms what action we took and what the outcomes were, but we will not give detailed findings on each issue.