



Operational Compliance Report

St Thomas Handshake to Kware (1086514)

About the charity

The charity provides funds and services to provide health, education and welfare services to people living in the Kware slum area of the Kenyan capital Nairobi. The charity supports a health clinic and two schools.

Why we got involved

In October 2011, the charity made a serious incident report detailing allegations of child abuse carried out by a partner organisation with which the charity collaborated in Kenya. The allegations were not linked to the charity itself or its premises - the crimes were alleged to have taken place in the home of the accused. The report also suggested that donations from the charity had been used by the same individual in Kenya to support his own family. Other agencies were investigating the actual alleged abuse. Our focus as charity regulator the trustees' on-going management of the charity. Specifically, we needed to make sure none of the charity's beneficiaries were at risk, that the trustees had taken appropriate action when they learnt of the allegations, that the charity's funds had been used for charitable purposes, and that the charity had adequate safeguarding procedures and financial controls in place.

The action we took

We opened an operational compliance case and asked the trustees to provide us with a wide range of evidence and information about the charity's policies and management. Separately, we liaised with other agencies to establish the veracity of the claims against the individual in Uganda.

What we found

We found that there was no evidence of abuse of vulnerable beneficiaries by the charity's agent in Kware. We found that neither the UK nor the Ugandan police were taking any action in relation to the allegations for that reason. We found no evidence that funds had been misappropriated.

However, we found that one of the charity's trustees had known about the allegations against the individual in Kenya for some time without informing his fellow trustees. This amounted to serious breach of trust and was a cause of serious regulatory concern. Regarding the charity's approach to safeguarding, we found that while adequate policies had been agreed, these were not then properly implemented by trustees. We found the charity's internal financial controls were adequate.

The outcome/impact

The trustee who was guilty of breach of trust admitted this and resigned as trustee. For reasons unrelated to our case, the individual against whom allegations were made was dismissed from the charity's partner organisation and plays no further role with the charity. We provided the charity with corrective regulatory advice, explaining trustees' duties in preventing and responding to allegations about abuse or the misapplication of funds and about the crucial importance of implementing and following procedures aimed at safeguarding beneficiaries. The trustees cooperated with us throughout and were concluded our case satisfied that the trustees are now acting in the charity's interests.