

FOI Request by Mr Peter Geoghegan - 26 September 2017

Re: LOVES SAVE THE DAY - 1066963

Relevant extracts as follows:

16 March 2015 - FROM THE CHARITY COMMISSION TO SUSAN BARRINGTON-BINNS

Thank you for submitting your application [ATTACHED AS SEPARATE DOCUMENT]

Organisation Name: LOVES SAVES THE DAY FOUNDATION

Application Reference Number: 5059869

I am writing to confirm receipt of your application to register the above organisation as a charity and to introduce myself as the case officer.

If you added any information into the Special Circumstances part of the application form then please be assured that we will have noted this.

As you will appreciate the application will take us some time to consider. The Registration Division is currently experiencing exceptionally high volumes of work and has extended the time taken to respond to correspondence. I aim to be in touch with you again by 29/04/2015 00:00.

Depending upon the complexities of the application it is quite possible that there will be a need for further correspondence between us. In order to allow me the time to give the appropriate consideration to your application I would be very grateful if you did not contact me (either by phone or email) to ask for an update or to discuss the application.

However, if you have not heard from me within 40 days please do contact me. When you do respond please do so wherever possible via email using the reference I have put in the title.

How we consider your application:

The supporting guidance to the application form has already directed you to our published guidance in [How to register your charity](#).

In assessing your application we follow the framework set out on our website in [How we make registration decisions](#).

We make a full assessment of the information you have provided and will use that in making our decision. The trustees have completed and signed the trustee declaration form submitted with the application form to confirm that:

- They understand the objects of the organisation and the provisions of the governing document and their duties as trustees;
- They are not disqualified from acting as a trustee of the organisation and that all trustee eligibility checks that are required by law have been carried out;
- The application identifies any trustee who is currently receiving or will receive any benefit;
- The information given in the application form and on the trustee declaration is true, complete and correct; and
- They are aware that making a false or misleading statement (to the Commission) is an offence under section 60 of the Charities Act 2011

Yours sincerely

25 March 2015 - FROM THE CHARITY COMMISSION TO SUSAN BARRINGTON-BINNS

Dear Mrs Barrington-Binns

Thank you for your application to register Susan Barrington-Binns (or Love Saves the Day Foundation?) as a charity.

To be a charity in England and Wales your organisation must satisfy the definition of a charity in the Charities Act 2011.

The Charities Act 2011 says that a 'charity' is an institution which:

-) Is subject to the High Court's charity law jurisdiction
-) Is established for charitable purposes only

A charitable purpose is one which falls within the range of descriptions of charitable purposes set out in the Charities Act 2011 and which is for the public benefit. The trustees have a duty to carry out the charity's purposes for the public benefit.

More information can be found about this in our published guidance available from the Charitable Purposes and Public Benefit pages of our website:

<http://www.charitycommission.gov.uk/detailed-guidance/charitable-purposes-and-public-benefit/>

The registration process and decision is described in our guidance in CC21b 'How to register your charity' and in 'How we make registration decisions', available from the 'Registering your charity' pages of our website.

<http://www.charitycommission.gov.uk/start-up-a-charity/registering-your-charity/>

Can the trustees please consider the following:

1. Am I correct in assuming the name of the charity should be Loves (or Love) Saves the day Foundation; and not your name as entered on the application.

2. Working Overseas:

The application includes a range of questions on working overseas, however as you did not tick the relevant classification the trustees would not have had an opportunity to see them. I would refer you to our guidance on Charities Working Internationally which can be found on our website. need to consider when sending funds overseas and using an agent to oversee the funds' application.

- a. Please confirm that you have read the guidance on Charities Working Internationally and that the trustees will act within our guidelines?
 - b. How are activities abroad monitored?
 - c. What report back provisions are in place that give the trustees comfort that the aid is getting to those in need of it?
 - d. How are the intended beneficiaries identified and selected?
 - e. Do the trustees always retain discretion over how the funds of the organisation are applied? If this discretion is left to an agent or partner – how does this work?
 - f. How is the movement of funds managed and risk assessed?
3. Objects: I note that the proposed charity has a range of objects including advancing citizenship and community development. You may have seen these in the description of purposes; however, if using either phrase as a charitable purpose, they need to be defined to make it clear what charitable purpose is being undertaken. Having looked at the application, citizenship, from a charity law point of view would probably not be appropriate (I would refer you to our guidance on this). I would suggest that as a whole the objects are simplified into a single charitable purpose based on clause 3(e)?
- a. Can I please have the trustees comments on this?

I will be keeping this case open for 8 weeks pending your reply.

Regards



Senior Case Officer Registration Division

registrationapplications@charitycommission.gsi.gov.uk

Website: www.charitycommission.gov.uk

PLEASE NOTE THE FOLLOWING:

Please quote the above reference number in all correspondence.

Our Registration team is currently experiencing exceptionally high volumes of work and has extended the time taken to respond to correspondence. We aim to respond to any correspondence within 30 working days. After you have replied to this e-mail, to help us to manage our service we would be very grateful if you did not contact us before then (either by phone or email) to ask for an update or to discuss the application.

However, if you have not heard from us in response to your email within 40 working days please get in touch using the reference for your application.

Thank you for your patience

27 March 2015 - FROM SUSAN BARRINGTON-BINNS TO THE CHARITY COMMISSION

We acknowledge receipt of your email of the 25th March 2015 regarding a number of queries relating to the Love Saves the Day Foundation. We are currently liaising with the charity trustees and will reply to your queries very shortly. We will aim to do so within 7 days of today, by close of business on Friday 3rd April.

With Regards

27 April 2015 – FROM SUSAN BARRINGTON-BINNS TO THE CHARITY COMMISSION

Please let me know if you have any problems opening the attachment? Please can you also advise what the next steps are in the charity registration process and whether you require any further documentation or information from any of the trustees?

Many thanks for your continued assistance, and apologies for the delay in responding to your email.

With Regards

27 April 2015 - FROM ALISON MARSHALL TO THE CHARITY COMMISSION

Thank you for your email of the 25 March 2015. I have now obtained all the necessary input from the trustees and attach a letter containing answers to all of your questions raised in your email.

CONTENTS OF ATTACHED EMAIL:

I refer to your email of the 25th March 2015 regarding the above application. In the email, you raised a number of questions to be considered and answered by the trustees. I have set out below, each question and each corresponding answer as follows:

Question 1

1. Am I correct in assuming the name of the charity should be Loves (or Love) Saves the day Foundation; and not your name as entered on the application.

Answer 1

Yes the name of the charity is "Love Saves the Day Foundation".

Question 2. Working Overseas:

The application includes a range of questions on working overseas, however as you did not tick the relevant classification the trustees would not have had an opportunity to see them. I would refer you to our guidance on Charities Working Internationally which can be found on our website. need to consider when sending funds overseas and using an agent to oversee the funds' application.

Question 2 a.

2a) Please confirm that you have read the guidance on Charities Working Internationally and that the trustees will act within our guidelines?

Answer 2a

I confirm that all the trustees have been provided with a copy of the guidance on charities working internationally and that each trustee has individually confirmed that they have read the guidance and that they will act within the guidelines.

Question 2b

How are activities abroad monitored?

Answer 2b)

b1) The activities abroad will be monitored in the trustees monthly meetings at a senior level held either abroad or in the UK in order to ensure that there has been a proper end use of the charity's funds. The Trustees will in particular, identify any specific risks applicable to Belize and Lesotho to ensure that any due diligence and monitoring risks for donations in those countries are adapted accordingly and enhanced due diligence will be obtained where required.

b2) Receipts for donations will be examined along with reports from the recipients of the donations as to the use of the funds. In some cases, where donations are in several tranches, this will be a precondition for the application and release of the next tranche of funds. Any concerns regarding the use of the funds will be considered by the Trustees at these monthly meetings.

b3) International activities will also be monitored separately in an annual external audit to take place by an external auditor or auditors in each country where the Charity has operations who will include a monitoring report. This will include reconciliation of bank statements, receipts and invoices as well as a report on the compliance with all local laws and customs in Belize and Lesotho and any other countries

b4) The charity will hold a list of valuable fixed assets held in the UK and abroad and carry out inspections and site visits abroad at least once a year.

b5) Only 3 trustees will be signatories on the Charity's bank account but they will report to all trustees on a monthly basis. Any further specific monitoring required for each donation will be identified at the trustees monthly meetings and established as required.

b6) The Trustees will ensure that the funds of the charity are only applied to their intended beneficiaries and will put in place all necessary due diligence and monitoring of compliance in UK and abroad to ensure the prevention of fraud, money laundering and terrorist financing or any other illegal or immoral activities. A reporting and whistle blowing policy will be established to encourage all trustees and any other staff to report any suspicious activity.

b7) The Charity will keep proper and adequate financial records, for the receipt of funds and use of funds and audit trails of decisions made regarding the application of those funds, including records of domestic and international transactions.

Question 2c.

What report back provisions are in place that give the trustees comfort that the aid is getting to those in need of it?

Answer 2c

c1) The trustees will require monthly reports and accounts from any staff employed overseas. In addition, any recipients of aid under the donation agreements will be required to provide evidence on a monthly or quarterly basis by way of a donation report demonstrating the proper administration of their objectives. If they are to receive their donations in tranches, it may also be a pre-condition for their application for their

next tranche of funds to demonstrate that the funds are being applied properly and to provide these donations reports.

c2) In addition, if required, a trustee will carry out a personal site visit or inspection as deemed necessary to ensure that the aid is being properly used.

Question 2d

How are the intended beneficiaries identified and selected?

Answer 2d)

d1) There are 3 ways that intended beneficiaries are identified and selected. The first is identification of beneficiaries in person by the Trustees when visiting Belize, Lesotho and any other countries, and proposing a donation (to a beneficiary) to the other trustees at the monthly meeting.

d2) The second way is by a potential beneficiary approaching the Foundation through the Foundation's website and making an application for a grant using the Foundations Grant application process which will be available on the website.

d3) The third method is by way of invitation, by the Foundation trustees inviting a beneficiary to make an application for a grant.

d4) The charity will comply with all due diligence requirements for every beneficiary and where necessary, seek enhanced due diligence.

Question 2e

Do the trustees always retain discretion over how the funds of the organisation are applied? If this discretion is left to an agent or partner – how does this work?

Answer 2e

The trustees will be the only persons with discretion over how the funds of the organisation are applied. This will not be delegated to a third party agent or employee.

Question 2f.

How is the movement of funds managed and risk assessed?

Answer 2f)

f(1) Funds will be managed exclusively by the trustees and only 3 trustees will be signatories on all bank accounts. Local bank accounts will be established in Belize and Lesotho and any other countries for the purpose of the distribution of grants to beneficiaries in local currency in those countries. Only the trustees can accept a valid receipt for donations. The Trustees will comply with their legal duties to safeguard the charity's money and assets and ensure the funds are not at undue risk. Any risks of a loss in the movement or holding of funds will be reported to the trustees. The Trustees will exercise fully supervisory control over the charity's bank account.

f(2) The trustees will conduct a risk assessment at the time that the grant application is considered for each project on a project by project basis in order to identify any risks to funds that are being distributed to beneficiaries. This risk assessment will include the identification of any operational, financial, reputational or external risks or any risks

that may result in non-compliance with UK charity law and other UK law as well as international law. The trustees will keep and update a risk register.

f(3) If necessary, the risk assessment for each project will be repeated at regular intervals at the trustees monthly meeting. Any failures in the control systems will be reported at the trustees monthly meeting and any necessary remedial action taken.

f(4) The initial risk assessment and subsequent risk assessments will be in writing and held as part of the Charity's records. In addition, the trustees annual report will include a report on the steps that the charity has taken to manage their risks.

f(5) The Trustees will ensure that they have full knowledge of the source of funds, how they are applied and who and how the charitable services will be delivered. The Charity will comply with full due diligence requirement as to source of funds and source of wealth if required for a donor, and report any suspicious donations, identify and agree in monthly meetings how these funds are used in order to achieve the charity's purposes.

f(6) The Trustees will also ensure that they have full compliance with due diligence requirements of beneficiaries and any other UK or local partners, whether individuals or corporate entities.

3. Objects: I note that the proposed charity has a range of objects including advancing citizenship and community development. You may have seen these in the description of purposes; however, if using either phrase as a charitable purpose, they need to be defined to make it clear what charitable purpose is being undertaken. Having looked at the application, citizenship, from a charity law point of view would probably not be appropriate (I would refer you to our guidance on this). I would suggest that as a whole the objects are simplified into a single charitable purpose based on clause 3(e)?

Question 3a.

Can I please have the trustees comments on this?

Answer 3a)

The Trustees agree that the objects should be simplified into a single charitable purpose. Please confirm if we need to submit amended documentation amended with this change?

Further Information

If you require any further information at this stage, please do not hesitate to contact me.

Yours sincerely

19 May 2016 - FROM THE CHARITY COMMISSION TO SUSAN BARRINGTON-BINNS

Thank you for your response. I am happy that the aims of the organisation are charitable. All that remains is to put the objects on a charitable footing. This will require a change in the governing document as agreed by the trustees. Please send me a copy of the minutes at which it was agreed (including electronic meeting records if that saves time) and a full copy of the revised governing document. If you wish to amend the wording of the objects, please let me know before amending the governing document.

Proposed new objects (note this will be the sole wording):

"Such charitable purposes for the public benefit as are exclusively charitable according to the laws of England and Wales as the trustees may from time to time determine."

Please respond as soon as the trustees are able to complete the process as we are keen to progress applications as quickly as possible.

Regards

26 May 2015 - FROM ALISON MARSHALL TO THE CHARITY COMMISSION

Thank you for your email. In response to your email, please now find enclosed:

-) ***A copy of Meeting Minutes dated 22 May 2015 authorising the change of the charitable objects of the Foundation..***
-) ***A full copy of the amended governing document with the amended charitable objects clause at clause 3 on page 3.***

Please do let me know if you need any more information or supporting documents or if you have any problems opening the attachments?

[REQUESTED DOCUMENTS ATTACHED SEPARATELY]

1 JUNE 2016 - FROM THE CHARITY COMMISSION TO ALISON MARSHALL

Dear Contact

You have applied to register the above organisation as a charity.

We are satisfied that LOVES SAVES THE DAY FOUNDATION is a charity and it has been entered onto the Register of Charities with the Registered Charity Number 1161939.

Our decision

The decision to register was based on our assessment of the information supplied during the application process and the declarations given in the trustee declaration form and we are satisfied that LOVES SAVES THE DAY FOUNDATION is established for charitable purposes only for the public benefit.

The trustee declaration gives a reminder that it is an offence under section 60 of the Charities Act 2011 to provide false or misleading information.

What to do now Please ensure all of the trustees read this email.

The charity's details will be publicly available on our website within 48 hours.

It is essential that the trustees check that all the details on the [Register of Charities](#) are accurate and that they are kept up-to-date by requesting a [password](#) to access our online services. With a password they can also obtain a [Registration Certificate](#).

It is the trustees' duty to operate their charity for the public benefit.

In applying to register LOVES SAVES THE DAY FOUNDATION as a charity we have referred you to our guidance in [What makes a charity \(CC4\)](#). Our guidance explains and links to the Public Benefit Framework and our guidance in Public Benefit: [running a charity \(PB2\)](#) and Public Benefit: [reporting \(PB3\)](#).

Operating a charity and reporting: sources of support and guidance We recommend the trustees read our [guidance on the trustee role and board](#).

Registration is just the first stage of a potentially long journey for many charities. Our [website](#) has a huge amount of specialist advice and guidance to help a charity run as effectively as possible and assist in the most common areas that affect charities.

Use the [Managing your charity](#) section of our website to notify us of any changes and comply with legal obligations; whether it is filing accounts or completing the Annual Return, changing the governing document or alerting us to a serious incident.

Yours faithfully

1 JUNE 2015 - FROM THE CHARITY COMMISSION TO SUSAN BARRINGTON-BINNS

Dear Applicant

You have applied to register the above organisation as a charity.

We are satisfied that LOVES SAVES THE DAY FOUNDATION is a charity and it has been entered onto the Register of Charities with the Registered Charity Number 1161939.

Our decision

The decision to register was based on our assessment of the information supplied during the application process and the declarations given in the trustee declaration form and we are satisfied that LOVES SAVES THE DAY FOUNDATION is established for charitable purposes only for the public benefit.

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Yours faithfully

10 June 2015 – FROM SUSAN BARRINGTON-BINNS TO THE CHARITY COMMISSION

Dear Sirs,

Please can you advise if our charity is now registered and let us have a charity registration number if possible?

We have received our first request for a donation and therefore are making this enquiry.

Many thanks for your assistance.

With Regards

10 June 2015 – FROM THE CHARITY COMMISSION TO THE CHARITY'S EMAIL ADDRESS

Copy of e-mail sent 1 June 2015. Please note copies also went to 2 of the trustees.

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Our decision

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Yours faithfully