

From: Business Assurance Casework BusinessAssurance@charitycommission.gsi.gov.uk
Subject: 20140714 stage 2 review - Camphill Village Trust CC:01550790
Date: 14 July 2014 10:25
To: maxwhite@whiteandco-pm.co.uk
Bcc:

BA

Dear Mr White,

I write further to my email of 12 June 2014.

I am pleased to say that I have been able to complete my stage 2 review. I have looked at the stage 1 review to see that it has:

- addressed the issues of complaint;
- been sufficiently thorough and fair;
- articulated the outcome adequately;
- adequately remedied any shortfalls in service.

I have also examined other case papers in this matter, including your letter dated 14 May 2014 and subsequent email.

The complaint centres on your continuing dissatisfaction with the way the Commission has handled your complaints about the charity being in breach of its obligations under charity law and the provisions of its governing document.

In your letter dated 14 May 2014, you have raised a number of points. I note that many of these points were addressed fully by the stage 1 review undertaken on 21 February 2014. However, I will summarise the points raised below and consider each in turn.

Lack of engagement with those who have raised concerns

Your concern is that the Commission has simply accepted the views put forward by the trustees. Your letter states that Ms Grenfell made no reference to this subject at all in her review. This point was addressed in the review. In particular, Ms Grenfell said "We will test what we are told [by the trustees] against the evidence and information we have from other sources". I can confirm that this statement is borne out by my examination of the case papers.

Membership

You have expressed concerns about the fairness of the charity's membership policy. The stage 1 review reiterated what we said in our letter of 1 November 2013 – that membership matters are for the trustees to take forward. Trustees have a wide discretion in respect of membership. The review made it clear that we would become involved if the membership requirements were contrary to equalities or other relevant legislation. Having examined the case papers, I can see that we have taken action in this regard by advising the trustees about their responsibilities, and that they must, at all times, act in the best interests of the charity.

Apparent conflict between the letter of 2 November 2012 and Ms Grenfell's letter of 21 February 2014

You point to what you believe are contradictions between the letters of 2 November 2012 and 21 February 2014. Ms Grenfell referred to the Memorandum of the charity which contains powers which the trustees may exercise, including a power to support the beneficiaries through the establishment and operation of communities run through volunteer co-workers. I see nothing here that contradicts the statement made in the letter of 2 November 2012, which described the communities as they existed at the time. The wider point that Ms Grenfell was trying to make was that there is a difference between the objects of a charity, which must be charitable, and the method by which the objects are delivered. The communities are one way that the objects of the

charity may be delivered, but they are not themselves charitable.

The role and status of co-workers

Having examined the case papers, I can see that the Commission has had concerns for some time about the co-worker led model. The Commission was concerned that the benefits to co-workers may be more than incidental (which is contrary to charity law) and that this would give rise to a conflict of interest where co-workers were trustees. The Charity Commission has issued an Operational Compliance Report into the charity which can be found on the Commission's website – please see the attached link -

http://www.charitycommission.gov.uk/media/595717/ocr_the_camphill_village_trust.pdf. Whilst I note that you are already aware of this document, it nevertheless sets out the action we took, why it was taken and the impact of our involvement.

I appreciate that you are unhappy with the way that the co-worker role is being redefined. However, the administration of the charity is a matter for the trustees. They must take decisions about co-workers, not the Commission. It is the trustees that are responsible for the day to day running of the charity and must decide how best to further the charity's objects. This has been adequately explained to you by the Commission.

Failure to refer to the full object wording in the Annual Report and Accounts

Having looked at the charity's accounts for year ending 2013, the objects quoted do not mention Rudolph Steiner as appears in the governing document. However, the report then goes on to describe the Steiner principles being "embedded in the Memorandum". Whilst I note that you disagree, the Commission has explained that this is simply not a matter which it would take any further.

Lack of financial security and transparency

I asked the Operations team to look again at your concerns regarding the charity's financial situation and examine the documents you refer to. These appear to set out how the charity proposes to manage its finances in the future. This is a matter for the trustees and we will not be looking further at this issue.

I am satisfied that your complaint has been considered in line with the Commission's policies and procedures. You have now completed the process available for the consideration of your complaint and there are no further routes through which the outcome of the case can be reconsidered by the Commission.

Should you remain dissatisfied with the service you have received, you may wish to approach the Parliamentary and Health Service Ombudsman (PHSO). The PHSO considers certain complaints about the service provided by a range of bodies, including the Commission. Further information is available from the PHSO at Millbank Tower, Millbank, London SW1P 4QP, telephone number 0345 015 4033 (email: phso.enquiries@ombudsman.org.uk).

Yours sincerely,

Lucy Breakspere

Complaints and Freedom of Information Manager

Business Assurance

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