

## Dissatisfied with one of the Commission's Decisions

How can we help you?





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## A. Introduction

In the course of its day to day work, the Commission provides users of its services with many different forms of advice and guidance and routinely uses its powers to make operational judgements and decisions. This guidance tells you what you can do if you are unhappy with one of the Commission's decisions. This service has been available to the Commission's service-users for many years. However, we have recently updated our guidance to reflect developments in how we handle this procedure and to provide information about the First-tier Tribunal (Charity) which was established in 2008 and is an alternative route for those who wish to challenge our decisions.

### A.1 What is a Decision?

The Charities Act 1993 (as amended by the Charities Act 2006) sets out a range of powers that the Commission can use to enable it to fulfil its statutory objectives to:

- increase public trust and confidence in charity;
- promote awareness and understanding of the public benefit requirement;
- promote compliance by charity trustees with their legal obligations to exercise control and manage the administration of their charity;
- promote the effective use of charitable resources; and
- enhance the accountability of charities to donors, beneficiaries and the general public.

Under the Charities Act we have a range of powers to make decisions, including decisions about whether or not to issue directions and make orders which are designed to further these objectives. Decisions we may make are wide-ranging. They may include whether to register a charity, whether to make a Scheme, whether or not to give consent to a charity and include decisions to use our powers to protect charities against misconduct and mismanagement.

There are so many decisions that we can make that it is not possible to describe them all. Decisions include making:

**Directions:** Directions are actions specified of charity trustees and others in the administration of a charity. They may be used during the course of our compliance work and to ensure the proper administration of a charity.

**Schemes:** Broadly speaking, a Scheme can change or replace the trusts of a charity. However, some types of Schemes do other things (such as creating a Common Investment Fund).

**Orders:** Orders can be used in many circumstances; they can authorise trustees to do something that their trusts don't otherwise allow, or to do something which is in the interest of the charity (such as transfer property to the Official Custodian). They can also be used to protect charities and their property.

Where we have made a Scheme or an Order, we are only able to set it aside if it was made by mistake, or as a result of a misrepresentation, or the relevant requirements of the Charities Act were not carried out.

Some decisions are decisions not to do something, for example not to register a charity or not to give consent.

## A.2 Decisions – Our Commitment to You

We are committed to making decisions which, taking into account the facts and circumstances of the case, are:

- Legally correct
- Fair
- Proportionate
- Consistent

We aim to get our decisions right first time on every occasion, but we know that sometimes we make decisions which our service users disagree with. If you consider that we have got our decision wrong, we are committed to offering you the opportunity to have that decision reviewed through our Decision Review procedure.

## A.3 Challenging a Decision of the Commission

Many of our decisions can be challenged through our Decision Review procedure. They may also be challenged directly through the First-tier Tribunal (Charity), which we refer to in this guidance as ‘the Tribunal’.

The law allows only certain types of decisions to be challenged through the Tribunal. However, if it is not possible for you to challenge our decision through the Tribunal, you may still be able to challenge it through the Courts.

## A.4 The First-tier Tribunal (Charity)

The Tribunal is an independent legal body which has the power to look again at some of the decisions made by the Commission and to quash, change or add to them. In some cases the Tribunal may direct us to take further action or rectify our decision.

There are some limitations about which types of decision can be considered by the Tribunal and who can apply. Decisions which may be considered by the Tribunal, and who can apply, are listed in Schedule 1C of the Charities Act 1993 (as inserted by Schedule 4 of the Charities Act 2006). You can use the table in Annex A to check if the decision you disagree with may be considered by the Tribunal. If so, you may be able to apply to the Tribunal to have the decision you disagree with reconsidered.

If the decision you are dissatisfied with is one which can be considered by the Tribunal and you are entitled to make an application, you may challenge it directly through the Tribunal. The Tribunal aims to complete all of its cases within 30 weeks. You do not need to use our own Decision Review procedure before applying to the Tribunal, but you may wish to consider the advantages and disadvantages of using our Decision Review process before doing so.

It is free to make an application to the Tribunal. If you decide to take professional advice to help with your application you will have to pay your own costs. However, details about pro bono (free) advice can be found on the Tribunal website. The Tribunal has a limited power to make a costs order if it concludes that a party has acted unreasonably in bringing, defending or conducting the proceedings, or if it considers that our decision, direction or order was unreasonable.

For further information about the Tribunal, please see the Tribunal website or contact the Tribunal using the contact details in Part F of this guidance.

## A.5 The Commission's Decision Review Process

If you disagree with one of our decisions, we would like an opportunity to reconsider it ourselves in the first instance. We are committed to making our procedure a quick, easy and cost-effective way for you to challenge our decision. If you ask us to, we will reconsider our original decision to review whether it is legitimate and justifiable within the facts and circumstances of the case. When we review our decisions we will take into account any new information or arguments that are relevant. At the end of our review we will clearly explain our decision and what further action, if any, we will take.

Our review procedure offers a genuine opportunity for our decisions to be looked at afresh. If you ask us to review a decision, we will always refer the matter to someone who did not make the original decision and who is, wherever possible, senior to the original decision maker.

The Commission aims to ensure that it complies with all aspects of the Parliamentary and Health Service Ombudsman's "Principles of Good Administration" in all aspects of service delivery which can be viewed at [www.ombudsman.gov.uk](http://www.ombudsman.gov.uk)

If we find that we got our decision wrong in the first instance, or that new information or circumstances enable us now to substitute a different decision, we will take steps to put things right as quickly as possible and make sure that we learn from this as an organisation.

An advantage of using our procedure is that it does not affect your right to take your concerns to the Tribunal. **However, you should consider whether asking for a Decision Review will take you outside of the time limit within which you can make an application to the Tribunal** (see A.6 Time Limits below).

In most cases a Decision Review will result in a fresh decision being made and the time limit will start from the date of our new decision. However, in some cases, such as when we make a Scheme or an Order, if we do not change the original decision, the Decision Review may take you outside of the time limit for you to make an application to the Tribunal. If you are unsure if a Decision Review will disadvantage you in this way, please contact us using the contact details in Part F of this guidance.

We may not be able to review a decision ourselves once you have referred it to the Tribunal.

## A.6 Time Limits

There are time limits to requesting a decision review. We ask that you tell us within 3 months if you want to challenge one of our decisions.

An application to the Tribunal must be received by the Tribunal within 42 days of the date on which the notice of our decision was sent to you. If you are not the subject of the decision, an application must be received by the Tribunal within 42 days of the date on which we published the decision.

## A.7 How Can I request a Decision Review?

You can apply online for a Decision Review. Because there are many different types of decision which the Commission can make, we have separate sections in this guidance to cover certain types of decisions.

To be certain that we have a full and accurate understanding of the decision you want us to review, we need requests for Decision Review to be made in writing. Please let us know if there is any reason why you are unable to provide your Decision Review request in writing as it may be possible for us to offer you assistance.

If you do not have access to a computer, use the contact details in Part F of this guidance to get in touch with us to request a review.

## A.8 Other Options

### **Outcome Review**

If the decision you wish to challenge is not included in Schedule 1C (see Annex A table from page 22 onwards) then we may still be able to review your concerns through our Outcome Review Panel. The panel sits every month to review cases where complainants are unhappy about the outcome of their case.

### **Standards of Service**

If you are unhappy about the way in which we have handled your case, or feel that you have not received a service which you were entitled to, you can complain to us using our formal complaints procedure. A member of staff will look into your complaint for you.

Further information about Outcome Review and our formal complaints procedure can be found on our website in the About Us section.

## A.9 Continuous Improvement

We are committed to developing and improving our procedure in the light of the results of our reviews and feedback from our customers. If you use our procedure we will always offer you the opportunity to tell us how well we handled your case and whether you have any suggestions about how it can be improved.

## B. This guidance at a glance

This page provides a quick reference to the contents of this guidance.

**Part C** tells you how to ask for a review of a decision we have made.

**Part D** explains how you can make representations in response to the publication of a draft Order or Scheme and how we will handle your comments.

**Part E** tells you how to ask for a review of a decision about what information we will provide you with under the Freedom of Information Act 2000 and how we will handle your application.

**Part F** gives our contact details and details about how you can contact the First-tier Tribunal (Charity) and the Information Commissioner's Office.

**Annex A** reproduces the table in Schedule 1C of the Charities Act 1993 (as inserted by Schedule 4 of the Charities Act 2006).

## C. Requesting a Review of one of our Decisions

This section tells you how to ask for a review of one of our decisions and how we will handle your application.

### Use this procedure if:

You have recently been notified of a decision that the Commission has made.

#### C.1 What is a Decision?

A decision is any decision that we make using our powers as set out in the Charities Act 1993 (as amended).

Depending on the type of decision we make, the review process can vary, so we have different procedures for reviewing different types of decisions. This procedure can be used to request a review of most of our decisions, although special reviewing procedures apply for the decisions we have listed below.

Use this procedure if you want to challenge one of our decisions, unless you:

- want to tell us your views about a published draft Order or Scheme which we are considering (in which case, go to Part D); or
- are requesting that we reconsider our response to a Freedom of Information request (in which case, go to Part E).

If you are not sure which procedure to use our Contact Centre can offer you advice. Contact them using the details in Part F of this guidance.

#### C.2 What Decisions can be Challenged?

You can use our procedure to challenge any decision which is set out in Schedule 1C to the Charities Act (see Annex A). These are the decisions that can be challenged via the First-tier Tribunal (Charity) – referred to in this guidance as ‘the Tribunal’.

We may also, at our discretion, agree to review decisions which are not set out in Schedule 1C but which:

- have a significant impact on a charity or its beneficiaries;
- are likely to be challenged in the Courts (eg through judicial review); or
- are of significant public interest.

### C.3 Who can ask for a Decision Review?

We will only normally accept an application for a Decision Review from someone who is eligible to apply to the Tribunal. You can use the table in Annex A to see if you are eligible to request a Decision Review.

An advocate or representative may request a Decision Review on your behalf, but if they are not a professional representative such as a lawyer, we may need to ask you for written confirmation that they are acting on your behalf.

### C.4 Temporary Protective Orders

Some Orders that we make to protect a charity are temporary and will be discharged when no longer needed. For example, an Order appointing an Interim Manager, suspending a trustee or freezing a charity's assets. It is a legal requirement that we review these temporary Orders on a regular basis. Temporary Protective Order reviews are automatically carried out by our Compliance division. We will write to the charity to let it know the outcome on every occasion.

If you are unhappy with the outcome of one of our Temporary Protective Order reviews, you can ask us to review our decision. In the first instance, our Compliance division will look at your application to decide if circumstances have changed and the Order should be discharged or varied. If the Order is not discharged or varied, we will initiate a Decision Review.

### C.5 How to Request a Decision Review

You may challenge some of our decisions directly through the Tribunal. You do not need to use our own Decision Review procedure before applying to the Tribunal.

However, if you disagree with one of our decisions, we would like an opportunity to reconsider it ourselves in the first instance.

We may not be able to review a decision ourselves once you have referred it to the Tribunal.

Email us or use our on-line form to apply to us for a Decision Review. Be sure to:

- tell us why you think our decision is wrong;
- provide us with any new information or evidence you have that may help us when we review our decision (you do not need to resend information already provided to us);
- tell us why a different decision is in the best interest of the charity; and
- tell us what your interest is in the charity and your connection to it.

You do not have to use our form. However it is designed to ensure that you are prompted to fill in all the information we will need to be able to review our decision. This form can also be requested from our Contact Centre.

To be certain that we have a full and accurate understanding of the decision you want us to review, we need requests for Decision Review to be made in writing. Please let us know if there is any reason why you are unable to provide your Decision Review request in writing as it may be possible for us to offer you assistance.

If you do not have access to a computer, you can send your request for a review to Charity Commission Direct.

Our contact details can be found in Part F of this guidance.

## C.6 Time Limits

There are time limits to requesting a Decision Review. We ask that you tell us within 3 months if you want to challenge one of our decisions.

If, for any reason, you are unable to apply for a Decision Review within our time limit, please tell us as soon as possible. In exceptional circumstances we may be able to extend the time limit. You will need to let us know why you need more time so that we can decide whether it is possible to give you an extension.

If for any reason you cannot apply in writing, please contact us as soon as possible and we will consider other ways for you to make your application.

## C.7 What Happens Next?

Once we have received your application we start the formal process to consider your application for review. If for any reason we think that the Decision Review process is not an appropriate way forward, we will tell you and explain what alternatives are available to you.

### **Step 1 - Eligibility**

The first step will be to check whether the decision you want reviewed falls within our procedure and that you qualify as a person who is, or could be, directly affected by the decision. We will also take into account any exceptional reasons why the review should not go forward. We aim to complete this stage within 5 working days.

### **Step 2 – the Decision Review**

Once we have decided that a Decision Review needs to take place, we will appoint someone to review the decision. All reviews are carried out by a member of the Commission's staff or its Board members. Some are conducted by a single reviewer, while others are considered by a panel. The seniority of the people involved varies from case to case and is dependent on the nature of the decision to be reviewed and the level at which the original decision was made.

However, to ensure that the review is carried out objectively, no one who makes the final decision will have been involved in making the original decision.

We often find it helpful to check that we have understood the points raised by Decision Review applicants and to clarify anything that is not clear from the information provided. To help us with this, you will be given the opportunity to speak to the reviewer or panel members. This step also gives you the opportunity to expand on any points from your application that you think may need more detailed explanation. We usually do this by telephone, but we may ask to meet with you. If the review is being done by a panel which includes a Commission Board member, you will be given the opportunity during the relevant part of the panel meeting to speak by telephone or to attend in person. You do not have to speak to the reviewer or panel if you do not wish to.

The amount of time a review takes can vary a great deal, depending on the characteristics of the case and its complexity. We may also need to speak to the trustees or other parties before we can reach our decision. We aim to complete this step within 3 months of receiving your completed application, but in most cases we are able to complete our reviews more quickly. We will tell you at the outset how long we think the review will take and will let you know if that timescale changes.

### **Step 3 – the Final Decision**

The decision maker(s) will take into account all of the information that they have, including anything that you told us in person, to decide whether the original decision was correct or whether it should be changed or discharged either in full or part.

Once our decision has been made we will write to you and let you know the result of our review - this will be our final decision. When we write we will let you know exactly what our final decision is and the reasons for it.

### **Step 4 – Outcomes**

When we review decisions, there may be a number of outcomes:

- we may decide that our original decision was correct and appropriate in the circumstances; or
- we may decide that the original decision should be changed or discharged, either in full or in part.

If we decide to change or discharge our decision, in full or in part, this does not necessarily mean that it was wrong; circumstances may have changed or new information come to light which has changed our perspective.

If we decide that our decision can be varied in any way, or discharged, we will let you know what steps are required and what action we will be taking. If we decide to change an Order or Scheme, or discharge it in full or in part, this will usually be taken forward by one of our case-working divisions.

In most circumstances, the outcomes described above will be appropriate for resolving the points you have raised. If, in exceptional circumstances, we consider that other remedies may be necessary we will refer these to our Customer Service team.

Very occasionally, we may decide that further work is needed before we can make a decision. If this is the case, we will refer the case back to the original case-working division who will, once their work is completed, pass the case back to the reviewer to make the final decision.

## C.8 Application to the First-tier Tribunal (Charity)

If you are dissatisfied with our decision at the end of the review, you may be able to apply to the Tribunal. Your application should be made to the Tribunal within 42 days of the date on which the notice of our decision was sent to you. If you are not the subject of the decision, you have 42 days from the date when the decision was published.

There are some limitations about which types of decision can be considered by the Tribunal and who can apply. Decisions which may be considered by the Tribunal, and who can apply, are listed in Schedule 1C of the Charities Act. You can use the table in Annex A to check if the decision you disagree with may be considered by the Tribunal. If so, you may be able to apply to the Tribunal to have the decision you disagree with reconsidered.

Further information about the Tribunal can be obtained using the Tribunal contact details in Part F of this guidance.

## C.9 Publishing Decision Review Outcomes

Final decisions which arise from reviews of our decisions often have a wider interest and may have far-reaching consequences for charities in general. For this reason we will publish a summary of our decision on the Final Decisions section of our website. In some cases we will publish the whole decision document in our Key Decisions section, if we think that it will serve a public interest.

## C.10 Feedback on our process

The Commission is committed to ensuring that its procedures remain fit for purpose and easy to use. To help us to improve the way in which we review our decisions, we will offer everyone who uses this procedure the chance to give us feedback once we have completed our review, either by email or by telephone.

## C.11 Help us to Help You

You can help us to review our decision effectively, by:

- telling us straight away why you think a Temporary Protective Order should be discharged or varied;
- telling us within 3 months if you are dissatisfied with one of our decisions;
- completing our on-line form or emailing us at [enquiries@charitycommission.gov.uk](mailto:enquiries@charitycommission.gov.uk) telling us why you think our decision is wrong;
- providing us with all the information you have that supports your view and that may help us to reconsider our decision.

## C.12 Standard of Service Complaint

The Decision Review process looks at whether a decision was the right one in the circumstances. If you are concerned about the way we have handled your case, rather than our decision, you may wish to use our complaints procedure. Further details are available on our website, or can be obtained by contacting Charity Commission Direct.

## D. Making Representations about Draft Orders and Schemes

This section tells you how to make representations in response to the publication of a draft Order or Scheme and how we will handle your comments.

### **Use this procedure if:**

You wish to give us comments about a draft Order or Scheme which we have published.

If you wish to request a review of an Order or a Scheme which we have already authorised, see Part C of this guidance.

### D.1 What are Published Draft Orders and Schemes?

We give publicity to some Orders and Schemes before they are made – these are known as draft Orders and Schemes. We will publish a draft Order or Scheme if the law says we should, or if we decide that we would like to invite people to tell us their views because we consider that the Order or Scheme may create a great deal of interest, is high profile or might be contentious.

We do this in the form of a notice which is designed to inform the public about the proposals and invite comments or representations. The notice, which could be posted at the charity's premises, on local notice boards or in a newspaper, will also appear on our website.

When we consider making an Order or Scheme this will usually be because the trustees of a charity have asked us to do so. We would normally expect the trustees to have consulted with people who might object to the Order or Scheme before making an application to us.

### D.2 What is a Representation?

A representation is when you tell us your views about a draft Order or Scheme which we have published. You may wish to tell us whether you are in favour of a draft Order or Scheme or whether you are opposed to it.

### D.3 Who Can Make a Representation?

Anyone can make a representation following the publication of a draft Order or Scheme. We will consider all representations that are made within the time limits of the publication period, which will be specified in the notice.

Representations can be made by an advocate or a representative on your behalf, but if they are not a professional representative, such as a lawyer, we may need to ask you for written confirmation that they are acting on your behalf.

#### D.4 How to Make a Representation.

You can make your representation by:

- using the 'Make Representation' button from the publication notice on our website; or
- emailing us at [enquiries@charitycommission.gov.uk](mailto:enquiries@charitycommission.gov.uk)

You may wish to tell us:

- why you support the Order or Scheme;
- why you do not agree with the Order or Scheme;
- what impact you think it will have on the charity; and
- what your particular interest is in the charity and why.

To be certain that we have a full and accurate understanding of the points you want us to consider, we do need your representations to be made in writing. Please let us know if there is any reason why you are unable to do this as it may be possible for us to offer you assistance.

If you do not have access to a computer, you can send your representations to Charity Commission Direct.

Our contact details can be found in Part F of this guidance.

#### D.5 Time Limits

Normally we are only able to consider representations which have been made during the publication period.

The notice will clearly specify the publication period within which we will need to receive your comments or representations. Most commonly, we publicise draft Orders and Schemes for one calendar month, but the period of notice might be shorter or longer depending on the circumstances.

If we do not receive any representations during the publication period we will usually authorise the Order or Scheme the first working day after that publication period has ended. It is essential, therefore, that you check when the publication period ends and make sure that we have received your representation on or before the last day.

If for any reason you wish to make a representation, but cannot do so within the publication period, please tell us as soon as possible. You will need to let us know why you need more time so that we can decide whether it is possible to give you an extension.

If for any reason you cannot make your representation in writing, please contact us as soon as possible and we will consider whether it is possible for you to make oral representations.

## D.6 What Happens Next?

### Step 1 – Considering your Representations

At the end of the publication period, the division that is making the Order or Scheme will look at your representations alongside any others that have been made.

In most cases, we will look at the representations made within the Decision Review process. However, we might occasionally be able to deal with representations informally, for example, if it is clear to us that we need to do further work with the charity before the draft Order or Scheme could be approved. If we think that we can deal with your representation informally, we will contact you to tell you how we will handle the points you have raised.

If we decide that changes are required to the draft Order or Scheme at this stage to enable it to go ahead, we are usually able to proceed without the need for further publication. Very occasionally, we may decide to publicise it if we would like to invite further comments.

If it is not possible to deal with your representations informally, we will carry out a Decision Review. We will tell you if we decide to take this step.

### Step 2 – Decision Review

Once we have decided that a Decision Review needs to take place, we will appoint someone to review the decision. All reviews are carried out by a member of the Commission's staff or its Board members. Some are conducted by a single reviewer, while others are considered by a panel. The seniority of the people involved varies from case to case and is dependent on the nature of the decision to be reviewed and the level at which the original decision was made.

However, to ensure that the review is carried out objectively, no one who makes the final decision will have been involved in any earlier decisions regarding the draft Order or Scheme.

We often find it helpful to check that we have understood the points raised by Decision Review applicants and to clarify anything that is not clear from the information provided. To help us with this you will be given the opportunity to speak to the reviewer or panel members. This step also gives you the opportunity to expand on any points from your representation that you think may need more detailed explanation. We usually do this by telephone, but we may ask to meet with you. You do not have to speak to the reviewer or panel if you do not wish to.

In exceptional cases, for example if we receive a large volume of representations, we may decide to take a different approach.

We often also need to speak to the trustees or other parties before we can reach our decision.

The amount of time a review takes can vary a great deal, depending on the characteristics of the case and its complexity. We aim to complete this step within 3 months of the end of the publication period, but in most cases we are able to complete our reviews more quickly. We will tell you at the outset how long we think the review will take and will let you know if that timescale changes.

### Step 3 – the Final Decision

The decision maker(s) will take into account all of the information that they have, including anything that you told us in person. Once our decision has been made we will write to you and let you know the result of the review. When we write we will let you know exactly what our decision is and the reasons for it. We will let you know if any further action is required and whether there are any further steps we will be taking.

## Step 4 – Outcomes

Several outcomes are possible as a result of the review:

- We may decide to authorise the Order or Scheme without making any changes. This will usually happen the next working day after the decision is made.
- We may decide to authorise the Order or Scheme after making some changes. We may make these changes without a further publication period. However, if we think it would be beneficial to do so, we will publicise the changes for a further publication period and you will have the opportunity to make further representations.
- We may decide that further work is needed before we can make a decision. If this is the case, we may refer the case back to the original case-working division who will, once their work is completed, pass the case back to the reviewer to make the final decision.
- We may decide to abandon the Order or Scheme.

If we decide to change or abandon the draft Order or Scheme, this does not necessarily mean that it was wrong; circumstances may have changed or new information come to light which has changed our perspective.

In most circumstances, the outcomes described above will be appropriate for resolving the points you have raised. If, in exceptional circumstances, we consider that other remedies may be necessary we will refer these to our Customer Service team.

### D.7 Application to the First-tier Tribunal (Charity)

If you are dissatisfied with our decision at the end of the review, you may be able to apply to the Tribunal. Your application should be made to the Tribunal within 42 days of the date on which the notice of our decision was sent to you. If you are not the subject of the decision, you have 42 days from the date the decision was published.

There are some limitations about which types of decision can be considered by the Tribunal and who can apply. Decisions which may be considered by the Tribunal, and who can apply, are listed in Schedule 1C of the Charities Act. You can use the table in Annex A to check if the decision you disagree with may be considered by the Tribunal. If so, you may be able to apply to the Tribunal to have the decision you disagree with reconsidered.

Further information about the Tribunal can be obtained using the Tribunal contact details in Part F of this guidance.

### D.8 Publishing Decision Review Outcomes

Final decisions which arise from reviews of our decisions often have a wider interest and may have far-reaching consequences for charities in general. For this reason we will publish a summary of our decision on the Final Decisions section of our website. In some cases we will publish the whole decision document in our Key Decisions section, if we think that it will serve a public interest.

## D.9 Feedback on our process

The Commission is committed to ensuring that its procedures remain fit for purpose and easy to use. To help us to improve the way in which we review our decisions, we will offer everyone who uses this procedure the chance to give us feedback once we have completed our review, either by email or by telephone.

## D.10 Help us to help you

You can help us to review your representations effectively, by:

- using the 'Make Representation' button or emailing us at [enquiries@charitycommission.gov.uk](mailto:enquiries@charitycommission.gov.uk) telling us, as clearly as possible, your views on a published draft Order or Scheme;
- providing us with any information you have that supports your view and that will help us to decide whether or not the draft Order or Scheme should go forward.

## D.11 Standard of Service Complaint

Our process for reviewing representations looks at the reasons as to whether or not a draft Order or Scheme should go ahead. If you are concerned about the way we have handled your case, rather than our decision, you may wish to use our complaints procedure. Further details are available on our website or can be obtained by contacting Charity Commission Direct.

## E. Requesting a Freedom of Information Decision Review

This section tells you how to ask for a review of a decision about what information we will provide you with under the Freedom of Information Act of 2000 and how we will handle your application.

### **Use this procedure if:**

We have recently answered a Freedom of Information request which you sent to us and you are unhappy that we have kept back some of the information which you have asked for.

#### **E.1 What is a Freedom of Information request?**

A Freedom of Information request is any request for information you make which asks us to provide you with certain types of information, as set down in the Freedom of Information Act 2000 (Freedom of Information Act). Your request does not have to say that it has been made under the Freedom of Information Act but it does have to be made in writing and it does have to ask for specific information which the Commission holds. Further information about the Freedom of Information Act can be found on our website.

#### **E.2 What Decisions can be challenged?**

When you ask us for information under the Freedom of Information Act, we will review your request and will provide you with all of the information which we are able to release. However, we may not always be able to release all of the information you have requested. This might be because certain information is exempt from release to the public or we don't hold the information you are seeking. We may also decline to supply information if it would be too expensive for us to gather the information you are seeking in the form you have requested.

If you are dissatisfied about our response to your request for information you can request a Decision Review.

#### **E.3 Use this procedure if we have not released all of the information you requested and you would like us to reconsider our decision.**

If you would like us to review any other kind of decision please check Part B of this guidance to see which one of our procedures is appropriate for you.

If you are not sure which procedure to use, our Contact Centre can offer you advice. Our contact details can be found in Part F of this guidance.

#### **E.4 Who can ask for a Freedom of Information Decision Review?**

Anyone who has asked for information under the Freedom of Information Act and is dissatisfied about the information we have released is entitled to request a Freedom of Information Decision Review.

## E.5 How to request a Freedom of Information Decision Review

Your request for a review needs to be made in writing. You should email your request to us at [enquiries@charitycommission.gov.uk](mailto:enquiries@charitycommission.gov.uk) telling us why you are dissatisfied with our response, what information it is that you think we should release to you and why.

Please let us know if there is any reason why you are unable to provide your request for a Freedom of Information Decision Review in writing as it may be possible for us to offer you assistance.

Our contact details can be found in Part F of this guidance.

## E.6 Time Limits

There are time limits to requesting a Freedom of Information Decision Review. We ask that you tell us within 3 months if you want to challenge one of our decisions.

If, for any reason, you are unable to apply for a review within our time limit, please tell us as soon as possible. In exceptional circumstances we may be able to extend the time limit. You will need to let us know why you need more time so that we can decide whether it is possible to give you an extension.

If for any reason you cannot apply in writing, please contact us as soon as possible and we will consider other ways for you to make your application.

## E.7 What Happens Next?

Once we have received your request we will allocate it to a member of staff who will consider whether we have correctly applied the provisions of the Freedom of Information Act.

### Step 1 – The Decision Review

Your request for information will be considered afresh by another officer, usually a lawyer, who is more senior than the member of staff who dealt with your original request.

The lawyer allocated to deal with your review will examine the information previously provided to you. He or she will consider:

- what information we provided you with when we responded to your original request;
- any information we withheld from our original response;
- whether we were entitled to withhold any information from our original response;
- whether our decision to withhold information from our original response was correct in the circumstances; and
- whether there are any factors that enable us to release to you the additional information you have requested, either in full or in part.

In most cases we will complete our review within 20 working days of receiving your request. However, the amount of time a review takes can vary a great deal, depending on the amount of information and complexity of the information you have requested. We will tell you at the outset how long we think the review will take and will let you know if that timescale changes.

## **Step 2 – The Final Decision**

Once our decision has been made we will write to you and let you know the result of our review - this will be our final decision. When we write we will let you know exactly what our final decision is and the reasons for it.

## **Step 3 – Outcomes**

When we review Freedom of Information decisions, there may be different outcomes:

- we may decide that our original decision was correct and appropriate in the circumstances; or
- we may decide that the original decision may be varied and that the additional information that you have requested can now be released to you.

If we decide that additional information can be released to you, this does not necessarily mean that our original decision was wrong; circumstances may have changed or new information come to light which has changed our perspective.

If we agree to release further information to you, this will usually be included with our response to you. Occasionally, we may need to send you the information separately, and we will tell you if this is the case.

In most circumstances, the outcomes described above will be appropriate for resolving the points you have raised. If, in exceptional circumstances, we consider that other remedies may be necessary, we will refer these to our Customer Service team.

### **E.8 Applying to the Information Commissioner's Office.**

If you remain dissatisfied with our decision, you may approach the Information Commissioner. The Information Commissioner's Office (ICO) is the independent statutory body which regulates the operation of the Freedom of Information Act (as well as the Data Protection Act).

You can find further information about the ICO using the ICO contact details in Part F of this guidance.

You will need to have exhausted our internal reviewing procedure before you apply to the Information Commissioner's Office.

Your application should be made to the ICO within 2 months of the receipt of our final decision.

### **E.9 Feedback on our process**

The Commission is committed to ensuring that its procedures remain fit for purpose and easy to use. To help us to improve the way in which we review our decisions, we will offer everyone who uses this procedure the chance to give us feedback once we have completed our review, either by email or by telephone.

## E.10 Help us to help you

You can help us to review our decision effectively, by:

- emailing us at [enquiries@charitycommission.gov.uk](mailto:enquiries@charitycommission.gov.uk) within 3 months if you are dissatisfied with our response to a Freedom of Information request; and
- telling us why you think our decision is wrong and telling us exactly what additional information you would like us to release.

## E.11 Standard of Service Complaint

The Decision Review process looks at whether a decision was the right one in the circumstances. If you are concerned about the way we have handled your case, rather than our decision, you may wish to use our complaints procedure. Further details are available on our website or can be obtained by contacting Charity Commission Direct.

## F. Other sources of help and advice

### **Charity Commission Direct**

**Email:** [enquiries@charitycommission.gov.uk](mailto:enquiries@charitycommission.gov.uk)

**Website:** [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)

**Write:**

Charity Commission Direct

PO Box 1227

Liverpool

L69 3UG

**Telephone:** 0845 3000 218

### **First-tier Tribunal (Charity)**

**Email:** [CharityTribunal@tribunals.gsi.gov.uk](mailto:CharityTribunal@tribunals.gsi.gov.uk)

**Website:** [www.charity.tribunals.gov.uk](http://www.charity.tribunals.gov.uk)

**Write:**

The First-tier Tribunal (Charity) Manager

Tribunals Operational Support Centre

PO Box 9300

Leicester

LE1 8DJ

**Telephone:** 0845 6000 877

### **Information Commissioner's Office**

**Email:** [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

**Website:** [www.ico.gov.uk](http://www.ico.gov.uk)

**Write:** Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

**Telephone** 0303 123 1113

## Annex A Table: Schedule 1C of the Charities Act 1993 (as amended by the Charities Act 2006)

1	2	3
Decision of the Commission under section 3 or 3A of this Act—  (a) to enter or not to enter an institution in the register of charities, or  (b) to remove or not to remove an institution from the register.	The persons are—  (a) the persons who are or claim to be the charity trustees of the institution,  (b) (if a body corporate) the institution itself, and  (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)—  (a) remit the matter to the Commission,  (b) direct the Commission to rectify the register.
Decision of the Commission not to make a determination under section 3(9) of this Act in relation to particular information contained in the register.	The persons are—  (a) the charity trustees of the charity to which the information relates,  (b) (if a body corporate) the charity itself, and  (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Direction given by the Commission under section 6 of this Act requiring the name of a charity to be changed.	The persons are—  (a) the charity trustees of the charity to which the direction relates,  (b) (if a body corporate) the charity itself, and  (c) any other person who is or may be affected by the direction.	Power to—  (a) quash the direction and (if appropriate) remit the matter to the Commission,  (b) substitute for the direction any other direction which could have been given by the Commission.
Decision of the Commission to institute an inquiry under section 8 of this Act with regard to a particular institution.	The persons are—  (a) the persons who have control or management of the institution, and  (b) (if a body corporate) the institution itself.	Power to direct the Commission to end the inquiry.

<p>Decision of the Commission to institute an inquiry under section 8 of this Act with regard to a class of institutions.</p>	<p>The persons are—</p> <p>(a) the persons who have control or management of any institution which is a member of the class of institutions, and</p> <p>(b) (if a body corporate) any such institution.</p>	<p>Power to—</p> <p>(a) direct the Commission that the inquiry should not consider a particular institution,</p> <p>(b) direct the Commission to end the inquiry.</p>
<p>Order made by the Commission under section 9 of this Act requiring a person to supply information or a document.</p>	<p>The persons are any person who is required to supply the information or document.</p>	<p>Power to—</p> <p>(a) quash the order,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission.</p>
<p>Order made by the Commission under section 16(1) of this Act (including such an order made by virtue of section 23(1)).</p>	<p>The persons are—</p> <p>(a) in a section 16(1)(a) case, the charity trustees of the charity to which the order relates or (if a body corporate) the charity itself,</p> <p>(b) in a section 16(1)(b) case, any person discharged or removed by the order, and</p> <p>(c) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>
<p>Order made by the Commission under section 18(1) of this Act in relation to a charity.</p>	<p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself,</p> <p>(c) in a section 18(1)(i) case, any person suspended by the order, and</p> <p>(d) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>

<p>Order made by the Commission under section 18(2) of this Act in relation to a charity.</p>	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustees of the charity,</li> <li>(b) (if a body corporate) the charity itself,</li> <li>(c) in a section 18(2)(i) case, any person removed by the order, and</li> <li>(d) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</li> <li>(b) substitute for all or part of the order any other order which could have been made by the Commission,</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>
<p>Order made by the Commission under section 18(4) of this Act removing a charity trustee.</p>	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustee,</li> <li>(b) the remaining charity trustees of the charity of which he was a charity trustee,</li> <li>(c) (if a body corporate) the charity itself, and</li> <li>(d) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</li> <li>(b) substitute for all or part of the order any other order which could have been made by the Commission,</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>
<p>Order made by the Commission under section 18(5) of this Act appointing a charity trustee.</p>	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the other charity trustees of the charity,</li> <li>(b) (if a body corporate) the charity itself, and</li> <li>(c) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</li> <li>(b) substitute for all or part of the order any other order which could have been made by the Commission,</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>

<p>Decision of the Commission—</p> <p>(a) to discharge an order following a review under section 18(13) of this Act, or</p> <p>(b) not to discharge an order following such a review.</p>	<p>The persons are—</p> <p>(a) the charity trustees of the charity to which the order relates,</p> <p>(b) (if a body corporate) the charity itself,</p> <p>(c) if the order in question was made under section 18(1)(i), any person suspended by it, and</p> <p>(d) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the decision and (if appropriate) remit the matter to the Commission,</p> <p>(b) make the discharge of the order subject to savings or other transitional provisions,</p> <p>(c) remove any savings or other transitional provisions to which the discharge of the order was subject,</p> <p>(d) discharge the order in whole or in part (whether subject to any savings or other transitional provisions or not).</p>
<p>Order made by the Commission under section 18A(2) of this Act which suspends a person’s membership of a charity.</p>	<p>The persons are—</p> <p>(a) the person whose membership is suspended by the order, and</p> <p>(b) any other person who is or may be affected by the order.</p>	<p>Power to quash the order and (if appropriate) remit the matter to the Commission.</p>
<p>Order made by the Commission under section 19A(2) of this Act which directs a person to take action specified in the order.</p>	<p>The persons are any person who is directed by the order to take the specified action.</p>	<p>Power to quash the order and (if appropriate) remit the matter to the Commission.</p>
<p>Order made by the Commission under section 19B(2) of this Act which directs a person to apply property in a specified manner.</p>	<p>The persons are any person who is directed by the order to apply the property in the specified manner.</p>	<p>Power to quash the order and (if appropriate) remit the matter to the Commission.</p>
<p>Order made by the Commission under section 23(2) of this Act in relation to any land vested in the official custodian in trust for a charity.</p>	<p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself, and</p> <p>(c) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>

Decision of the Commission not to make a common investment scheme under section 24 of this Act.	The persons are— (a) the charity trustees of a charity which applied to the Commission for the scheme, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to make a common deposit scheme under section 25 of this Act.	The persons are— (a) the charity trustees of a charity which applied to the Commission for the scheme, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision by the Commission not to make an order under section 26 of this Act in relation to a charity.	The persons are— (a) the charity trustees of the charity, and (b) (if a body corporate) the charity itself.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Direction given by the Commission under section 28 of this Act in relation to an account held in the name of or on behalf of a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the direction and (if appropriate) remit the matter to the Commission, (b) substitute for the direction any other direction which could have been given by the Commission, (c) add to the direction anything which could have been contained in a direction given by the Commission.

<p>Order made by the Commission under section 31 of this Act for the taxation of a solicitor's bill.</p>	<p>The persons are—</p> <p>(a) the solicitor,</p> <p>(b) any person for whom the work was done by the solicitor, and</p> <p>(c) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order,</p> <p>(b) substitute for the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>
<p>Decision of the Commission not to make an order under section 36 of this Act in relation to land held by or in trust for a charity.</p>	<p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself, and</p> <p>(c) any other person who is or may be affected by the decision.</p>	<p>Power to quash the decision and (if appropriate) remit the matter to the Commission.</p>
<p>Decision of the Commission not to make an order under section 38 of this Act in relation to a mortgage of land held by or in trust for a charity.</p>	<p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself, and</p> <p>(c) any other person who is or may be affected by the decision.</p>	<p>Power to quash the decision and (if appropriate) remit the matter to the Commission.</p>
<p>Order made by the Commission under section 43(4) of this Act requiring the accounts of a charity to be audited.</p>	<p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself, and</p> <p>(c) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order,</p> <p>(b) substitute for the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>

Order made by the Commission under section 44(2) of this Act in relation to a charity, or a decision of the Commission not to make such an order in relation to a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, (c) in the case of a decision not to make an order, the auditor, independent examiner or examiner, and (d) any other person who is or may be affected by the order or the decision.	Power to— (a) quash the order or decision and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order of a kind the Commission could have made, (c) make any order which the Commission could have made.
Decision of the Commission under section 46(5) of this Act to request charity trustees to prepare an annual report for a charity.	The persons are— (a) the charity trustees, and (b) (if a body corporate) the charity itself.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to dispense with the requirements of section 48(1) in relation to a charity or class of charities.	The persons are the charity trustees of any charity affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission— (a) to grant a certificate of incorporation under section 50(1) of this Act to the trustees of a charity, or (b) not to grant such a certificate.	The persons are— (a) the trustees of the charity, and (b) any other person who is or may be affected by the decision.	Power to quash— (a) the decision, (b) any conditions or directions inserted in the certificate, and (if appropriate) remit the matter to the Commission.
Decision of the Commission to amend a certificate of incorporation of a charity under section 56(4) of this Act.	The persons are— (a) the trustees of the charity, and (b) any other person who is or may be affected by the amended certificate of incorporation.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to amend a certificate of incorporation under section 56(4) of this Act.	The persons are— (a) the trustees of the charity, and (b) any other person who is or may be affected by the decision not to amend the certificate of incorporation.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) make any order the Commission could have made under section 56(4).

<p>Order of the Commission under section 61(1) or (2) of this Act which dissolves a charity which is an incorporated body.</p>	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the trustees of the charity,</li> <li>(b) the charity itself, and</li> <li>(c) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order and (if appropriate) remit the matter to the Commission,</li> <li>(b) substitute for the order any other order which could have been made by the Commission,</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>
<p>Decision of the Commission to give, or withhold, consent under section 64(2), 65(4) or 66(1) of this Act in relation to a body corporate which is a charity.</p>	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustees of the charity,</li> <li>(b) the body corporate itself, and</li> <li>(c) any other person who is or may be affected by the decision.</li> </ul>	<p>Power to quash the decision and (if appropriate) remit the matter to the Commission.</p>
<p>Order made by the Commission under section 69(1) of this Act in relation to a company which is a charity.</p>	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the directors of the company,</li> <li>(b) the company itself, and</li> <li>(c) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order and (if appropriate) remit the matter to the Commission,</li> <li>(b) substitute for the order any other order which could have been made by the Commission,</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>
<p>Order made by the Commission under section 69(4) of this Act which gives directions to a person or to charity trustees.</p>	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) in the case of directions given to a person, that person,</li> <li>(b) in the case of directions given to charity trustees, those charity trustees and (if a body corporate) the charity of which they are charity trustees, and</li> <li>(c) any other person who is or may be affected by the directions.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order,</li> <li>(b) substitute for the order any other order which could have been made by the Commission,</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>

Decision of the Commission under section 69E of this Act to grant an application for the constitution of a CIO and its registration as a charity.	The persons are any person (other than the persons who made the application) who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission, (b) direct the Commission to rectify the register of charities.
Decision of the Commission under section 69E of this Act not to grant an application for the constitution of a CIO and its registration as a charity.	The persons are— (a) the persons who made the application, and (b) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to grant the application.
Decision of the Commission under section 69H of this Act not to grant an application for the conversion of a charitable company or a registered society into a CIO and the CIO's registration as a charity.	The persons are— (a) the charity which made the application, (b) the charity trustees of the charity, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to grant the application.
Decision of the Commission under section 69K of this Act to grant an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are any creditor of any of the CIOs being amalgamated.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under section 69K of this Act not to grant an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are— (a) the CIOs which applied for the amalgamation, (b) the charity trustees of the CIOs, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to grant the application.
Decision of the Commission to confirm a resolution passed by a CIO under section 69M(1) of this Act.	The persons are any creditor of the CIO.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to confirm a resolution passed by a CIO under section 69M(1) of this Act.	The persons are— (a) the CIO, (b) the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to confirm the resolution.

Decision of the Commission under section 72(4) of this Act to waive, or not to waive, a person's disqualification.	The persons are— (a) the person who applied for the waiver, and (b) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) substitute for the decision any other decision of a kind which could have been made by the Commission.
Order made by the Commission under section 73(4) of this Act in relation to a person who has acted as charity trustee or trustee for a charity.	The persons are— (a) the person subject to the order, and (b) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission.
Order made by the Commission under section 73C(5) or (6) of this Act requiring a trustee or connected person to repay, or not to receive, remuneration.	The persons are— (a) the trustee or connected person, (b) (b the other charity trustees of the charity concerned, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission.
Decision of the Commission to notify charity trustees under section 74A(2) of this Act that it objects to a resolution of the charity trustees under section 74(2) or 74C(2).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision.
Decision of the Commission not to concur under section 75A of this Act with a resolution of charity trustees under section 75A(3) or 75B(2).	The persons are— (a) the charity trustees, (b) (b (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission to withhold approval for the transfer of property from trustees to a parish council under section 79(1) of this Act.	The persons are— (a) the trustees, (b) (b the parish council, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.

Order made by the Commission under section 80(2) of this Act in relation to a person holding property on behalf of a recognised body or of any person concerned in its management or control.	The persons are— (a) the person holding the property in question, and (b) any other person who is or may be affected by the order.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to give a direction under section 96(5) or (6) of this Act in relation to an institution or a charity.	The persons are the trustees of the institution or charity concerned.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under paragraph 15 of Schedule 5B to this Act to refuse to register an amendment to the constitution of a CIO.	The persons are— (a) the CIO, (b) (b the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission, (b) direct the Commission to register the amendment.

This publication can also be accessed at the Charity Commission's website: [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)

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