



CHARITY COMMISSION
FOR ENGLAND AND WALES

For the attention of the trustees of The
Marlborough Brandt Group ('1001398')

BY EMAIL ONLY

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Charity Commission
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Our ref: C-011598-K4V0

Date: 12 August 2021

Dear Trustees,

The Marlborough Brandt Group ('the Charity') ('1001398')

I am writing further to previous correspondence between the Charity and the Charity Commission ('the Commission'). This letter provides regulatory advice and guidance under section 15(2) of the Charities Act 2011 with regards to the Trustees' management and administration of the Charity.

Failure to comply with the Commission's regulatory advice and guidance can be regarded as misconduct and/or mismanagement by the Trustees. Please therefore ensure that all Trustees have sight of this letter and take appropriate action.

Background

1. The Commission wanted to meet with the Charity's Trustees to assess how they manage the potential risks associated with transferring funds overseas (The Gambia), how they ensured there is a strong audit trail for the Charity's expenditure and how the Charity conducts monitoring and due diligence on those with which the Charity works (if applicable).
2. At the CVI on 13th May 2021, the Commission met with the Charity's Trustees, Alex Davies, James Busby, David Lan and Nick Maurice. The official record of the meeting should be read in conjunction with this letter.
3. The Commission wrote to the Trustees on 14 April 2021 to arrange a compliance visit and inspection ('CVI') triggered by information submitted in the Charity's Annual Return for the Financial Year Ending December 2019, which showed that the Charity had expended £3,000 of its income overseas outside the regulated banking section using cash couriering.

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t: 0300 066 9197 (General enquiries)
0300 066 9219 (Textphone)

w: www.gov.uk/charity-commission

Overview and Governance

4. The Charity is governed by a Memorandum and Articles ('governing document') incorporated on 11 December 1990 and amended by Special Resolution on 4 September 2014. The objects of the Charity are outlined in the Charity's governing document on the public [Register of Charities](#).
5. At the CVI, the Trustees explained that the Charity, through its activities has supported and maintained a link between Marlborough, Wiltshire and Gunjur, The Gambia. Today, the Charity meets its objects through grant-making to partners based in The Gambia who deliver educational, community development and employment programmes and/or projects. The Charity also continues to deliver trips from the UK to The Gambia via its commercial partner, Venture Force.
6. At the CVI, the Commission discussed the Charity's governing document and its fitness in respect of the current activities of the Charity. The Trustees told the Commission that whilst the methodology of how the Charity delivers its objects has shifted to grant making, the premise is the same. The Commission advises the Trustees to keep the Charity's governing document under review, making changes as necessary.
 - **Action Point 1a:** The Trustees should review the Charity's governing document at regular intervals to ensure it remains relevant to the activities of the Charity and fit for purpose.
 - **Action Point 1b:** In the event the Trustees wish to make changes to the Charity's governing document, the Trustees should read and apply as appropriate the Commission's published guidance, *How to make changes to your Charity's governing document*, found [here](#).

Financial Management

7. As referenced above, the Commission wanted to meet the Charity to discuss the Charity's arrangements for transferring funds overseas, particularly funds recorded in the Charity's 2019 Annual Return as transferred via cash couriering. Prior to the CVI the Charity provided the Commission with a narrative account explaining the expenditure of the charitable funds, receipts for funds received by the Charity's partners and a copy of the Charity's '*Sending money overseas policy*'.
8. As discussed at the CVI, the Charity will no longer be transferring funds to the Charity's partners via cash courier. The Commission strongly advises charities against the use of cash couriering as a method to transfer charitable funds due to the risks involved. These are set out in the [Commission's regulatory alert on the use of cash couriers](#) published in February 2017.

9. Whilst the Commission advises against cash couriers, it is good practice that at the time the Charity utilised this method, there was (and remains) a policy¹ outlining controls for such transfers. The Commission also notes that the Charity recognises that the personal safety of the cash courier is essential, in addition to the need for controls to protect charitable funds.
10. The Trustees told the Commission that the Charity uses bank to bank transfers when providing funds to UK-based charities and APS International Limited² ('APS') for transfers of funds to the Charity's partner the Trust Agency for Rural Development ('TARUD') and the Gunjur projects. The Commission notes that APS is regulated by the Financial Conduct Authority³ ('FCA') for the provision of payment services activities and further, that the Charity sought a recommendation from another UK-based charity prior to using APS. It is good practice to use financial services that are regulated, offering increased protection for charitable funds.
 - **Action Point 2a:** The Trustees should keep the Charity's policies and/or procedures for transferring funds overseas under review to ensure they remain in the best interests of the Charity and best protect charitable funds.

Trustee and Volunteer Expenses and Payments

11. The Commission also discussed expenses with the Trustees at the CVI. A copy of the Charity's Volunteer and Trustee expenses policy was shared with the Commission ahead of the meeting followed by a draft updated version after the CVI.
12. During the CVI, the Commission discussed the reimbursement of expenses in respect of flights to The Gambia. The Trustees told the Commission that the decision to reimburse flights for volunteers and/or Trustees is at the Charity's discretion, depending on factors such as the proportion of activity undertaken on behalf of the Charity by the travelling party. The Commission advised during the meeting that there should be a clear set of criteria which are used to assist the Trustees in deciding whether to reimburse travel costs. This would also ensure that the Trustees decisions are consistent by applying an agreed set of considerations to their decision-making.
13. The Commission has reviewed the proposed changes to the Charity's policy. The Charity's draft policy provides clear detail on the circumstances in which costs for flights will be reimbursed. It is also good practice that the costs are agreed in advance, by at least two Trustees and recorded in writing. An adherence with the proposed

¹ MBG - Sending funds overseas policy

² [About Us – APS International](#)

³ [APS INTERNATIONAL LIMITED \(fca.org.uk\)](https://www.fca.org.uk/register-firms) - Link to APS International Limited on FCA, Financial Services Register

changes will assist the Trustees in responsibly managing the Charity's resources, keeping records of such expenditure and the associated decision making also allows for increased transparency.

- **Action Point 2b:** The Trustees should continue to review the Charity's Volunteer and Trustees expenses policy in line with the Section 6 of the policy. The Trustees should also continue to ensure all policies are dated and include a record of the version control as is currently demonstrated.
- **Action Point 2c:** The Trustees should also read and apply as appropriate the Commission's published guidance, [Trustee expenses and payments \(CC11\)](#)

Partnership working

14. The Commission discussed the Charity's partners with the Trustees at the CVI. One of the Charity's main partners on the ground is TARUD, who are independent from the Charity and established using National Lottery funding. Following the meeting the Trustees shared a copy of the Memorandum of Understanding between TARUD, the Charity and St. James Place.
15. The MOU provides detailed information in respect of the projects to be delivered by TARUD including outlining clear responsibilities in respect of reporting and associated deadlines of the same. It is good practice that the Charity has an MOU in place to manage this partnership, this helps to protect the Charity's position and demonstrates that the Trustees are responsibly managing the Charity's resources.
16. At the CVI, the Trustees told the Commission that once Covid-19 restrictions are relaxed a review will be conducted of the Charity's projects. The Commission advises that once this review is complete the Trustees review and update the MOU as needed.
17. The Commission also discussed the Charity's development and management of its commercial partnership with Venture Force. The Commission recognises that the Trustees considered a range of options before reaching the decision to partner with Venture Force and conducted a series of meetings with the company before making the final decision to begin a partnership. The Commission is sharing guidance below which will assist the Trustees in managing partnerships with a non-charity.
 - **Action point 3a:** The Trustees should consider the Commission's [Know Your Partner guidance](#), as part of their decision making to work with partners.
 - **Action point 3b:** The Trustees must, on an ongoing basis, conduct and record details of effective due diligence monitoring and verifying the end use of

charitable funds, taking into account the Commission's guidance in [Chapter 2 of the Commission's compliance toolkit of protecting Charities from harm](#)

- **Action point 3c:** The Trustees should read and apply as appropriate, the Commission's published guidance, '[Guidance for charities with a connection to a non-charity](#)'

Next Steps

The Trustees should read, consider, and comply with all the action points and regulatory advice and guidance set out in this letter no later than the dates set out. I would be grateful if the Trustees could acknowledge receipt of this letter and confirm that they will ensure that appropriate action will be taken on or before **14 February 2022**.

In issuing this letter under section 15(2) of the Charities Act 2011, the Commission is closing its regulatory case, however it will check compliance with its action points.

If you have any questions please feel free to contact me, my contact details are at the top of this letter.

Kind Regards,



Miss Rhian Samuda

Compliance Visits and Inspections Team

Regulatory Services Directorate

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