



Neutral Citation: [2025] UKFTT 00387 (GRC)

Case Reference: CA/2024/0010

First-tier Tribunal
(General Regulatory Chamber)
Charity

Heard by: CVP Remote Hearing on 15 November 2024 and 18 February 2025

Decision given on: 2 April 2025

Before

TRIBUNAL JUDGE DAMIEN MCMAHON
TRIBUNAL MEMBER MANU DUGGAL
TRIBUNAL MEMBER PETER FREEMAN

Between

COLIN RANKINE

Appellant

and

CHARITY COMMISSION FOR ENGLAND & WALES

Respondent

Representation:

For the Appellant:

The Appellant appeared in person

For the Respondent:

Ms. I. Mabrouk, Solicitor with the Respondent, appeared on behalf of the Respondent on 15 November 2024;

Ms. E. Hynes, of counsel, instructed by the Respondent, appeared on behalf of the Respondent on 18 February 2025.

Decision

The appeal against the Disqualification Order imposed the Appellant by the Respondent dated 6 June 2024, pursuant to sections 181A of the Charities Act 2011 ('the Act'), is dismissed. The Appellant is disqualified from being a trustee of any charity and from holding an office or employment with senior management functions in relation to charities in England and Wales from and including the date of promulgation of this Decision for a period of 9.5 years.

REASONS

Introduction and Background

1. The Appellant appealed against an Order of the Respondent dated 6 June 2024 ('the Order'), pursuant to s.181A of the Act, disqualifying the Appellant, upon review, taking account of representations made by the Appellant in correspondence dated 8 and 15 December 2023 and a Teams meeting on 21 March 2024 (at which the Appellant's wife was also present), from being a charity trustee or trustee for a charity, in relation to all charities, and consequently, from holding office or employment, paid or unpaid, in a charity that involved the exercise of senior management functions, for a period of 9.5 years (rather than 12 years).
2. Power is vested in the Tribunal to determine the appeal pursuant to s.319 and Schedule 6 to the Act. The Tribunal, in determining the appeal, considered afresh the Respondent's decision to make the Order and made its own determination on the issues raised on the evidence before it on the balance of probabilities.
3. The appeal was determined, following a remote oral hearing, held by CVP, on 15 November 2024 and 18 February 2025. An agreed bundle was provided, in accordance with Directions, that included written submissions of the Respondent, supporting documentary evidence originating with both parties, relevant extracts of the Act and a bundle of authorities. Both parties also submitted written Skeleton Arguments.
4. The Appellant was one of three trustees, and the Chairman, of an incorporated charity known as Homeschool Social Enterprise ('the Charity').

The Appeal

5. The Appellant, in his said appeal against the Order sought to have the Order quashed on a number of grounds: that the Respondent had failed to properly keep records in relation to the Charity; that the Respondent had failed to adequately or properly address and analyse each of the points raised by the Appellant to dispute the Respondent's claims and that new evidence should be considered.
6. These submissions were elaborated upon by the Appellant in his Skeleton Argument (and in his oral evidence and oral submissions at the hearing). The Appellant also submitted that the Charity was registered with 'the Council' who, he submitted, would have had to check with the Respondent to verify the Charity's charitable activities. He also submitted that where he lived, the West Midlands, was 'home to secret societies'. He developed this further to suggest that this resulted in he, and, presumably, the Charity, being a victim of a hostile racist environment. The suggestion, therefore, was that the Respondent, in making the Order, was somehow motivated by such assertions that were stated as fact by the Appellant. He strongly maintained that he involved the

Charity in charitable activities, with particular reference to its foodbank and outreach activities. Finally, he included, as part of his appeal, an assertion that he, being a black man (to use his own description), had been 'found guilty' by the Child Maintenance Service 'regarding two white children who were clearly not [his], then was found later to be innocent'. In his written and oral evidence the Appellant sought to bring into this appeal, as evidence of alleged unfairness towards him, decided matters in other decisions. In his written oral evidence, too, the Appellant sought to re-open, in effect, judicial decisions in respect of unsuccessful appeals against decisions against him in respect of decisions made by Ofsted and the Department for Education. Neither these, nor the Appellant's assertions concerning the Child Maintenance Service, the relevance of which, if any, was not at all apparent, were not for determination, or re-determination, or re-visiting, by the Tribunal in this appeal.

7. The Appellant presented his appeal through oral and written evidence and submissions from him, written and oral witness evidence of his wife, and evidence arising from following his cross-examination of a witness for the Respondent. All of this evidence, and submissions, along with the written and oral evidence and submissions of the Respondent, was considered by the Tribunal in making its Decision.
8. The Tribunal determined the appeal against the Order by reference to the statutory imperatives contained in s.181A of the Act, including the discretionary power set out therein (there being no grounds, nor assertion by the Respondent, that there existed grounds for automatic disqualification as to the Appellant holding the office of trustee in a registered charity).

The Respondent's Case

9. The Respondent's concerns, that led to the making of the Order, were that one of the conditions, Condition D (that is, misconduct or mismanagement in the administration of the Charity for which the Appellant was responsible, or knew of the misconduct or mismanagement and failed to take any reasonable step to oppose it, or his conduct contributed to or facilitated the misconduct or mismanagement), contained in section 181A(7) of the Act had been met; that the Appellant was unfit to be a charity trustee due to mismanagement and misconduct in the administration of the Charity; that disqualification from being a charity trustee for 9.5 years was proportionate and that disqualification of the Appellant from being a charity trustee was desirable in the public interest in order to protect public trust and confidence in charities (hereafter, collectively, 'the Respondent's concerns').
10. The Respondent submitted that Condition D (s.181A(6)(a) and s.181A(7) of the Act) was satisfied in the case of the Appellant by reference to four matters:
 - repeated Ofsted failings and cancellation of childminder registration;
 - unauthorised trustee remuneration;
 - unauthorised amendments to the Charity's Objects and/or acting outside the Objects;
 - failing to act in the best interests of the Charity.

The factual basis for each of these submissions was set out in the greatest of detail in the evidence and Submissions, both written and oral, advanced by the Respondent to the Tribunal. The Tribunal was not persuaded by the written and oral evidence and submissions advanced by the Appellant, on whom the burden of proof lay, that a contrary view could be taken.

11. The Respondent further submitted that there was reason to hold that the Appellant was unfit to be a charity trustee (s.181A(6)(b) of the Act) on the grounds, of:
- competence and;
 - honesty and integrity.

While there was some factual overlap between this and the preceding concern, it was perfectly appropriate, on the evidence, that such overlap be applied. Again, the factual basis for those submissions was more than adequately set out by the Respondent in its written and oral evidence and submissions and, again, the Tribunal was not persuaded to the contrary by the written and oral evidence and submissions of the Appellant upon whom the burden of proof lay.

12. The Respondent further submitted that if the preceding matters were found to exist, it follows that it was necessary to make the Order in the public interest in order to protect public trust and confidence in charities generally (s.181A(6)(c) of the Act). Again, there is inevitable overlap between these submissions and the two preceding submissions and, again, the factual basis for those submissions was more than adequately set out by the Respondent in its written and oral evidence and submissions and, again, the Tribunal was not persuaded to the contrary by the written and oral evidence and submissions of the Appellant upon whom the burden of proof lay.
13. In her closing submissions, the Respondent's representative maintained that Condition D (misconduct and mismanagement in the administration of the Charity) had been shown and that this was the responsibility of the Appellant; that all three elements – conduct, unfitness and the desirability of maintaining the trust and confidence of the public had been made out. The Tribunal was reminded of the four instances of misconduct and mismanagement that arose in this appeal and rehearsed again the relevant case law. She referred to repeated failures on the part of the Appellant as shown by the history of his dealings with regulatory authorities; the remuneration issue, including a striking failure to recognise and address conflict of interest; acting outside the terms of the Charity's Governing Document and pointed out that pursuit of activities that were capable of being charitable was not enough if not done properly within the required imperatives of charity law; the question of the public interest, that is, public trust and confidence in charities generally. The Respondent's representative stated that the Respondent accepted the Appellant's good intentions but that he had displayed sustained and deliberate failings, with a lack of appreciation of what was required of him in his role as a charity trustee.
14. The Respondent's representative submitted that the Appellant's dedication to the services he provided and his educational qualifications were not being impugned; that the issue in this appeal was simply a repeated lack of compliance with charity law. She pointed out that any money paid into the Charity, whether through the Appellant, or otherwise, became the Charity's money. Finally, she pointed out that a record of all the advice from the Respondent to the Appellant could be found in the Hearing Bundle at page 981 et seq.

The Appellant's Case

15. The Appellant submitted that the reasons advanced by the Respondent for the Order were disputed as set out in his Notice of Appeal. He wished to have the Order quashed in its entirety. In an undated submission prepared by the Appellant's wife, also a trustee of the Charity and a 'connected person' in charity law, it was submitted that the making of the Order caused financial hardship; that records were not falsified [albeit no such allegation was made by the Respondent in connection with these proceedings but an

allegation of that nature was considered by a Tribunal in the Appellant's appeals against Ofsted decisions where the Tribunal found, as a fact, that the Appellant had admitted providing Ofsted with false and misleading documents about his school]. This written submission, essentially, sought to re-visit the Appellant's issues concerning Ofsted decisions – something that had no place in the determination by the Tribunal of the instant appeal – since appeals by the Appellant against those decisions had been the subject of judicial determination. For completeness, however, the Tribunal noted that the Respondent did rely upon the Appellant's history of his involvement with Ofsted and the judicial determinations made thereon, and the cancellation of the Appellant's childminder registration as some evidence of misconduct and mismanagement by the Appellant, as a trustee of the Charity, in the administration of the Charity.

16. The Appellant's detailed cross-examination of a witness of the Respondent, Dan Holliday, who had carried out the review of the original Order and who had prepared a written witness statement, did not advance the Appellant's case. The Appellant questioned Mr. Holliday on matters that were not contained within his witness statement and attempted to use this cross-examination opportunity to get Mr. Holliday to comment on issues concerning whether the activities of the Charity were charitable, including those activities in respect of which no authority had been sought by the Appellant from the Respondent to change the Charity's objects. The Appellant questioned Mr. Holliday on matters that were not within his knowledge.
17. In his oral evidence, the Appellant did not address the issue before the Tribunal but was concerned to emphasise what he perceived as unfairness caused by the making of the Order given his hard work and history of working in schools, stating that he was good at his job. He did, however, refer again to allegations of racism and bigotry by Ofsted and asked the Tribunal to 'right this wrong'. He strongly submitted that he engaged 'at every stage' with the Respondent and that it was the Respondent that wanted the Charity to change its Objects and, further, to appoint additional trustees (something that had not been done).
18. In oral evidence the Appellant's wife accepted that the Charity had erred in the way the matters in dispute were addressed but that no malice or fraud was involved. She maintained that the Respondent had not always responded to requests for clarity or advice; that a third trustee had been appointed as requested; that she felt the Charity was working within the Respondent's requirements and was not aware of doing anything wrong; that she thought the Charity was acting legally and that there was a general lack of support from the Respondent, wondering why it had not intervened earlier.
19. The Appellant was cross-examined by the Respondent's representative. He maintained that the Charity was a completely separate entity from a separate limited company. He again strongly criticised Ofsted, particularly for alleged racism, and the findings of the Tribunal that heard his challenges to the Ofsted decisions. His answers to questions concerning the agreement that he could claim money from the Charity for his 'professional duties', and his answers concerning expenses paid to him by the Charity, and whether those had been authorised and whether they were vouched, were vague and unconvincing.
20. In his closing submissions, the Appellant again submitted that the work undertaken by him, as a trustee of the Charity was to benefit disadvantaged children of colour, making particular reference to operating a foodbank. However, he again vented his displeasure at Ofsted and alleged racial injustice. He stated that the school was funded by himself and that he had never been paid personally by the Charity, nor did the local authority provide funds due to the Charity. He did not accept the Respondent's concerns and

stated that he had never been asked for receipts – only accounts. He submitted that there was no mismanagement of the administration of the Charity as he used his own money for expenses but then confirmed that he did receive expenses. He submitted that he was doing a good job for the community that would be adversely impacted by the Order. He maintained that the Respondent had given the Charity no clear guidelines on conflict of interest and that it would be harsh if the Tribunal did not allow the appeal. Finally, he submitted that because he believed in The Bible, he did not expect payment.

The Statutory Context

21. 'Misconduct' or 'mismanagement' is not defined in the Act but case law has stated that these are ordinary English words without any need to add a judicial gloss. Further Guidance issued by the Respondent (OG525) has defined what it understands by these terms. Although not binding on the Tribunal, in determining this appeal, the Tribunal found no reason to dispute that interpretation.
22. A charity trustee is, significantly for the purposes of the determination of this appeal, a 'fiduciary'. Case law in *White v. Williams* [2011] EWHC 94 established that this raises consideration of the nature of the duties of a charity trustee. In particular, that more is expected from a charity trustee than is expected from a person in dealings between himself and other persons: a charity trustee, within the limits of his authority, should be guided *only* by desire to promote the lasting interest of the Charity – so that a charity trustee has a duty to act gratuitously, save where authorised to receive remuneration by the terms of the trust or by authority from the Charity Commission [the Respondent in these proceedings].
23. Another Tribunal decision in *Mountstar (PCT) Limited*, being of highly persuasive authority, confirmed that the ordinary meaning of 'misconduct' or 'mismanagement' cannot be restricted, it being a question of fact and degree to be viewed in the overall context of each case. This inevitably, involved examining the *reasons* for those decisions by the Appellant and *how* he made those decisions.
24. In yet another highly persuasive Tribunal decision in *Yusuf*, the importance of safeguarding charitable funds and ensuring they were available to the Charity was emphasised.
25. In determining these appeals, the Tribunal had regard, as required of it, to the Respondent's statutory objectives as set out in s.14 of the Act, in summary, the 'Public Confidence' objective; the 'Compliance Objective'; the 'Charitable Resources Objective' and the 'Accountability Objective'.
26. By virtue of s.181A of the Act, the Respondent may make an Order disqualifying any person from being a charity trustee or a trustee for a charity, whether in relation to all charities or to specific charities or classes of charities as may be specified in the Order. Three grounds are set out in s.181A(6)(a), (b) and (c) all of which must be satisfied and the first ground requires that one (or more) of the conditions in s.181A(7) of the Act is satisfied.
27. In addition, even where the said criteria are satisfied, the Tribunal, standing in the place of the Respondent, having regard to the information before it at the hearing, both written and oral, in determining the appeal against the Order, had to consider whether to exercise its discretionary power to make the Order.

28. The burden falls upon the Appellant to show, on the balance of probabilities, that the said criteria are not satisfied and that the discretionary power should be exercised in favour of the Appellant: there is no burden on the Respondent to prove the correctness of the decision under appeal.
29. For the purposes of this appeal, and the basis upon which the Respondent made the Order, only s.181A(7), Condition D of the Act (which refers to misconduct and mismanagement) is relevant.
30. The question of the proper approach to s.181A(6)(b) of the Act was addressed by a Tribunal in the case of *Adnan Ali Khan* and the proper approach to s.181A(6)(c) and s.181A(7), Conditions A-F of the Act, in the case of *Dr. Zakir Abdul-Karim Naik*. These are authorities on the question of a person's fitness to be a charity trustee and the desirability, in the public interest, to protect public trust and confidence in charities. In essence, if the Tribunal is satisfied, in this case, that Condition D is satisfied, there is strong reason to find that the Appellant was unfit to be a trustee of the Charity or any charity.
31. The Tribunal was obliged, too, to consider the question of proportionality in relation to the scope and length of any disqualification pursuant to an Order. Again, guidance on this aspect is found in the various authorities contained in previous Tribunal decisions referred to in preceding paragraphs together with the authority in *Mustafa Musa*, A Charity tribunal decision. The Tribunal agreed with the submissions of the Respondent that the Appellant's conduct fell within the middle range of seriousness that could attract a period of disqualification of up to 10 years. Accordingly, the Tribunal decided that a period of disqualification of 9.5 years was appropriate and proportionate.
32. The burden of proof that the Disqualification Order be quashed in its entirety, as sought by the Appellant, lay on the Appellant.
33. In determining this appeal, the Tribunal considered the matter in dispute entirely afresh and made its own decision: this was a *de novo* hearing.

Factual Background

34. Much of the factual background was in dispute between the parties, as set out in previous paragraphs, as was the import, significance and interpretation of those facts as they might affect this appeal.
35. The Appellant was appointed a trustee, and Chairman of the trustees of the Charity, on 5 April 2012. The Appellant's wife was appointed a trustee on 23 May 2017.
36. On 13 November 2023, the Appellant was suspended as a trustee of the Charity and notified of the Respondent's intention to disqualify him.
37. Records at Companies House suggested that the Charity's Governing Document was amended on 17 December 2014. However, the necessary consent of the Respondent to any such amendment, in advance, pursuant to s.198 of the Act, that was a mandatory legal requirement was never obtained. The change to the Charity's Memorandum was, therefore, invalid and the Charity could only carry out activities in furtherance of its original Objects. This meant that the activities of the Charity subsequently introduced by the Appellant (referenced in the amended but unapproved Objects), notified to the Respondent by the Appellant on 6 May 2022, of operating a foodbank; a hostel; homeless outreach and Christian ministry, were activities that *could* be charitable, but the necessary consent of the Respondent, in advance, were, in fact,

activities which were not charitable as a matter of law. This because, the Charity, in carrying out these activities, was acting outside its original Objects.

38. The Charity was first the object of an unfavourable Ofsted inspection on 20 April 2016 in respect of its activity operating an educational facility known as 'Home School'. A number of subsequent, equally unfavourable Ofsted inspections took place on 14 September 2016; 8 March 2017; 2 November 2018; 21 May 2019; 9 January 2020 and 16 December 2021. On two occasions, 23 March 2021 and 8 February 2022, the Appellant refused to permit an Ofsted inspection. All of the regulatory decisions made by Ofsted were unsuccessfully appealed by the Appellant. This starkly exemplified that the Appellant, as trustee and Chairman of the Charity, failed to act in the best interests of the Charity.
39. The Appellant in the course of this hearing, in both his written and oral evidence and submissions sought, in effect, to re-open his challenges against the various Ofsted decisions. This was not permissible and betrayed an alarming lack of understanding and appreciation of the issue in this appeal. Further, in the case of *Mustafa Musa v. Charity Commission*, the Tribunal decided that it could not go behind findings made by Ofsted in respect of the school and that overall responsibility of ensuring that the school met proper education standards lay with Mr. Musa as the principal of the school. The Appellant was the Head Teacher of 'Home School', the running of which was a key activity engaged in by the Charity, in respect of which the various unfavourable inspections and decisions were made by Ofsted and the Department of Education.
40. The Department for Education, on 26 September, issued the Appellant with a Notice to cease admitting any new pupils to 'Home School' and, on 21 July 2022, removed 'Home School' from the Register of independent educational institutions. Both of these decisions too were unsuccessfully challenged by the Appellant.
41. On 6 May 2022, the Appellant, being a trustee of the Charity, advised the Respondent that he received payment from the Charity in the capacity of a self-employed person. This was associated with a meeting of the trustees held on 14 November 2019, in which the Appellant, his wife (a 'connected person'), and one other (there only being three trustees) which resulted in a written agreement that purported to permit the Appellant, who was a trustee, 'to claim money [from the Charity] for his professional duties'. This could only be taken to mean remuneration for *services* rendered by the Appellant to the Charity and did not mean reimbursement of *expenses* (which could be claimed by the Appellant, as trustee, so long as those expenses were properly vouched). Such receipt of payments was in breach of the terms of the Charity's Governing Document and, in any event, such payments were subject to the provisions of s.185 of the Act, in that, a trustee receiving remuneration from the Charity had to be in a minority among the trustees, a position that did not pertain in this case.
42. There was no issue concerning the Appellant's competence to be a teacher, rather his fitness to be a charity trustee.
43. There was a failure of the Appellant to manage conflicts of interest (that was of particular relevance to the question of remuneration – not reimbursement of expenses - of the Appellant from funds of the Charity and a general unwillingness to co-operate with regulatory authorities.
44. There was no deliberate negligence or fraudulent behaviour on the part of the Appellant. However, he demonstrated a very cavalier approach to his role as a charity trustee, albeit with, according to him, every good intention on his part.

Commented [MD1]: But Rankine was part of a minority (of 1) as there were 3 trustees, and the other 2 did not receive remuneration. Have I missed something here?

45. It was found as a fact by the Tribunal, on the balance of probabilities, having regard entirety of the written and oral evidence and submissions of the parties, that the Appellant was unfit to be a charity Trustee.
46. The Tribunal also found as a fact, on the same basis, that it was desirable, in the public interest, to make the in order to protect public trust and confidence in charities. This is inevitably a heavy burden that must be discharged by anyone, including the Appellant here, who agrees to become a charity trustee.
47. The Tribunal also accepted that the duration of the disqualification under the Order, which was duly considered in this appeal, was of appropriate duration in the circumstances. However, the duration of the disqualification was not an overarching determinative fact.
48. The Appellant had a long history, of over 14 years, of involvement with the Charity.

Conclusions and Reasons

49. The Tribunal concluded, on the evidence, on the balance of probabilities, that the Respondent was correct and justified in taking action that resulted in the making of the Order against the Appellant.
50. The Tribunal further concluded, on the evidence, that the Appellant, as trustee of the Charity, having regard to the matters set out in the Factual Background section of this Decision, was the person primarily responsible for mismanagement and misconduct in the administration of the Charity, due to a lack of understanding on his part of the proper management of charities, by reference to the guidance on the meaning of those terms set out in the Respondent's Operational Guidance document and the guidance set out in the Explanatory Statement on the discretionary nature, and criteria to be met, when exercising the power to make a Disqualification Order. The Tribunal found that Condition D of s.181A(6)(a) of the Act was satisfied.
51. The power to disqualify a charity trustee, in appropriate circumstances, from acting in that capacity is vital to protect charities.
52. The Tribunal was satisfied that the Appellant was not a fit person to be a charity trustee of any charity. The Appellant was in a position to know the proper course of acting as a trustee and was in fact assisted by the Respondent through the provision of clear guidance documents.
53. The Appellant, as trustee of the Charity, and Chairman, had a particular responsibility in respect of the Charity.
54. This issue in this appeal was not whether the Charity, through the Appellant, as trustee, was engaging in charitable activities, *per se* but, rather, whether the Appellant should be disqualified from being a trustee of the Charity, or any charity, due to mismanagement and misconduct on his part in the administration of the Charity. The Tribunal decided that, as a basic premise, the Appellant showed a worrying lack of understanding and appreciation of the law relating to charities and what is required for proper management and conduct of a charity by a trustee.
55. The Tribunal was also not concerned with whether the decisions made by Ofsted and the Department for Education that had been challenged by the Appellant before judicial bodies and those challenges rejected, were correct: these decisions could not be reopened before this Tribunal but did form par of the factual matrix.

56. Following deregistration of the Charity from the Register of independent educational institutions, the Charity's activities that included operating a foodbank; a hostel; homeless outreach and Christian ministry, did not further the Charity's original, approved Objects and this, alone, was sufficient to find misconduct and/or mismanagement in the administration of the Charity by the Appellant, quite apart from the Charity's failure to comply with s.198 of the Act. The said activities were advised to the Respondent by the Appellant on 6 May 2022. He advised that the Charity had been engaged in these activities over the previous 12 months.
57. The Tribunal concluded that the Appellant, by his conduct, placed the Charity in significant and reputational risk; that the Appellant was unfit to discharge the duties of a trustee of any charity or to hold a senior management position in any charity and that, by his conduct, the Appellant damaged public trust and confidence in charities generally. Consequently, the Tribunal was satisfied that it was desirable in the public interest to make the Disqualification Order.
58. The Tribunal was particularly concerned that the Appellant showed no appreciation of the importance of a declaration, or a need to declare, any conflict of interest when acting in his role as trustee of the Charity. This was a very basic failing on his part.
59. There was no evidence that the Charity had a system of well-maintained accounts and records. The Appellant, as the leading trustee of the Charity, had to held primarily responsible in this regard.
60. There was no authority in place to permit expenditure of what was the Charity's money.
61. It was not for the Respondent to tell the trustees how to run the Charity: that was the responsibility of the trustees themselves – not least the Appellant – but he seemed to take the view that it was the role of the Respondent (and other Regulators) to manage the Charity.
62. The Tribunal determined, on the evidence, that the Appellant was not willing to take guidance on board.
63. The Tribunal found, on the evidence, that the Appellant had no sense of charity law and how to organise a charity within the statutory framework governing charities, despite him being alerted over a period of five years, or thereabouts, concerning administration; objects; management of conflicts of interest; remuneration and so on in connection with the Charity.
64. The Tribunal was satisfied that the statutory criteria for making the Disqualification Order were, and are, satisfied. The Tribunal was obliged, however, to also consider whether, as a matter of discretion, it was appropriate for the Order to be made in the circumstances of the case. The Tribunal concluded that it was appropriate to make to make the Order: the conduct of the Appellant was serious; harm was caused to the Charity for which he was primarily responsible and there was a risk of further harm arising from further mismanagement if the Disqualification Order were not made. Further, the evidence before the Tribunal established a specific link between the Appellant and the stated mismanagement.
65. The Tribunal also considered whether it was proportionate to make the Order, including whether it was proportionate to make an Order for 9.5 years. For the reasons stated in the preceding paragraphs, the Tribunal was satisfied that to make the Order for a period of 9.5 years was proportionate. In considering the question of proportionality,

the key issue is the need to increase public trust and confidence in charities and to promote compliance by charities with their legal obligations in the proper administration of charities. The Tribunal considered that any lesser period of disqualification than 9.5 years would only serve to pose an unacceptable level of risk to the charity sector by the Appellant. Bearing in mind the seriousness of the Appellant's mismanagement and misconduct in relation to the Charity over a period of time, it is proportionate, and appropriate, that his disqualification should apply to charities generally.

66. This appeal against the Order was unanimously dismissed

Dated 31 March 2025

**Signed: Damien McMahon
Tribunal Judge.**