

Charity Commission finds National Trust did not breach charity law



The Charity Commission has concluded its compliance case involving the National Trust, finding that there are no grounds for regulatory action against the charity.

From: [The Charity Commission](#)

Published: 11 March 2021

However, the regulator has welcomed the charity's commitment to learning lessons from its recent experience, and its ongoing commitment to take into account a wide range of views and opinions within its membership and wider society.

The regulator opened a regulatory compliance case in September 2020, after the Trust published an interim report examining links between its properties and histories of colonialism and slavery that led to public criticism of the charity ('Interim Report on the Connections between Colonialism and Properties now in the Care of the National Trust, including Links with Historic Slavery', September 2020).

Concerns raised about the charity included, for example, the report's examination of the links between Winston Churchill's former home at Chartwell and colonialism and whether the charity had, in undertaking this work, acted outside its charitable purposes.

The regulator considered that these concerns required examination because they had the potential to damage significantly the charity's reputation and undermine trust and confidence in charities more widely.

The Commission's compliance case assessed whether the report was in furtherance of the National Trust's purposes, and examined the trustees' decision making, including in managing the potential risk to the charity's reputation in commissioning and publishing it.

Whether the interim report was in furtherance of the National Trust's charitable purposes

The regulator examined a range of evidence and material, including the charity's governing documents, recent annual reports and accounts, and the research report itself.

The Commission also held a formal meeting with the charity, at which it put a range of detailed questions to the trustees and senior management.

It has concluded that the Trust has provided a well-reasoned response to the question of how the publication of the report furthered the charity's purposes. The trustees were able to demonstrate that they explicitly considered and determined that commissioning and publishing the report was compatible with its charitable purposes, as set out in the National Trust Acts of 1907, 1919, 1937, 1939, 1953 and 1971.

Trustees' decision making and risk management

The regulator is satisfied that the trustees recognised and carefully considered the potential negative reaction that could result from the publication of the report. For example, before commissioning the research, the charity consulted a panel of 2000 members, finding considerable support for research into challenging histories, provided the findings were appropriately researched and contextualised.

Publication of the report did generate strongly held and divided views, and in light of this, it is reasonable to conclude that the Trust's planning and approach did not fully pre-empt or manage the potential risks to the charity. Specifically, the Commission says the charity could have done more to clearly explain the link between the report and the Trust's purpose.

However, overall, the Commission is reassured that the charity acted in line with its charitable purposes, and the trustees fulfilled their legal duties and responsibilities.

Since the report's publication, and in light of the criticism, the National Trust has undertaken work to make clear to its membership, critics and the wider public why it commissioned this work and to reaffirm its role as a charity for the whole nation.

Helen Earner, Director of Regulatory Services at the Charity Commission, said:

We take all complaints about charities seriously, and given the level of scrutiny of this matter and the reputational risks to this much-loved household name charity, it is right that we examined this matter in detail.

In this instance, the National Trust was able to provide us with a well-reasoned response, supported by clear evidence of how it had carefully considered how this interim report fitted with its charitable objects, and we are satisfied that there are no grounds for regulatory action against the Trust.

We have already seen and welcome the charity's commitment to learning from and responding to its recent experience, including in ensuring the Trust always remains an organisation that people of diverse opinion and positions feel able to support".

In a [blog published today Thursday 11 March](#), the Charity Commission's chief executive sets out the need for charities to be mindful of the impact their actions will have on people on whose support they rely – their beneficiaries, supporters, volunteers, members, donors – and recognise the wide range of legitimate views and sensibilities that exist within the public on whose support all charities ultimately rely.

<https://www.gov.uk/government/news/charity-commission-finds-national-trust-did-not-breach-charity-law>

© Charity Commission copyright acknowledged