

# **Jersey Charity Commissioner Annual Report for 2021**

**R.69/2022**

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*protecting public trust and confidence  
in registered charities.....*

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## 2021 Highlights

- 443 charities on the register (2020: 421) 420 of those (95%) were registered in the public part of the register, and the remaining 23 (5%) in the restricted section of the register (2020: 21)
- 22 charities were newly registered during the year (2020: 121)
- 426 annual returns filed and validated (2020: 131)
- since inception, 60 applications for registration have been withdrawn without formal determination, 12 of those during 2021
- there were 6 deregistrations in 2021
- there were no negative determinations of applications for registration, and no appeals to the Charity Tribunal (2018-2020: 0)
- at the end of 2021, total assets of Jersey registered charities were of the order of £660 million (2020: £600 million). This excludes 'hard to value' immoveables such as public buildings, artworks or museum pieces
- median assets of registered charities (liquid funds, investments and valued assets) were about £61,000 and the average around £ 1.5 million (2020: median £54,000, average £1.5 million)
- annual current spending of registered charities in 2021 was around £204 million (2020: £125 million). This includes spending by charities which give to other charities
- median current spending of registered charities was about £35,000 and the average £460,000 (2020: median £37,000, average £297,000)
- an estimated 1750 citizens served as registered charity governors in 2021 (2020: 1700)
- the annual running cost of the Charity Commissioner's office (including maintaining the Register) was £0.2 million (2020: £0.2 million), wholly financed from the Jersey Reclaim Fund established under the Dormant Bank Accounts Law 2017. Two members of staff were in post, plus the Commissioner who is part-time (2020: the same)

## Introduction by the Charity Commissioner



1. Under the Charities (Jersey) Law 2014 (“the Law”), I am required to publish an annual report on my work as Commissioner within four months of the end of the year to which it relates. I must also provide the Minister with a copy of my report upon its being published and he or she must lay that before the States as soon as practicable after having received it. The Minister may give me directions as to the content and form of my annual report, but has not done so.
2. It is now approaching four years since the Law came fully into force and applications for registration began to be received. The majority of those were determined favourably by the end of 2020, with just 22 new registrations in 2021. There are now almost 450 registered Jersey charities whose essential information, save for a small number registered in the restricted section of the register, may be viewed at will by citizens who may be anywhere in the world. It was a key objective of the legislators in 2014 to increase transparency in and about the country’s charity sector and this now has, to a considerable degree, been met, at least in respect of charities that have chosen to seek registration. That is a fair outcome for public policy, a fruition achieved, moreover, with, I believe, a pretty light touch and free, as far as I can discern, from the burthens for small entities that some commentators at the time opined might be likely to arise. I have a duty to act proportionately, which I certainly seek to aim to follow in the case of small entities (although they must, equally with all others, meet the charity test). At least, any burden imposed by the requirements of applying for, and sustaining, registration are, it seems clear to me, outweighed by the reputational and fiscal advantages of registration as well as the benefit to the public at large from the availability of much better information about the charities they may choose to support. Charities also benefit from knowing that they meet the charity test and that that has been verified by an independent person, which in previous times was, perhaps, sometimes or even often just taken for granted without particular enquiry.
3. It was also an objective a decade ago when the then draft Law was in preparation to be able to cognise the form and scale of the charity sector much better than up to then had been the case. That was a main argument for requiring applications for registration from all entities, large or small, so that we all could get to know. We do now know, at least as far as registered charities are concerned, although the Jersey

charitable trusts sector remains largely esoteric and unilluminated. Broadly, as the details in this report will, I hope, serve to indicate, we can see that civil society at Jersey, even measured only by reference to registered charities, is manifestly a significant and vibrant sector of the economy in its own right, one which, however, seems to have remained somewhat untouched by official statistics. It would be of interest, and one might imagine not of unimportance, to see the impact on measured GVA were the labour of thousands of charity governors and volunteers in some overt way to be brought within the scope of the national accounts.

4. The main wave of applications for registration having been concluded, our attention in 2021 began to focus more intensively on the process of receiving annual returns from registered charities and ensuring that the material therein was in order for inclusion on the public register, where it forms an ongoing library of materials for public perusal and research. In particular, we have tried to assess the effectualness of the narratives of the preceding year's activity that are required with each annual return. These are to be fairly short, intended to give a succinct, well-written account, or 'snapshot', of the preceding year's main activity in delivering the public benefit to which a charity is committed. Not surprisingly, some of the many narratives we have received are more informative than others, and some are indeed pellucid. On the other hand, some look, perhaps, to be a little subitaneous or even, in a few instances, prolixious. A few years yet should pass before too much generalised judgement is made about the overall quality of the annual narratives but they are a critical element of the register (for charities registered in the restricted section, too) and it is important that they are good. Where most necessary, we have sought to help governors get their narratives right, the simple objective being the integrity and continuing usefulness of the public register.
5. As with 2020, one may not look back on 2021 without reference to the impact of the measures taken to attempt to deal with the 'pandemic'. I reported last year that, possibly surprisingly (but, on reflection, perhaps not), it was evident that many Jersey charities, undaunted, continued as usual to do a great deal to help and support people in need, despite the abnormality of the times and the loss of fund-raising opportunities. There were lots of reported examples of 'extra miles' being freely gone and intense activity by volunteers. The over 400 annual return narratives received in 2021 and now all on the public register are sound evidence of that. Clearly the picture has been variable, with some, especially very small, charities having had little choice but to put much activity on hold. Those with interests overseas were naturally affected. But, looking across the whole scene, one cannot but be impressed by the way that registered charities, not only those which are 'people-facing', kept on serving in unusual times, showing in so doing the best face of civil society. None of anything, of course, could have been accomplished without the commitment and effort of all those who are the face of charities, whether paid staff, governors or volunteers; they all deserve the public's strong approbation. It is good that we are able to preserve some record of their endeavour through the medium of the public register.
6. Challenges naturally remain. It is evident that the governors of a few registered charities (but only a few) have come to the view that continuation is unrealistic or

beyond reasonable effort – for a range of reasons, among which, however, the ‘pandemic’ has not generally been first. In 2021 there were six deregistrations, with a number more in the first few months of 2022. Maybe so small a quantum is nothing but an expression of natural turnover. In each instance, though, the requisite provisions of the Law have been understood and have worked well, so that any residual charitable assets are passed over to other charities with similar objects. (The rule, set out in the Law but of ancient origin, is that an asset, once a charitable asset, must stay that way, in whomsoever’s hands. That is why the Commissioner is required to approve deregistrations.) It is probably fair comment that we should expect a few more deregistrations in the next period, not only where size or scale is maybe wanting but also where it has proven hard to find successor governors or merely because of things serendipitous. Related to this point is the notion of mergers of registered charities. This is, to date, a rarity (and not just in Jersey) but one can envision the prospect gaining some traction flowing from charities working in partnership with each other and coming to see the advantages of combination both for service delivery and economical administration.

7. There have also been a few cases where regulatory intervention has been needed, albeit in ‘soft’ form; I have had no occasion as yet to use the powers given me under the law to require registered charities to do or refrain from doing certain things. Examples are some instances where charities have sought to give money to individuals ‘in need’ when that is not within their constitutions or absent criteria that would aim to ensure that the benefit was genuinely available to the public at large; or where there have been proposed changes to charitable objects in constitutions without prior assent. There were only 7 complaints about registered charities received by the office in 2021 (2020:6) and whilst the number is small, it might be possible to draw from them a general theme that charities would do well to maintain up to date policies and procedures and equally to adhere to them in their general day to day activities. A number of cases of less than wholly satisfactory, or maybe untoward, governance by registered charities have also come to our attention now and then, notably concerning the role of charity governors in relation to the employment of staff. I would not want to overemphasise this sort of thing, which in a cohort of 450 entities is manifestly at the fringe, but there is, one suspects, some work to be done to help and support all charity governors to perform well their generally voluntary roles as employers and ‘owners’ of businesses. I commend the work on this that has been instituted by the Association of Jersey Charities.
8. But, with no complacency, I judge from the materials and information I see, and the contact I am fortunate to have with quite a lot of charity governors, that the overall picture is healthy and good, and I admire and congratulate all those many people who make Jersey’s registered charity as strong and vibrant, and ethical, as it is. The evidence is increasingly there to see in the public register.
9. I end by thanking my two excellent members of staff, Richard Jouault and Nicky Martini, for their contribution over the year, not only to making our small office work smoothly and well, but also in providing excellent support to me. They are the lynchpins, and I am grateful. I thank also a range of officials who have provided us

with good advice and help on matters financial, legal and procedural, and last but not least, the Minister, Senator Gorst, for his overarching support for what we are trying to do to give effect to the scheme of the Law. I do not forget that it was he, back in 2008, who initiated the decision of principle by the legislature that Jersey's law of charity should be reformed.

**John Mills CBE**

**Jersey Charity Commissioner**

**29 April 2022**



# Performance Report

## Overview

### Statement by the Head of the Office of the Jersey Charity Commissioner

1. 2021 continued to be dominated by the Covid-19 pandemic, presenting unprecedented challenges for both the resilience of our small office and the sector we support through registration and regulation. Despite these challenges, Jersey registered charities have continued to innovate in response to the “new normal” and have been at the forefront, both locally and internationally in bringing support to communities in crisis and recovery, saving lives and protecting the poor and vulnerable.
2. This innovation has included all aspects of charitable activity from conducting the everyday business, fundraising, new ways of reaching out to beneficiaries, and ingenious ways of managing the risks of operating both locally and overseas. As the risk environment has changed over the course of the year, charity governors have had continually to adapt and respond to those risks in order to maintain good governance and, in some circumstances, cease or curtail certain activities as the risks could not be mitigated.
3. While the health and economic impacts of the pandemic held centre stage throughout 2021, responding to climate change, environmental protection and all the other charitable endeavours have continued unabated. New charities have been registered and the first applications to deregister existing charities have been approved with the modern regulatory framework providing assurance to the general public that the assets of deregistered charities now recorded in the Historic Section of the Register continue to be applied to charitable purposes in perpetuity.
4. 2021 also marked a step change in the number of annual returns being filed with some of the earliest registered charities being on their third round of annual return. This information is vital in keeping the public register up to date and provides the public with a growing knowledge base about the charities they support.
5. Looking forward to 2022, a year when Jersey Overseas Aid, the island’s publicly funded relief and development agency celebrates its 50<sup>th</sup> anniversary of its overseas volunteering programme, we can all hope for a return to more normal ways of working. Under the wise counsel of the Commissioner, our small team remains ready to provide support and guidance to governors of Jersey registered charities so that they can support communities both locally and overseas. Further developments will be undertaken with the online public register during 2022 so that users can search the register more easily. This promotes public trust and confidence in charities registered in Jersey and supports the Commissioner’s general functions which include encouraging voluntary participation in the work of registered charities. In this regard,

it was of note that on the 22nd April 2022, the Government of Jersey's new CEO Ms Wylie launched the "Our People Our Community" programme enabling public service employees to have up to 22 hours paid time off during work to volunteer. It is hoped that the revised register will assist those seeking to volunteer to find out more about the charities they wish to support.

**Richard L Jouault**

**Head of the Office of the Jersey Charity Commissioner**

**29 April 2022**

## **The Charity Test and the Commissioner's Main Duties**

The purpose of this short section of the report is to remind readers of exactly what the rules are as they relate to 'charity' and charitable status. They are scriben in some detail in the Commissioner's guidance but nonetheless bear repetition because there does often seem to be a degree of confusion about them. In particular, it is important to discern the difference between the legal concept of *charity* and the broader term *philanthropy*, which latter often seems to be used loosely, and widely, as if to mean the same as *charity*, but which it is not, or not necessarily. Some reflections about the Commissioner's role as prescribed in the Law are given, too.

### Duties and functions of the Commissioner

The Commissioner is established by the Law as a corporation sole, independent of both the ministry and the legislature. The general functions of the office flow from the Law, together with certain regulations and orders made under it. In summary, the main functions are to:

- determine the charity test for the purposes of registration and to ensure that registered charities' meeting the charity test is continuant
- maintain the charity register
- publish guidance on the operation of the Law
- supervise the compliance of charity governors with their duties. (The heart of those is that governors are to seek, in good faith, to ensure that their charity acts in a manner consistent with its registered charitable purposes and with its registered public benefit statement)
- seek to ensure that the expression 'charity' is used but in respect of registered charities, or UK charities operating at Jersey but not wholly or mainly managed from there, as warranted by the Law
- assist other persons (including the Attorney General, the court, the Bailiff, the Comptroller and the Financial Services Commission, and equivalent bodies in other lands) to discharge, in relation to registered charities and entities with charitable purposes, any function of such a person under any enactment or law, particularly by giving information about registered charities and other entities; and
- generally encourage, facilitate and monitor compliance of registered charities with the Law;

The Commissioner may do anything (other than acting as a governor of a charity or of an entity with charitable purposes) that is calculated to facilitate, or is conducive or incidental to, the performance of any of her or his functions.

The Commissioner may:

- provide information to the public about the system of registration of charities, including information about the difference between charities and bodies with

charitable purposes, information about the advantages of donating to entities that are registered as charities, and information by way of model constitutions

- advise the Minister as to the nature of charities in Jersey and as to the merits of any proposal for further regulation of charities

In performing her or his functions, the Commissioner must, so far appears to her or him to be reasonably practicable, seek to act in a way that protects public trust and confidence in registered charities, and is compatible with the encouragement of all forms of charitable giving and voluntary participation in the work of registered charities; and which is proportionate as to the burdens imposed on registered charities, and which supports their development.

Although the main and most prominent part of the Commissioner's role is to deal with registered charities, it is important to note that, as can be observed from the above summary, the Law also gives to the Commissioner a certain role in relation to bodies with charitable purposes that are not registered charities. This role includes information provision and the proffering of advice to the Minister on charities generally. This reflects the fact that in Jersey there is a considerable (but unknown) number of charitable trusts established under the Trusts (Jersey) Law 1984, subject, pursuant to that, to the jurisdiction of the Court not the Commissioner. They are charities even if generally called charitable trusts, since they may have their status as charitable trusts only if their purposes are exclusively charitable. There is a set of public policy issues, recognised during the passage of the Law in 2014 but rather put to one side at the time, about the interplay between the charitable trusts sector and the statutory arrangements for registered charities now fully in place. There has been debate, for instance, about taking the list of statutory charitable purposes into the 1984 law but that arguably begs a regulatory question or two if the aim is merely to widen the charitable trusts canvas without also adding corresponding public-facing obligations of the kind at the heart of the legal concept of charity. This is probably due for attempted resolution during the next year or two, a process that may not least be influenced by other regulatory trends in the 'financial services' space affecting the trusts sector. The Commissioner's statutory role in advising and providing public information on the whole charity sphere, as well as in advising the Minister, may well be of some slight moment as the debate on the status of charitable trusts apropos the Charities Law moves forward one way or another. It will probably be timely to report on this further and in detail in next year's annual report.

### The Essence of the Charity Test

The charity test is met by an entity if

- (i) all its purposes are charitable purposes, save for any purpose purely ancillary or incidental; and
- (ii) in giving effect to those purposes (including the ancillary and incidental), it provides or intends to provide public benefit in Jersey or elsewhere to a reasonable degree

The statutory charitable purposes given in the Law are listed at Annex A for ease of reference

Public benefit is not defined in the Law but has deep foundations in common and customary law. In essence:

- it must be available to the public at large, or a sufficient section of it
- it is to be contrasted with private benefit, accruing (as an example) to the members of an entity themselves, and with any public *disbenefit* which may arise, in consequence of the entity's exercise of its functions. Any private benefit should be but incidental to the delivery of public benefit or no more than a side consequence, so to speak, of that delivery. The law requires these possibly competing considerations to be weighed by the decision-maker
- where it is, or is likely to be, provided to only a section of the public, there must be no undue restriction on the obtaining of the benefit, such as, for example, through fees or, say, restrictive or opaque membership rules
- a section of the public may not be one particular natural person or a group of identified such persons
- and no particular charitable purpose is to be presumed to be for the public benefit. The delivery of public benefit has to be demonstrated for the charity test to be met, and for it to continue to be met

The Charity Test can be applied by any person to any entity but by only the Commissioner insofar as registration is concerned.

The rules outlined above are, by recommendation of the Jersey Law Commission in 2006, derived quite considerably from the Charities and Trustee Investment (Scotland) Act 2005 (an Act of the Scottish Parliament). The position in England & Wales is essentially similar but, especially in respect of public benefit, there is greater reliance on the common law of charity rather than provisions derived from it put on the face of the statute (the Charities Act 2011).

To return to the point made at the start of this section, the key difference between *charity* and *philanthropy* lies in the former's deriving from exclusively charitable purposes. On the other hand, a philanthropic foundation, for instance, could have mixed purposes, both charitable and non-charitable, or a rather greater element of private benefit in favour of a founder. It is important for the good governance of Jersey's regime for charities and for its accurate portrayal when the 'financial services industry' is being promoted that the distinction is acknowledged and understood – probably a little better than tends to be the case in present days. It is the Commissioner's duty to be vigilant on this.

## **Performance Analysis**

### Key Performance Indicators (KPIs) and how we performed

The majority of charity applications were received during 2018 when the charity online registration system first went live. Since then, there has been a steady rate of application for registration of between 2 and 5 applications per month. By the end of 2021, there had been 545 applications submitted for registration as a Jersey charity, and 443 of those had been determined positively and the entity duly registered. At that point, there were 42 applications pending determination: 10 of these were “on hold” at the applicant’s request, 25 were awaiting further information or amendment by the applicant and 7 awaiting the Commissioner’s decision. There have been six further registrations in the first four months of 2022.

The bulk of initial registration work had been completed by the end of 2020 with the focus shifting to the filing and validation of annual returns for the 400 or so charities registered at that point. Only 8 annual returns were filed and approved in 2019 but by the end of 2020 that had increased to 139. In 2021, a further 426 annual returns were filed and approved with some of the earliest registered charities on their third round of filing. By the end of 2021, a total of 565 annual returns had been filed, enabling us to keep the public register up to date.

The majority of charities (95%) are registered in the general section of the register with 414 general section charities being registered by the end of 2021. The restricted section, which contains charities that do not solicit donations from the general public, is much smaller by number but not in terms of available resources and continues to grow steadily to a total of 23 charities registered by the end of 2021.

2021 also saw the first year whereby registered charities sought deregistration with a total of 6 charities being approved by the Commissioner for deregistration and being moved to the historic section of the register by year end. Whilst some may have been a victim of the last 18 months social and economic turmoil, for others, the legislative framework of the CJL 2014 has enabled and ensured that the charitable assets of long-standing charities that may have begun to struggle to deliver their public benefit has been maintained as charitable assets in perpetuity. Information is available on the public register as to how other charitable organisations have benefitted from the cessation of the 6 registered charities now recorded in the historic section of the register.

While no application has yet been rejected by the Commissioner, by the end of 2021 60 applications had been withdrawn by the applicant. In the majority of these cases, this had come about as a result of dialogue, often lengthy, between the applicant and the Commissioner to ascertain that either the charity test was unlikely to be met or that the entity might be better placed to operate effectively without registration as a social enterprise or other kind of not-for-profit organisation. In some instances, such dialogue has preceded a formal application and then averted the need for the same. A number of Jersey charitable trusts are included among the 60 withdrawals, but it should be noted that a number of such trusts have readily been approved for registration. The test for all applications is the same: they must meet the charity test.

	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
<i>Number of applications received in year</i>	32	24	55	434
<i>Total number of applications received by year end</i>	545	513	489	434
<i>Number of charities registered in year</i>	22	121	264	36
<i>Total number of charities registered by year end</i>	443	421	300	36
<i>Number of applications awaiting determination</i>	42	44	177	398
<i>Total number of charities registered in General Section</i>	414	400	287	34
<i>Total number of charities registered in Restricted Section</i>	23	21	13	2
<i>Total number of charities registered in Historic Section</i>	6	0	0	0

<i>Total number of applications withdrawn</i>	60	48	12	0
<i>Total number of applications rejected</i>	0	0	0	0
<i>Annual Returns filed and approved in year</i>	426	131	8	0
<i>Total number of Annual Returns filed and approved by year end</i>	565	139	8	0

## **Financial performance**

Resources for the office of the Jersey Charity Commissioner were allocated from the Jersey Reclaim Fund, where proceeds due under the Dormant Bank Accounts (Jersey) Law 2017 are held. Cost for 2021 was £201,661, similar to 2020 costs which were £202,097. This represents a £6,339 underspend in 2021 against a budget of £208,000.

## **Website and communications**

During 2021, we continued to update the charitycommissioner.je website to include latest news updates, revisions to guidance and other notices. As well as a number of items in the local media during the year, both the Commissioner and his Head of Office took part in several events and spoke in webinars on a range of governance issues and, notably, the issues for the registered charity sector arising from all the work being done at Jersey on counter-terrorist financing and tackling money laundering in respect of non-profit organisations.

## **Environmental impact**

We have invested in technology to enable the entire end to end process of application, registration, certification, and the filing of annual returns to be paperless for the end user and completed entirely online. These processes also enabled us to switch more or less seamlessly to remote working during the pandemic ensuring the office functions were maintained throughout. When office working was once again permitted in 2021, we took



the opportunity of a lease expiry to review our accommodation requirements, leading to a reduction in footprint and costs. Our offices are now at The Forum in Grenville Street.

### **Other non-financial information**

No new legislation in relation to registered charities was enacted in 2021. The Charity Commissioner's Guidance Note 1: "Introduction to the Guidance" was the subject of a minor, non-contentious, update in September 2021 to reflect revised, more convenient, arrangements for the filing of annual returns.

### **Key risks**

The Office of the Jersey Charity Commissioner operates a risk register to capture the risks with the potential to have a significant adverse impact on the office function. The register is organised around the following key themes:

#### **Risk theme: People**

The risks associated with the COVID-19 pandemic were identified as a specific theme during 2020 and carried over to 2021. The risk of office closure arising from our two staff members both being indisposed at the same time, or being required to 'isolate', were readily mitigated by remote working, and lone working in our small office when duties or otherwise appropriate.

#### **Risk theme: Finance**

The risks associated with having insufficient resources for discharging responsibilities and inadequate information to manage our modest budget were mitigated, first, by delivery in accordance with the 2021 budget which we had set, and secondly, through dialogue with relevant officials at Broad Street. Everything, as it happened, went to plan

#### **Risk theme: Technology**

The delivery of the registry function is reliant upon a robust online technological platform. The risks associated with hacking or other registry failure are mitigated by independent technology support which includes regular testing and software update. Further registry developments are planned for 2022 to improve the user experience and registry functionality.

#### **Risk theme: Reputation**

The Charity Commissioner's principal general duty is to act in a way that protects public trust and confidence in registered charities. It could be argued that the reputation of the

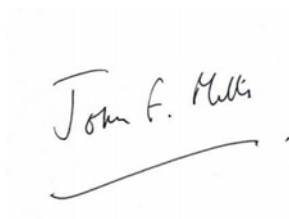
charity sector is capable of hanging by a slender thread and if things go wrong, such as charity staff or governors being implicated in wrongdoing, then the adverse impact has the potential to be equal upon the Commissioner, let alone the sector as a whole. To mitigate this risk, a preliminary assessment of all registered charities was undertaken in 2021 to identify those charities at a higher risk of being misused for such purposes as fraud, money laundering or terrorist financing. This focussed on those whose public benefit is largely or wholly delivered abroad, often in distant or 'high risk' lands. We are developing a risk-based approach to the filing and validation of annual returns so that those registered charities representing higher risk in such spheres are subject to enhanced due diligence. This will be developed further for 2022 annual returns. This work has also involved us in contact with professional trustees at St Helier, who have been without exception diligent and helpful, and cognisant of the need for enhanced assurance as part of their own duties as much as ours.

### **Priorities for the remainder of 2022, and for 2023**

Looking ahead over the next year or so, our priorities are a mix of ensuring delivery of the day job plus refreshed or new thinking on some basic issues:

- timely validation of all annual returns, subject to the risk considerations noted above. This is essential for the continuing integrity of the charity register as a free source of up to date and accurate information
- determination of applications for registration, both the small number of new ones to be expected and those held over or still under consideration from previous years
- a review of the Commissioner's guidance on the charity test, which would be subject to public consultation probably in the first half of 2023
- revised and expanded guidance on the duties of charity governors and other related aspects of the Law
- development of advice, initially for the Minister but then for the public domain, on the issue of charitable trusts in relation to the Charities Law

The Performance Report has been signed on 29 April 2022.

A handwritten signature in black ink that reads "John F. Mills". The signature is written in a cursive style and is positioned above a horizontal line that serves as a separator.

**John Mills CBE**

Jersey Charity Commissioner

## **Accountability Report**

The Accountability Report provides key accountability information in three sections:

Corporate Governance Report,

Remuneration and Staff Report

Annual Accounts

## **Corporate Governance Report**

I was appointed as Commissioner in July 2017. My appointment was extended by the Minister for External Relations on 12 June 2020 for a second three-year term, following approval by the Jersey Appointments Commission. This term ends on 11 June 2023.

The Office maintains a register of interests for the Commissioner and staff and the Head of Office has responsibility for Data Protection. There were no personal data related incidents during the year that would have needed to be reported to the Office of the Information Commissioner.

## **Remuneration and Staff Report**

Schedule 1 of the 2014 Law provides that the Minister must make available to the Commissioner such number and descriptions of staff as the Minister considers are required for the proper and effective discharge of the Commissioner's functions.

During 2021, two full time officers were employed to support the Commissioner. The officers were:

The Head of Office; and

The Research, Customer Service and Administration Officer

Total staff costs for 2021 were £143,005 (2020: £104,022 <sup>1</sup>) Staff numbers are too low to publish a more detailed staff report for the year.

Charity Commissioner fees for 2021 were £34,000 (2020: £35,500 <sup>2</sup>)

The Office of the Charity Commissioner is a small team and outsources the provision of specialist technology advice and support to external contractors where this is more cost effective than dedicated in-house resource. In 2021, this cost was £23,443. (2020: £32,348 <sup>3</sup>)

## **Annual Accounts**

The Law provides that no charge shall be levied on any person applying for registration or wishing to consult the public part of the register. The Minister is required to provide such accommodation and equipment as he or she thinks is necessary for the proper and

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<sup>1</sup> Executive Officer from April; Administration Officer from March (including salary, pension, social security) Salary + agency fee for temporary assistant to expedite application processing

<sup>2</sup> actual payment in 2020 was £45,500 but of which £10,000 related to 2019

<sup>3</sup> including Registry development, Website hosting (annual fee), support and platform licence

effective discharge of the Commissioner's functions; and the cost of this, and staff, is to be met from the public purse.

Expenditure for 2021 was £201,661 (2020: £202,097) coming not from taxpayers but from the Jersey Reclaim Fund, where proceeds due under the Dormant Bank Accounts (Jersey) Law 2017 are held. This represents a £6,339 underspend in 2021 against a budget of £208,000 to be returned to the reclaim fund. This arrangement was mandated by the legislature as part of that law. The following table summarises the outturn for 2021.

Cost	Budget 2021	Actual 2021	Actual 2020	Comments
Charity Commissioner - fees	£30,500	<b>£18,000</b>	£45,500	Some 2021 fees were paid in 2022. 2020 costs relate to 2020 and 2019 fees (£10,000 2019 activity and £35,500 2020 activity)
Charity Commissioner staff <ul style="list-style-type: none"> <li>• 1 fte Executive Officer</li> <li>• 1 fte Administration Officer</li> <li>• Hired services</li> </ul>	£141,018	<b>£143,005</b>	£104,022	2021 costs are full year costs for Executive Officer & Administration Officer (including salary, pension, social security) 2020 costs are part year costs from April for EO and from March for AO (plus Salary + agency fee for temporary assistant to expedite application processing)
Office Premises	£13,624	<b>£13,624</b>	£15,443	The Office moved premises part year with a rent reduction
Office Move	£229	<b>£229</b>		
Rates	£327			
Other Overheads Including: stationery telephone cleaning electricity	£3,415	<b>£3,288</b> [including <b>£526</b> <b>£1,637</b> <b>£668</b> <b>£457]</b>	£4,766 [including £197 £1,223 £2,511 £835]	
IT costs including Registry development, Website hosting (annual fee), support and platform licence	£10,782 £7560 £365	<b>£23,443</b>	£32,348	
TOTAL	£207,820 (rounded to £208,000)	<b>£201,661</b>	£202,097	£6,339 underspend in 2021 against budget to be returned to reclaim fund

## Tables

	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
<b>Number of applications received in year</b>	<b>32</b>	<b>24</b>	<b>55</b>	<b>434</b>
<b>Number of charities registered in year</b>	<b>22</b>	<b>121</b>	<b>264</b>	<b>36</b>
<b>Number of applications awaiting determination</b>	<b>42</b>	<b>44</b>	<b>177</b>	<b>398</b>
<b>Total number of applications withdrawn</b>	<b>60</b>	<b>48</b>	<b>12</b>	<b>0</b>
<b>Total number of applications rejected</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total number of charities registered by year end</b>	<b>443</b>	<b>421</b>	<b>300</b>	<b>36</b>
<b>Total number of applications received by year end</b>	<b>545</b>	<b>513</b>	<b>489</b>	<b>434</b>
<b>Total number of charities registered in General Section</b>	<b>414</b>	<b>400</b>	<b>287</b>	<b>34</b>
<b>Total number of charities registered in Restricted Section</b>	<b>23</b>	<b>21</b>	<b>13</b>	<b>2</b>
<b>Total number of charities registered in Historic Section</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Annual Returns filed and approved in year</b>	<b>426</b>	<b>131</b>	<b>8</b>	<b>0</b>
<b>Total number of Annual Returns filed and approved by year end</b>	<b>565</b>	<b>139</b>	<b>8</b>	<b>0</b>
<b>Cost of the Commissioner's Office</b>	<b>£0.2m</b>	<b>£0.2m</b>	<b>£0.136m</b>	<b>£0.148m</b>
<b>Total value of assets held (all charities)</b>	<b>£660m</b>	<b>£607m</b>	<b>£228m</b>	<b>£76m</b>

	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
<b>Total value of assets held (Restricted Section)</b>	<b>£337m</b>	<b>£313m</b>	<b>£36m</b>	<b>£0.54m</b>
<b>Total value of assets held (General Section)</b>	<b>£322m</b>	<b>£294m</b>	<b>£192m</b>	<b>£75.4m</b>
<b>Average value of assets held (all charities)</b>	<b>£1.5m</b>	<b>£1.5m</b>	<b>£0.76m</b>	<b>£2.1m</b>
<b>Average value of assets held (Restricted Section)</b>	<b>£14.6m</b>	<b>£15m</b>	<b>£2.75m</b>	<b>£0.27m</b>
<b>Average value of assets held (General Section)</b>	<b>£0.78m</b>	<b>£0.75m</b>	<b>£0.67m</b>	<b>£2.6m</b>
<b>Median value of assets held (all charities)</b>	<b>£61k</b>	<b>£54k</b>	<b>N/R</b>	<b>N/R</b>
<b>Median expenditure (all charities)</b>	<b>£35k</b>	<b>£37k</b>	<b>N/R</b>	<b>N/R</b>
<b>Total expenditure (all charities)</b>	<b>£204m</b>	<b>£125m</b>	<b>£82m</b>	<b>£32m</b>
<b>Total expenditure (Restricted Section)</b>	<b>£83m</b>	<b>£10.5m</b>	<b>£46m</b>	<b>£62K</b>
<b>Total expenditure (General Section)</b>	<b>£120m</b>	<b>£114.5m</b>	<b>£36m</b>	<b>£31.9m</b>
<b>Average expenditure (all charities)</b>	<b>£0.46m</b>	<b>£0.297m</b>	<b>£0.273m</b>	<b>£0.88m</b>
<b>Average expenditure (Restricted Section)</b>	<b>£3.6m</b>	<b>£2.7m</b>	<b>£3.5m</b>	<b>£31k</b>
<b>Average expenditure (General Section)</b>	<b>£0.29m</b>	<b>£0.28m</b>	<b>£0.13m</b>	<b>£0.94m</b>
<b>Number of charities operating only in Jersey</b>	<b>337</b>	<b>278</b>	<b>201</b>	<b>23</b>
<b>Number of charities operating overseas only</b>	<b>47</b>	<b>28</b>	<b>20</b>	<b>4</b>

	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
<b>Number of charities "other" (operating in Jersey &amp; UK/Overseas)</b>	<b>59</b>	<b>115</b>	<b>79</b>	<b>9</b>
<b>Total expenditure of charities operating only in Jersey</b>	<b>£96m</b>	<b>£90m</b>	<b>£57m</b>	<b>£19m</b>
<b>Total expenditure of charities operating overseas only</b>	<b>£96m</b>	<b>£10m</b>	<b>£3m</b>	<b>£0.4m</b>
<b>Total expenditure of charities operating "Other"</b>	<b>£12m</b>	<b>£25m</b>	<b>£21.7m</b>	<b>£12.4m</b>
<b>Total expenditure of all charities</b>	<b>£204m</b>	<b>£125m</b>	<b>£82m</b>	<b>£32m</b>
<b>No. of charities registered with Charitable Purposes:</b>				
<b>(a) prevention or relief of poverty</b>	<b>46</b>	<b>44</b>	<b>33</b>	<b>4</b>
<b>(b) advancement of education</b>	<b>90</b>	<b>87</b>	<b>57</b>	<b>10</b>
<b>(c) advancement of religion</b>	<b>81</b>	<b>80</b>	<b>62</b>	<b>4</b>
<b>(d) advancement of health</b>	<b>67</b>	<b>64</b>	<b>45</b>	<b>11</b>
<b>(e) saving of lives</b>	<b>15</b>	<b>15</b>	<b>14</b>	<b>2</b>
<b>(f) advancement of citizenship or community development</b>	<b>90</b>	<b>83</b>	<b>62</b>	<b>7</b>
<b>(g) advancement of the arts, heritage, culture or science</b>	<b>44</b>	<b>41</b>	<b>32</b>	<b>5</b>
<b>(h) advancement of public participation in sport</b>	<b>25</b>	<b>21</b>	<b>12</b>	<b>2</b>
<b>(i) provision of recreational facilities for improving the conditions</b>	<b>36</b>	<b>35</b>	<b>24</b>	<b>4</b>

<b>of life for those for whom the facilities are primarily intended</b>				
<b>(j) advancement of human rights, conflict resolution or reconciliation</b>	<b>15</b>	<b>13</b>	<b>11</b>	<b>2</b>
<b>(k) promotion of religious or racial harmony</b>	<b>6</b>	<b>6</b>	<b>4</b>	<b>0</b>
<b>(l) promotion of equality and diversity</b>	<b>24</b>	<b>23</b>	<b>17</b>	<b>4</b>
<b>(m) advancement of environmental protection or improvement</b>	<b>22</b>	<b>22</b>	<b>17</b>	<b>7</b>
<b>(n) relief of those in need by reason of disadvantage</b>	<b>111</b>	<b>110</b>	<b>89</b>	<b>12</b>
<b>(o) advancement of animal welfare</b>	<b>14</b>	<b>14</b>	<b>11</b>	<b>4</b>
<b>(p) any reasonably analogous purpose</b>	<b>52</b>	<b>50</b>	<b>24</b>	<b>0</b>
<b>Total number of registered charities by legal entity</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
<b>A Jersey body corporate</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>1</b>
<b>A Court approved fideicommiss</b>	<b>17</b>	<b>16</b>	<b>9</b>	<b>0</b>
<b>Incorporated 1862 Association</b>	<b>97</b>	<b>93</b>	<b>75</b>	<b>12</b>
<b>Jersey Company</b>	<b>59</b>	<b>55</b>	<b>38</b>	<b>3</b>
<b>Jersey Foundation</b>	<b>7</b>	<b>6</b>	<b>2</b>	<b>0</b>
<b>Jersey Trust</b>	<b>77</b>	<b>73</b>	<b>42</b>	<b>4</b>
<b>Other</b>	<b>178</b>	<b>171</b>	<b>128</b>	<b>16</b>
<b>Total</b>	<b>443</b>	<b>421</b>	<b>300</b>	<b>36</b>



<b>Complaints received about registered charities</b>	<b>7</b>	<b>6</b>	<b>4</b>	<b>0</b>
<b>Complaints received about charitable organisations (not registered)</b>	<b>0</b>	<b>4</b>	<b>8</b>	<b>1</b>
<b>Total Complaints received</b>	<b>7</b>	<b>10</b>	<b>12</b>	<b>1</b>
<b>Income band (£) (2021)</b>	<b>% Jersey charities</b>	<b>% Charities (Eng. &amp; Wales)</b>		
<b>range-0-to-5k</b>	<b>19.86</b>	<b>36.02</b>		
<b>range-5k-to-10k</b>	<b>9.25</b>	<b>9.73</b>		
<b>range-10k-to-25k</b>	<b>12.19</b>	<b>16.05</b>		
<b>range-25k-to-50k</b>	<b>13.09</b>	<b>9.01</b>		
<b>range-50k-to-100k</b>	<b>13.32</b>	<b>8.61</b>		
<b>range-100k-to-250k</b>	<b>14.44</b>	<b>9.1</b>		
<b>range-250k-to-500k</b>	<b>6.54</b>	<b>4.32</b>		
<b>range-500k-to-1m</b>	<b>4.96</b>	<b>2.72</b>		
<b>range-1m-to-5m</b>	<b>4.51</b>	<b>3.04</b>		
<b>range-5m-to-10m</b>	<b>1.35</b>	<b>0.62</b>		
<b>over-10m</b>	<b>0.45</b>	<b>0.77</b>		

## **Annex A**

### The Statutory Charitable Purposes Charities (Jersey) Law 2014, Art.6

- (a) the prevention or relief of poverty
- (b) the advancement of education
- (c) the advancement of religion
- (d) the advancement of health
- (e) the saving of lives
- (f) the advancement of citizenship or community development
- (g) the advancement of the arts, heritage, culture or science
- (h) the advancement of public participation in sport
- (i) the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended
- (j) the advancement of human rights, conflict resolution or reconciliation
- (k) the promotion of religious or racial harmony
- (l) the promotion of equality and diversity
- (m) the advancement of environmental protection or improvement
- (n) the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage
- (o) the advancement of animal welfare
- (p) any other purpose that may reasonably be regarded as analogous to any of the purposes listed in sub-paragraphs (a) to (o).

For the purposes above –

- (d): includes the prevention or relief of sickness, disease or human suffering
- (f): includes rural or urban regeneration, and the promotion of civic responsibility, volunteering, the voluntary sector or the effectiveness or efficiency of registered charities
- (h): “sport” means sport that involves physical skill and exertion;
- (i): applies only in relation to recreational facilities or activities that are primarily intended for persons who have need of them by reason of their age, ill-health,

disability, financial hardship or other disadvantage, or which are available to members of the public at large or to male or female members of the public at large

(n) includes relief given by the provision of accommodation or care

(p), the advancement of any philosophical belief (whether or not involving belief in a god) is analogous to the purpose set out in (c).

The Commissioner has also set out in statutory guidance two further purposes under (p):

- analogous with (f) [*advancing the effectiveness and efficiency of registered charities*]: providing financial or other kinds of support in advancement of any of the statutory charitable purposes, including, but not confined to, providing such support to other registered charities; and
- also analogous with (f) [*advancement of citizenship*]: promoting the effectiveness, welfare and standing in the community of Jersey of the Armed Forces of the Crown, including the Army Reserve, cadet forces and veterans

[Guidance Note 2, at paragraphs 54-58, refers]