



CHARITY COMMISSION
FOR ENGLAND AND WALES

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7 June 2021

Dear Sir Charles and Mr McCabe,

A robust regulatory framework for secure schools

I am writing to you regarding the measure in the Police, Crime, Sentencing and Courts Bill which will provide for the setting up and running of secure schools to be a charitable purpose.

As you will be aware, the Charity Commission, as the independent regulator of charities in England and Wales, has been having constructive discussions with the Ministry of Justice (MoJ) on this measure, and this engagement is ongoing.

While the details are still being worked through, I wanted to set out below in broad terms what the expansion of charitable status to secure schools could mean for the Commission as the charity regulator, and the public's perception of what charitable status means.

We are working closely with the MoJ to ensure that this legislation is accompanied by a clear and robust regulatory framework for secure schools. We are working on the basis that, while secure schools will be charities, they will be exempt from registration with the Commission by virtue of the Charities Act 2011, and that a principal regulator will be appointed, bearing clear duties and responsibilities.

As several different regulators will have a role in the framework, we are working with MoJ to ensure clarity for the parties involved on where the various regulatory responsibilities lie. We envisage this being documented in a Memoranda of Understanding (MoU) between the relevant regulators.

There are examples in the past of where multi-regulator frameworks have encountered difficulty, and it is only in retrospect that regulators have been able to clarify responsibility. We believe that the MoJ and the other parties involved firmly intend to avoid this type of scenario, especially considering that the Government would like to see secure schools become the model for all future youth custody.

Setting up a clear and robust framework is also important in terms of protecting the public's view of what makes charity special and distinct. The public rightly have high expectations of what it means to be a charity, and as a regulator with a statutory objective to increase public trust and confidence in charities, we believe it is essential to reassure the public that the operation of secure schools, as a charitable activity, will be regulated effectively.

Should you or other members of the Committee find it helpful to meet me or officials from the Commission, we would be happy to do so.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen Stephenson'. The signature is fluid and cursive, with the first name 'Helen' written in a larger, more prominent script than the last name 'Stephenson'.

Helen Stephenson CBE, Chief Executive Officer
Charity Commission for England and Wales