

A statement of the results of an inquiry into the London Mill Hill Congregation of Jehovah's Witnesses (1065638) and published on 3rd October 2008

The Charity

1. London Mill Hill Congregation of Jehovah's Witnesses ("the Charity") was registered as a charity on 10th November 1997 and is governed by a Constitution which was adopted on 30th May 1997.

2. The object of the Charity is "the practice and advancement of Christianity founded on the Holy Bible, as understood by the denominations known as Jehovah's Witnesses' including the preaching of the good news of God's Kingdom by Jesus Christ within the congregation area and the holding of meetings."

3. The Charity is a congregation undertaking religious activities via the provision of a place of worship and other facilities.

4. The total income for 2007/08 was £6,006 and total expenditure was £9,205

Source of Concern

5. Articles in the press on Thursday 23rd August 2007 suggested that there may be a link between a convicted sex offender Michael Porter and the Charity. Mr Porter was arrested in November 2006 and convicted in August 2007.

6. Mr Porter was convicted of indecent assault and gross indecency on 13 young victims at Bristol Crown Court on 23 August 2007. The offences were carried out between 1986 and 2000 and during this time he was a member of The Clevedon Congregation of Jehovah's Witnesses and Portishead Congregation of Jehovah's Witnesses.

7. Mr Porter was appointed as an elder and trustee of The London Harrow Congregation of Jehovah's Witnesses from May 2001 to October 2004. He was an elder and trustee of London Mill Hill Congregation of Jehovah's Witnesses between October 2004 and November 2006.

Commission inquiry

8. Due to the serious nature of the concerns and taking into account the potential risks to the Charity's vulnerable beneficiaries, including children, the Commission opened a formal inquiry on 24th August 2007.

Issues

9. The Commission identified that the following were required:

- An assessment of the risk to vulnerable beneficiaries arising from the involvement of Mr Porter with the Charity.
- An examination of what steps the trustees of the Charity ("the Trustees") had taken in relation to these risks and consider whether the Trustees had acted appropriately in their handling of the situation.
- An engagement with the Trustees to ensure that suitable child protection policies and procedures are in place to protect vulnerable beneficiaries.

Timescale of inquiry

10. The inquiry was opened on 24th August 2007 and was closed on 22nd July 2008 with the specific concerns surrounding Mr Porter being addressed by 27th September 2007. Subsequently, the Commission undertook further work and liaised with the umbrella organisation Watch Tower Bible and Tract Society ("Watch Tower") on the issues of creating a collective child protection policy to be adopted by all Jehovah's Witness organisations in the UK.

Findings

11. Congregations are led by a body of "elders", who are men chosen on the recommendation of local elders based on Scriptural qualifications, and appointed by Watch Tower as their direct representatives in the local congregation. Initial media articles reported that Mr Porter was an elder and therefore in a position of leadership within the Charity.

12. It was noted that Mr Porter was listed on the Register of Charities as a trustee of the Charity. The Commission liaised with the Trustees and was informed that he had been removed from the position of trustee and elder at the time of his initial arrest in November 2006.

13. The Trustees confirmed that when Mr Porter had informed them of the events and subsequent arrest, they discussed the risks associated with allowing him to remain an elder and trustee. The Trustees responded by removing Mr Porter from the position of elder and trustee on 8 November 2006 and announcing his discharge to the members of the congregation on 16 November 2006.

14. Mr Porter pleaded guilty to 25 counts of indecent assault and gross indecency on young persons at Bristol Crown Court in August 2007 and received a sentence of three-year community rehabilitation order, a ban from working with under-18s and a requirement to attend a sex offender programme. He was also placed on the sex offenders register. However, the Attorney General referred the case under the Unduly Lenient Sentence Scheme to the Court of Appeal and Mr Porter subsequently received an eighteen months custodial sentence.

15. Prior to this custodial sentence, the Charity told the Commission that Mr Porter had been accepted for counselling through the church and remained a member of the congregation. Following this the

individual moved area and is no-longer a member of the congregation. The congregation nearest to him has been informed of the history and has put in place supervision measures.

16. Commission takes the view that the Trustees acted appropriately in dealing with the allegations and, consequently, managed the immediate risk to the Charity's beneficiaries as well as the risk to the Charity's reputation

Conduct of inquiry

17. Due to the high risk nature of the concerns brought to the Commission an inquiry was opened immediately.

18. The Commission liaised with the Trustees to clarify Mr Porter's status within the Charity and was informed that Mr Porter has been removed as a trustee and an elder at the time of his arrest. Consequently, Mr Porter's name was removed from the Register of Charities.

19. The Commission met with the Trustees on 27th September 2007 and they explained that they had procedures for dealing with allegations of child abuse and how they dealt with the particular situation in respect of Mr Porter.

20. The Commission requested that the Charity produce a child protection policy, bringing together all the procedures they currently have in place to ensure they are formalised.

21. The Charity is working with the national Jehovah's Witnesses' umbrella charity, Watch Tower, to produce a child protection policy. Once the document is agreed, it will be adopted by and binding on all the Jehovah's Witnesses' charities represented by Watch Tower.

Conclusions

22. The Trustees acted reasonably in the action they took when the allegations arose. They assessed the risks associated with Mr Porter remaining in a senior position within the Charity, and discharged him. Although Mr Porter was allowed to remain as a member of the congregation, the Trustees confirmed that they understood their duty to ensure that he did not pose a risk to children, young people or vulnerable adults. The Trustees had ensured that he had no unsupervised access to such beneficiaries and his actions were closely supervised and monitored. The Commission agrees that these are key steps the Trustees should take in such circumstances.

23. The Commission has gained assurances from the Trustees that they will not re-appoint Mr Porter as an elder or trustee.

24. The Commission is satisfied that the Charity now has measures to ensure proper procedures are in place in relation to issues surrounding child protection. The Charity is ensuring appropriate checks are being made in respect of those working with vulnerable beneficiaries.

Regulatory action taken

25. The Commission gave regulatory advice to the Trustees that they:

- must carry out Criminal Record Bureau (CRB) checks where they are legally obliged to do so and, as a matter of best practice given its vulnerable beneficiaries, whether such checks should be done for officers and staff, including elders and volunteers working with children.
- need to consider not only the immediate risk to the Charity's beneficiaries but also the risk to the Charity's reputation.
- report serious incidents to the Commission in line with our guidance on 'Reporting Serious Incidents'.

Impact of Commission intervention

26. By investigating this matter, the Commission has assisted to protect vulnerable individuals by engaging with the Charity and Watch Tower to produce a robust child protection policy, consider CRB checks when appropriate, assisting to safeguard their beneficiaries as well as impact on the public perception of the Charity and Watch Tower.

27. The Commission's advice will mean that volunteer vetting procedures will be reviewed by Watch Tower and adhered to by all connected organisations. This will reduce future risk to vulnerable beneficiaries.

28. The reputation of the Charity should be a factor in any future decision making by the Trustees and this will protect the public's confidence in the Charity and in the sector as a whole.

Resources applied

29. The case was handled in the Intensive Compliance Unit with in the Commission, with support from the Legal Division, and was open for 332 days.

Actions required of the trustees

30. Trustees should ensure that appropriate CRB checks on volunteers are undertaken when appropriate.

31. Trustees should ensure serious incidents are reported to the Commission in line with the guidance provided.

32. The Trustees must also consider the potential damage to the reputation of the Charity, which is one of its assets that they have a duty to protect, when making decisions.

Lessons for other charities

33. Trustees of charities which work closely with vulnerable beneficences should pay particular attention to the inherent risks associated with the nature of the work they undertake. They must ensure that they react immediately and responsibly to allegations of suspected abuse of beneficiaries involving an individual associated with the charity to ensure that no beneficiaries are at risk of harm. The Commission considers charity trustees risk being in breach of their duties and responsibilities if they fail, without good reason, to address such incidents and act appropriately.

34. All trustees should provide information about serious incidents as soon as possible after they become aware of them. If your charity has an income over £25,000 you must, as part of the Annual Return, confirm there are no serious incidents or other matters relating to your charity over the previous financial year that you should have brought to our attention but have not. Failure to confirm this will be regarded as a breach of legal requirements. As a matter of best practice, any serious incident that has resulted or could result in a significant loss of funds or a significant risk to a charity's property, work, beneficences or reputation should be reported to us immediately, not just on completion of the Annual Return.

35. In charities where the trustees (and others, including volunteers) have direct contact with users who are vulnerable (for example, by reason of their age or mental health), more vigorous background checks to ensure their suitability may be necessary. All charity trustees have a duty of care and a duty to act solely in the interests of their charity. The Commission considers charity trustees risk being in breach of these duties if they fail without good reason to carry out appropriate CRB checks when they are entitled to do so. In some circumstances such failures may be viewed as evidence of misconduct and / or mismanagement in the administration of the charity. It is also a criminal offence in some circumstances for someone to offer certain positions working with children to someone who is disqualified from doing so. A CRB check is a reliable way of knowing whether a person has convictions which mean he/she is disqualified from acting in certain positions with children in charities and/or whether there are factors which the trustees ought to take into account in assessing their suitability to be involved in the charity.

Para	Issue	Charity Commission guidance and relevant legal obligation
19, 25	Child Protection	Safeguarding Children: Protecting Children in your organisation
16, 18	Child Protection	Finding New Trustees – what a charity needs to know CC30
25	Reporting Serious Incidents	Serious Incident Reporting Guidance for Trustees
25	CRB Checks	CC30