

Report Serious Incident

Are you reporting a new serious incident or updating an existing one?

I am reporting a new serious incident

Do you have authority to report the incident(s) on behalf of the trustees?

Yes

Is the charity registered with the Charity Commission?

Yes

Charity name or number

252303

Select a charity

252303 - DATCHET RECREATION CENTRE CHARITABLE TRUST

Title

Mr

Given Name

Peter

Family Name

Spencer

Your email address

peter.spencer@wellerslawgroup.com

Your telephone number

02074816390

What is your connection to the charity? (You can select more than one option)

Authorised professional advisor

Choose the best option to describe the incident type (select one option only)

Other significant incidents (for example insolvency, forced withdrawal of banking services without alternative, significant data breaches/ losses, incidents involving partner that materially affect the charity)

Which of the trustees are aware of the incident(s) you are reporting?

None

Did the incident take place on a single date or did it take place over a period of time?

It took place over a period of time

Is the incident still ongoing (for example, because it is still under investigation) or is it now over?

The incident is still ongoing

Confirm the date the incident started on

15/04/2025

Is this an approximate date that the incident started on?

No

When exactly did the charity become aware of the incident?

15/04/2025

Did the incident take place in part of the UK or overseas? (Must select at least one but can be multiple selection)

England or Wales

Do you know or suspect that a crime has been committed?

No

Have you reported the incident to any other regulator(s) or statutory agencies?

No

Has the charity prepared or released any media handling/press lines in relation to the incident?

Released

Provide details of the media handling/press line(s) prepared/released by the charity (include link to press release if applicable)

The Parish Council released the following press release in the Slough Observer:

<https://www.sloughobserver.co.uk/news/25112754.datchet-parish-council-dissolves-village-hall-charity-committee/>

Regarding the decision to cease sub-delegation of its duties to the committee at the time. The Individuals currently listed as trustees on the charity commission register then released their own press releases regarding the incident:-

Monica Davies: <https://www.sloughobserver.co.uk/news/25527252.datchet-charity-hits-back-parish-council-claims/>

Ewan Larcombe run his own website where he has publishes information on this dispute - <https://dhwnnews.com/>

Are you reporting on behalf of more than one charity?

No

Choose one option to describe the other type of significant incident that you are reporting

Major governance issues, or other events, leaving the charity unable to operate (e.g. mass resignation of staff/trustees)

Provide a short summary of the incident including details of what has happened and how it came to the charity's attention

We act for Datchet Parish Council (the PC) in its capacity as a Trust Corporation in respect of the above Charity. There is an ongoing dispute as to the correct Trustees of the Charity. The PC, on our advice, considers itself to be the sole Corporate Trustee of the Charity, which is disputed by Monica Davies and Ewan Larcombe who consider that they were appointed Managing Trustees (the Claimants). The Claimants are currently noted as the Trustees on the Charity Commission register.

The Charity was created by a Trust Deed dated the 21st March 1967. The original Trustees subsequently purchased land and this formed the asset of the Trust. On part of the land purchased there is a Village Hall. At some stage a Trust Deed relating to the Village Hall was prepared but never completed and is not valid (we can provide a letter from the Charity Commission dated 3rd November 2006 confirming this). It does appear however that the Village Hall was run by a Committee.

On the 6th June 1976 the original Trustees appointed the PC as Trustees of the Trust Deed dated 21st March 1967 (we can provide a Deed of Appointment dated 6th June 1976 confirming this). This Deed was prepared by Solicitors and refers to both the original Trustees and a trust deed prepared on the date of the trust deed of the Charity but does not specifically refer to the Datchet Recreational Centre Charitable Trust, but on the basis that no other Trust Deed was completed on this date and it was created by the Original Trustees, we consider that it must relate to the Charity. This is disputed by the Claimants who consider that it relates to the proposed Village Hall Trust deed (which, as confirmed by the Charity Commission letter dated 3rd November 2006 is not valid).

In 2019 the PC received advice relating to the Charity and the Village Hall as a result of which the Datchet Hall

Management Committee resigned on the appointment by the PC of persons to manage the day to day running of the Trust. The PC nominated the Claimants and one other individual to act as a Committee to manage the Charity in an executive function on behalf of the Parish Council, the Managing Trustee. The records of the Charity are held by the Claimants and despite requests have not been produced.

In 2025 the Council resolved to take over the running of the Charity from the Claimants. This resolution was not accepted by the Claimants who maintain that they are the duly appointed Managing Trustees. The Claimants have refused to hand over any documentation or information relating to the Charity.

The PC has been threatened with injunctive proceedings by AV Law Solicitors instructed by the Claimants. The PC is also concerned that the Claimants are using Charity funds to finance their claim. The PC has been asked to reimburse the Claimants in the sum of £15,000.

The PC wishes to resume management of the Charity and have its details noted on the Charity Commission register pursuant to the Deed of Appointment dated 6th June 1976.

Furthermore one of the Claimants (Monica Davies) has been subject to allegations by a member of staff of the PC of bullying and harassment by Mrs Davies which, following an internal investigation, was upheld.

Provide a short summary of the impact of the incident on the charity (For example, how has it affected the charity's staff, operations, finances and/or its reputation?)

The Parish Council (PC) is unable to function in its role as Charity Trustee as it does not have access to the Charity's records, bank account or Charity Commission register. Furthermore the PC suspects that the Claimants are using Charity funds to finance what the PC considers, upon advice from our firm, as being a spurious claim and one which is certainly not in the best interests of the Charity. The spurious nature of the claim is also based on the fact that the claim would be Charity Proceedings under s.115 of the Charities Act 2011 which requires Charity Commission consent and which (as far as the PC is aware) the Claimants have not sought. We would be grateful if the Charity Commission could consult with the Claimants in this regard. The above has the potential to cause reputational damage to the Charity if the beneficiaries of the Charity became aware of the incident and they would have significant concerns that Charity funds were not being used appropriately. The Charity has one employee and this situation is obviously distressing for staff and is significantly affecting the Charity's operations.

Provide a short summary of the steps that have been taken or are being taken to deal with the incident

The Claimants have written to us through their Solicitors AV Law and we have responded to their claims putting across what we have set out above and suggested and requested internal mediation. Such suggestions and requests have been ignored. This is telling, as Charity Commission guidance specifically states that Charities should look to mediate where there is a potential dispute and the Charity Commission have confirmed that they will not allow Charity Proceedings unless and until ADR has been undertaken. We would therefore urge the Commission to reach out to the Claimants asking for confirmation as to why they have not agreed to mediation.

Confirm what action has been taken to prevent future incidents from occurring

The PC cannot undertake any further preventative action until this issue has been resolved, but once the PC regains control of the Charity, the PC will ensure that the governing documents are clear on who is appointed as Trustee and the methods of appointment and removal of Trustees.

Provide any other relevant information (optional)

Please note that at the beginning of this report we stated that we are submitting this application on behalf of the Trustees but have also stated that none of the Trustees are aware of this report being submitted. This is because the PC are the sole corporate trustee and the PC are aware of this application, however the Claimants are noted on the Charity Commission register but are not aware that we have submitted this report. We are happy for the Charity Commission to share this information with the Claimants and let them know that we have submitted this report on behalf of what we consider to be the validly appointed sole corporate trustee. Lastly we note from experience that the Charity Commission do not get

involved with internal trustee disputes and may be tempted to consider that this incident is an internal trustee dispute. We would urge the Commission to see the inability of the governance of the Charity to function as a serious incident as well as the costs which the Claimants are incurring on behalf of the Charity as charity monies not being used in the best interests of the Charity and we would urge the Commission to, at least, put these points to the Claimants for their comments.

Are the charity trustees satisfied that the action taken in response to the incident gives them assurance that it has been properly managed, the appropriate organisations and/or statutory bodies have been notified and adequate procedures are in place to manage any live risks to the charity and the people who come into contact with it through its work?

No

Explain why the trustees are not satisfied about this

The PC has responded to this incident appropriately by preparing relevant press releases (so that the public and relevant stakeholders can be assured that appropriate action is being taken), seeking relevant legal advice and requesting mediation from the Claimants. However the PC cannot guarantee that there are adequate procedures in place to manage any live risks to the Charity, because the PC do not have access to the village hall, bank account or operational functions of the Charity due to the actions of the Claimant. We would therefore again, urge the Charity Commission, at the very least to reach out to the Claimants (who we should note are noted on the Charity Commission register as being the Trustees notwithstanding that this is disputed), asking for confirmation of why they have not agreed to mediation and why they have not sought permission to issue Charity Proceedings with the Charity Commission.

I confirm that the information I have provided in this service is true and correct to the best of my knowledge

Confirm