

Pollokshields Development Agency
Scottish Charity Number SC033424

Updated interim Inquiry Report under Section 33 of the Charities and Trustee Investment (Scotland) Act 2005

1. Introduction

The Office of the Scottish Charity Regulator (OSCR) is making inquiries into Pollokshields Development Agency (the charity) under section 28 of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

At an early stage of the inquiry, OSCR took precautionary action by directing the charity trustees in terms of section 28(3) of the 2005 Act not to undertake activities pending further inquiries by OSCR.

OSCR took additional precautionary action of directing the charity's financial institution, in terms of section 31(7) of the 2005 Act, not to part with property it held on behalf of the charity without OSCR's consent.

2. Background

Pollokshields Development Agency was awarded charitable status on 16 June 2002. OSCR opened an inquiry into the charity in May 2023 on receipt of information alleging that charity trustees had been removed and new trustees appointed not in accordance with the terms of the constitution.

OSCR was also informed that the current trustees had continued to carry on the activities of the charity without access to the charity's funds. These allegations have raised serious concerns that the charity's assets were at risk, OSCR therefore needed to undertake further inquiries to ensure the charity's assets were protected and that the charity trustees were acting in line with their legal duties.

As a result of inquiries at the time OSCR was concerned that the charity's assets were at risk. OSCR needed to undertake further inquiries into the circumstances surrounding the removal and appointment of charity trustees.

Given the seriousness of the situation, and the risk of harm to the charity, OSCR considered it appropriate to direct the charity not to undertake activities whilst inquiries were ongoing. OSCR also considered it appropriate to direct the charity's bank not to part with property it was holding on behalf of Pollokshields Development Agency without OSCR's consent.

These directions were issued on 1 June 2023 and were valid for six months.

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3. Update

The current charity trustees have been providing information to OSCR in response to requests made.

Upon review of this information, OSCR no longer considers it necessary to protect the assets by way of the direction to the charity's bank nor do we consider it necessary to direct the charity not to undertake activities. We have therefore revoked both directions.

OSCR expects the charity trustees to ensure that any activity the charity undertakes and any charitable funds that are spent are in furtherance of its charitable purposes.

Our inquiries are ongoing and the revocation of these directions does not pre-empt the outcome.

OSCR
22 August 2023

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