

## **PRACTICE NOTE:**

January 2024

### **Statutory accounting and reporting requirements for registered charities**

The legal duties of charity trustees include complying with the law and ensuring that their charity is accountable. To this end, the trustees of registered charities must ensure that they comply with the relevant statutory accounting and reporting requirements. A brief summary of these requirements is set out below, but please see the Charity Commission's guidance entitled *Charity reporting and accounting: the essentials* (link below) for more details.

<https://www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-november-2016-cc15d>

This note focuses on the Charity Commission (and Companies House, as applicable) reporting requirements but please note that your charity may be subject to reporting requirements with other regulatory bodies.

### **Annual returns**

#### *Charity Commission filing requirements*

Registered charities with a gross annual income of £10,000 or more (and all CIOs regardless of their gross income) must file (online) an annual return with the Charity Commission within 10 months of their accounting year end. Please see the link below to the Charity Commission's guidance on preparing and submitting annual returns:

<https://www.gov.uk/guidance/prepare-a-charity-annual-return#sign-in-to-submit-your-annual-return>

Charities with an annual income of less than £10,000 (unless constituted as a CIO) do not need to file an annual return but their details must be kept up to date on the Charity Commission Register of Charities and income and expenditure figures must be submitted.

#### *Companies House filing requirements*

If your charity is constituted as a company, you will also need to file, what is now called, a confirmation statement (previously called an annual return) each year with Companies House. The filing deadline is usually one year after the company was incorporated or one year after the last confirmation statement was filed. Please see the link below for further details.

<https://www.gov.uk/running-a-limited-company/company-annual-return>

### **Annual report and accounts**

All registered charities must produce an annual report and accounts. (The annual report gives an explanation, amongst other things, of the structure, governance and activities of the charity).

A copy of the annual report and accounts must be provided to anyone who asks.

The contents of the annual report and the type of accounts that must be prepared will depend on the size of the charity and, to some extent, whether or not your charity is constituted as a company.

### *Audit or independent examination?*

Charities with a gross annual income above £25,000 must have their accounts independently examined. Those with a gross annual income in excess of £1 million or with assets that exceed £3.26 million and have a gross income in excess of £250,000 must have their accounts audited.

### *Charity Commission filing requirements*

All registered charities with a gross annual income of more than £25,000 (and all CIOs, regardless of their gross income) must file (online) their annual report and accounts with the Charity Commission within 10 months of the accounting year end.

### *Companies House filing requirements*

If your charity is constituted as a company, in addition to filing the annual report and accounts with the Charity Commission you will also need to file them with Companies House within nine months of the accounting year end (unless you are a newly established charitable company and you are filing your accounts for the first time). Please see section 6 of the Companies House accounts guidance (link below) for more details.

<https://www.gov.uk/government/publications/life-of-a-company-annual-requirements/life-of-a-company-part-1-accounts>

## New system re access to Charity Commission online services

From 31 July 2023 access to the Charity Commission's online services has changed. Please see the link below which explains how to sign up for this new service.

Until you have signed up to the new system it will not be possible to:-

- file your charity's annual return;
- file your annual report and accounts;
- upload income and expenditure figures;
- upload/file other information/documentation; or
- update your charity's details on the Charity Commission Register generally

<https://www.gov.uk/guidance/setting-up-my-charity-commission-account>

We hope the above is helpful. If you have any queries please contact Sarah Chiappini on the contact details below.

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*This note provides a general summary only and it does not constitute legal advice. It is recommended that specific advice is sought in relation to the particular facts of a given situation.*

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