

# **CLAS CIRCULAR**

## **2017/25 (24 October 2017)**

### **Disclaimer**

**CLAS is not qualified to advise on the legal and technical problems of members and does not undertake to do so. Though we take every care to provide a service of high quality, neither CLAS, the Secretary nor the Governors undertakes any liability for any error or omission in the information supplied.**

It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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## CHARITIES & CHARITY LAW

### Charity Commission regulatory alerts

**For information and possibly for action**

The Charity Commission has recently issued a number of regulatory alerts for charities, covering issues including safeguarding and phishing scams.

#### ***Safeguarding and fundraising***

On 13 October, the Charity Commission published a regulatory [alert](#) to recently registered charities involved in service delivery to veterans and/or in public fundraising. This alert was published alongside a [review](#) of such charities, which found a “concerning lack of safeguarding practices” and raised concerns about fundraising practices.

The alert may seem of marginal significance to most CLAS members; however, it serves as a reminder to all trustees of the importance of:

- ensuring that they are safeguarding the people in their care (including frail or vulnerable members of their congregations); this means assessing their vulnerability and ensuring that appropriate safeguarding policies and procedures are in place - see further [guidance](#) from the Commission.
- complying with their legal trustee duties when carrying out and overseeing their charity’s fundraising; these rules promote transparency, protect potential donors, and give them a fair indication of the extent to which the charity (or charities) will benefit from the fundraising - see full [guidance](#) from the Commission.

#### ***Phishing scams***

Published on 17 October, the [alert](#) about phishing noted that there had been increasing reports of scams and that the Commission was urging charity trustees to be vigilant and protect themselves from harm. According to the Commission, [Action Fraud](#) received around 8,000 reports of phishing each month and charities were not immune.

If trustees believe that their charity has been affected by a phishing scam, whether it was prevented or not, *they should report it to Action Fraud* through their website or call them on 0300 123 2040. If the charity has fallen victim to a phishing scam and lost sensitive data or valuable funds, *it must be reported to the Commission as a [serious incident](#)*.

[Source: Charity Commission – 13-17 October]

**Compliance with financial sanctions - charity guidance**

**For information**

HM Treasury and the Office of Financial Sanctions Implementation (OFSI) have published new [guidance](#) for charities and non-governmental organisations delivering humanitarian aid overseas regarding compliance with financial sanctions, which are designed to support UK foreign policy and national security.

The guidance helps clarify what activity may be permitted under an OFSI licence and how to apply for one. It also promotes various sources of information and advice available to charities and NGOs, including OFSI's email and telephone enquiry service and the Charity Commission's toolkit for charities and NGOs.

[Source: HM Treasury – 19 October]

## FAITH & SOCIETY

### New initiative on eradicating modern slavery launched

For information

The Church of England has launched the [Clewer Initiative](#), a project aimed at mobilising some 12,000 parishes to eradicate modern slavery by working to support victims and identifying the signs of exploitation in their local communities.

Work is already under way in dioceses with training and information sessions on how to provide support and identify victims of labour exploitation in areas from the construction and property sector to hand car washes in British cities and shipping.

The CLAS Chairman, Dr Alastair Redfern, chairs the Independent Anti-Slavery Commissioner's Advisory Panel and has been heavily involved in the issue; his Diocese having become a key member of the Derby and Derbyshire Modern Slavery Partnership, working with police and social services to help victims. Bishop Alastair commented:

*"Modern slavery is present in nearly every community in England and will continue to flourish if we remain indifferent to it.*

*"Churches can provide a space to gather of goodness and grace, with an open agenda where different groups can meet to discuss how they work together to support victims, and to improve efforts for rescue and prevention.*

*"We can also act as 'eyes and ears' in our communities to help identify victims. Our work in the Clewer Initiative will build on the passion of churches to be with people, to contribute to more effective structures, and to go the extra mile for the sake of those who are suffering."*

[Source: Church of England – 17 October]

## ODDS & ENDS

### GDPR information hotline for smaller organisations

**For information**

The Information Commissioner's Office (ICO) will be opening a [General Data Protection Regulation hotline](#) from 1 November 2017, offering advice to organisations that employ fewer than 250 people. The regulator has said that the advice service is one of a package of tools and resources available to organisations to help them prepare for the GDPR. The ICO has also said that it will work to simplify its key document [Preparing for the General Data Protection Regulation: 12 Steps to Take Now](#), in response to calls from smaller organisations for more targeted guidance.

[Source: ICO – 18 October]

### Place Based Social Action programme launched

**For information**

The Big Lottery Fund and the Department for Digital, Culture, Media and Sport (DCMS) have launched the [Place Based Social Action programme](#), which has opened to expressions of interest and is offering up to £500,000 of funding to partnerships that will help people improve their local areas. Local partnerships could involve community members, local charities or business, or representatives from the local authority. Each application must be endorsed by the relevant local authority and only one application can be made per local authority area.

Up to 20 applications will be selected for initial funding of £5,000 to create plans setting out how social action can help respond to local priorities. From those successful applications, 10 will be chosen to apply for phase two, when funding of up to £240,000 will be available for each scheme. Five of those will later be selected to apply for phase three, when an additional £255,000 will be available to each project.

Expressions of interest are open until **28 November 2017**. *This funding opportunity applies to local partnerships in England only.*

[Source: Big Lottery Fund – 18 October]

## PROPERTY & PLANNING

### E-conveyancing

For information

A decade after abandoning its last attempt to put the conveyancing process in England and Wales online, the Government seems to be reviving the idea of e-conveyancing.

DCLG has launched a call for evidence on [\*Improving the home buying and selling process\*](#): introducing it, Communities and Local Government Secretary Sajid Javid says that the Government is “not looking to rip up the existing system and start again”. However, “we are on the cusp of a digital revolution which will allow us to replace the current largely paper-based approach to buying and selling”.

The deadline for responses to the call for evidence is **17 December**. CLAS does not intend to respond corporately to the call for evidence; however, individual members with large numbers of private houses for clergy and others may wish to do so.

Perhaps more important in the longer term, however, is that the call for evidence will almost inevitably reopen the wider issue of e-conveyancing generally, for commercial and charitable property as well as for private houses. When the Land Registry looked at the issue in 2007 it gave up – but the pace of digital transactions generally has moved on a long way since then.

[Source: DCLG – 22 October]

### Private Rented Property minimum standard - landlord guidance

For information **and possibly for action**

The Department for Business, Energy and Industrial Strategy (BEIS) has published [guidance](#) for landlords of privately rented [domestic](#) and [non-domestic](#) property on complying with the 2018 Minimum Level of Energy Efficiency standard.

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 established a minimum level of energy efficiency for privately rented property in England and Wales. This means that, from April 2018, landlords of privately rented domestic and non-

domestic property in England or Wales must have ensured that their properties reach at least an Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants.

Where a landlord believes that an EPC F or G rated property they rent qualifies for an exemption from the minimum energy efficiency standard, an exemption must be registered on the National PRS Exemptions Register. The register service is currently running as a pilot. Landlords who wish to register an exemption for a domestic or non-domestic property as part of this pilot should [email](#) the BEIS minimum standards team.

#### ***Listed Buildings and EPC Compliance***

There is a common misunderstanding relating to listed buildings and whether they are exempt from the requirement to obtain an EPC. Listed properties, and buildings within a conservation area, will not necessarily be exempt from the requirement to have a valid EPC and it will be up to the owner of a listed building to understand whether or not their property is required to have an EPC. Where a listed privately rented non-domestic property, or a property within a conservation area, is required to have an EPC, that property will be within scope of the minimum energy efficiency standards.

An EPC is not currently required for a listed property or building within a conservation area when it is sold or rented inasmuch as compliance with minimum energy performance requirements would unacceptably alter its character or appearance. Examples of energy performance measures which may alter character or appearance (or as a minimum are likely to require local authority planning permission to install on a listed building) include external solid wall insulation, replacement glazing, solar panels, or an external wall mounted air source heat pump. Where character or appearance would not be altered by compliance with energy performance requirements, an EPC may be legally required.

*If an owner or occupier of a listed building is unsure about whether a particular property is or is not required to have an EPC, appropriate advice should be sought at the earliest opportunity.*

[Source: BEIS – 9 October]

## SCOTLAND

### Scottish Lobbying Register

For information

Scottish-based denominations are no doubt aware that from **12 March 2018** all regulated lobbying in Scotland, as defined in the Lobbying (Scotland) Act 2016, will have to be registered on Scotland's new [Lobbying Register](#) – but denominations based outside Scotland with Scottish congregations may not be.

There is no express exemption for charities, though in practice some may come under other exemptions (including the provision that there is no requirement to register for organisations with fewer than ten staff in full-time employment).

The Act states that certain face-to-face meetings with MSPs or the Scottish Government's Ministers, Special Advisers or Permanent Secretary need to be registered. Early access to the Lobbying Register website is now possible, to allow all users to familiarise themselves with the system. [Guidance](#) is also available, explaining what will be required under the Act when it comes into force. The Scottish Council for Voluntary Organisations (SCVO) has also provided some helpful charity-specific [guidance](#).

[Source: Scottish Parliament & SCVO – 16 October]