



CLPU

# Charity Law & Policy Unit

## ANNUAL NEWSLETTER 2021-22

### A MESSAGE FROM OUR DIRECTOR



Welcome to the October 2021 edition of the annual Charity Law & Policy Unit newsletter. In this newsletter, we report on our recent activity and introduce our upcoming events. As University lecturers, we spent much of the last 18 months focussing on teaching delivery, as we swiftly pivoted to online provision, then planned for blended learning. Whilst we did not circulate an annual newsletter last year, we maintained contact by email and we were very pleased to maintain our links with many via participation in our online events.

We are delighted to report that, since the publication of our last newsletter, both Dr Jennifer Sigafos and Dr John Picton have been promoted to Senior Lectureships, so we wish them belated congratulations. Also, Malavai Hood-Fredriksen, Angela Fowler and Brett Crumley have all successfully completed their PhD studies, so again, congratulations to them and best of luck for the future. We are also very pleased to report that Dr Mary Synge has joined the Charity Law & Policy Unit as an Honorary Senior Research Fellow.

As well as hosting our own online Charity Briefs, domestic and international lockdowns have not prevented Unit members from presenting their work virtually at various seminars and conferences around the world. 2020 also saw the publication of our Debates in Charity Law edited collection. You can read about this and our other work in this newsletter.

In early 2020, CLPU and its members moved into the new School of Law and Social Justice building at the University of Liverpool. Of course, a few months later, we were all working from home, due to the global pandemic. We have recently returned to campus, and we look forward to welcoming guests to face-to-face events in our amazing new purpose-built building in Liverpool very soon. Details of our planned events appear towards the end of the newsletter.

If you would like to contact me about our events, or any other activities, please feel free to do so. My contact details are at the end of the newsletter.

I look forward to seeing you, be that in person, or online, at one of our events in the coming year.

All the best

*Debra Morris*

## SPONSORSHIP

**Brabners** We are delighted to announce that the leading North West law firm Brabners have kindly agreed to continue to sponsor the work of CLPU. This support is integral to the continuation of the Unit's research into the legal issues surrounding charities and third sector organisations. Liverpool Law School students have also benefited greatly from Brabners' ongoing support with exciting opportunities of work experience at the firm, boosting both students' knowledge of charity law and their CVs! As always, we are very grateful to Stephen Claus, Partner and Head of Charity and Social Enterprise at Brabners, and his partners for their continued support.

We are also grateful for the funding from the School of Law and Social Justice at the University of Liverpool. This funding has secured our Research Associate, Karen Atkinson, to continue working on important research bids as well as supporting the work of the Unit generally.

## FUNDED RESEARCH PROJECTS



Dr James Organ and Dr Jennifer Sigafos from the CLPU, working together with Dr Sophie Wickham from the Institute of Population Health Sciences, have successfully completed the first year of their 'Increasing Access to Justice in Liverpool' project. The project, funded by a grant of £90,000 from Liverpool City Council, aimed to better understand the functioning of the network of public, private and voluntary sector organisations that provide legal advice services within Liverpool. It also aimed to facilitate an online referral network linking together these services.

A final report on the initial phase of the project has now been produced and is due to be published soon. An additional grant of £52,000 has now been awarded from Liverpool City Council, extending the project until March 2022.

## PARTNERSHIPS, EXCHANGES, IMPACT



The online environment has helped us to facilitate a number of engagements in the past year with charity law colleagues further afield, including in Australia and New Zealand.

Debra Morris, John Picton and Jennifer Sigafoos took part in a workshop on 'Best Interests Duty for Charity Directors', organised by Ian Murray (University of Western Australia), Rosemary Langford (University of Melbourne), and Sue Barker (New Zealand Law Foundation International Fellow, Te Karahipi Rangahau ā Taiao).

Debra Morris also contributed to the online teaching of an LLM course on Not-for-profit Law to students at the University of Auckland in New Zealand, the course leader of which was Professor Matthew Harding of Melbourne Law School.



Debra continues to be a member of the national Law Society Wills and Equity Committee, which advises the Law Society on issues around reform of the law and the legislative process relating to wills, probate, financial and tax planning, trusts and estate administration, and also advises the law relating to mental capacity and charities. The Committee supports the development of up-to-date professional advice and guidance on such matters; reviews and advises on the role, design and operation of relevant accreditation schemes; and liaises with the Society's Private Client Section.

## PUBLICATIONS AND PRESENTATIONS



The highlight in 2020 was the publication of [Debates in Charity Law](#), edited by Jennifer Sigafoos and John Picton. This volume of peer-reviewed essays on charity law showcases the research strengths of members of the Unit and other key members of the Charity Law community with whom the Unit works. We are delighted with the book's reception so far. In reviews published to date, it has been described as '**an important resource for all those interested in the contemporary challenges posed by the regulation of civil society**' and '**recommended reading for scholars, students and practitioners looking for an extensive collection of topics in charity law**'. If you haven't got your copy, you are missing out!

**A full list of Unit publications can be found on the [CLPU website](#).**

Members of the Unit continued to present papers at conferences around the world throughout the year. Since March 2020, these presentations have taken place online but below are a few reminders of our activities in pre-pandemic days:

Matt Shillito represented CLPU at the ARNOVA (Association for Research on Nonprofit Organizations and Voluntary Action) Conference in San Diego in November 2019, delivering a presentation on *The Digital (Currency) Revolution: Law as a Barrier or Enabler of Innovation by Non-profit Organizations*.



Debra Morris spoke at the 'Exploring Public Benefit in Charity Law' Conference at Melbourne Law School in December 2019 on *Too private to be charitable: drawing the line in charity law*. A chapter based on this talk is due to be published in a forthcoming book 'Charity Law: Exploring the Concept of Public Benefit' edited by Daniel Halliday and Matthew Harding (Routledge, 2022).

**A full list of Unit presentations can be found on the [CLPU website](#).**

#### POSTGRADUATE STUDENTS

Angela Fowler successfully defended her PhD thesis on the international counter-terrorist financing legal framework. Angela sought to discover whether the objectives of such regulation can be met without prejudicing the ability of non-profit organisations to meet their charitable objectives.

Matilda Clough successfully completed her second year as a Graduate Teaching Assistant and PhD student. Tilly's research interests lie predominantly in charity law and educational law and policy. In this intersection, her thesis explores the charitable status of independent schools and whether this status can be justified.

Dr Brett Crumley, who successfully completed his PhD studies in 2020, has been appointed to a post of Lecturer in Law at the Open University. His thesis provides a thematic analysis of the Charity Tribunal and suggestions for its reform.

#### UNDERGRADUATE TEACHING



In the academic year 2020–21, CLPU members continued to teach the 'Debates in Charity Law' module to final year undergraduate law students. Due to the pandemic, the entire module was taught online. There was good student engagement with the module, and students also attended online Charity Briefs, whose timing coincided with the teaching of their module.

## CLPU ONLINE CHARITY BRIEFS

Due to the pandemic, we were not able to host any face-to-face events during the last year. Instead, we established a series of online Charity Briefs. These were one-hour sessions hosted via Zoom, involving an initial 20-minute presentation by the speaker, followed by around 30 minutes of discussion/Q&A via the chat function on Zoom. CLPU colleagues chaired and moderated the Q&A sessions. Each event attracted hundreds of participants and led to lively discussions, with the Briefs receiving positive feedback. In the past year, we heard from: Matthew Smith, Maitland Chambers, on '*Charity Trustees in the Dock: the Implications of the Kids Company Case*'; Graeme Hughes, Brabners, on '*Sticking to Your Knitting ...? The Ongoing Debate around the Role of Charities in Politics*'; Dr Mary Synge, Honorary Senior Research Fellow, on '*Charity Law and Executive Pay*'; and Mark Sidel, Doyle-Bascom Professor of Law and Public Affairs, University of Wisconsin-Madison; Consultant for Asia, International Center for Not-for-Profit Law (ICNL) on '*Working with and around the State – Charity Law and Policy Developments in Asia*'.



Recordings of CLPU online Charity Briefs can be watched [here](#).

Due to the success of this format, we plan to continue this activity in the future, alongside face-to-face events.

## ANNUAL PROPERTY LAW LECTURE



The sixth Annual Property Law Lecture, held in conjunction with the Chancery and Commercial Practice Group, Atlantic Chambers, took place in February 2021. The lecture, delivered by Professor the Honourable Mr Justice Snowden, Vice-Chancellor of the County Palatine of Lancaster, was titled '*Property Law, the Pandemic and Cybercrime*'. Mr Justice Snowden spoke about recent issues relating to the law of property and trusts in relation to the pandemic and the use of bitcoin. The lecture, which was delivered online, attracted a large audience and generated much discussion. The recording, posted online for others to watch, can be found [here](#).

Details of the upcoming 2022 Annual Property Law Lecture can be found below.

## CLPU EXTERNAL STEERING COMMITTEE

**Stephen Claus**

Partner, Head of the Charity and Social Enterprise sector



Stephen Claus of Brabners stood down from the CLPU External Steering Committee at the end of the 2020–21 academic year. We thank him very much for all his support of CLPU over many years. Stephen's successor is Graeme Hughes, also of Brabners. Other members of the Committee are: Sir Alastair Norris (chair); Hubert Picarda QC; Julian Smith (Farrer & Co LLP); Matthew Smith (Maitland Chambers) and Helen Rice (Chief Executive at Age UK, West Sussex).

## FORTHCOMING EVENTS

We will be hosting a number of online events and will also be re-starting some face-to-face activity in 2021–22. We are regularly reviewing current health and safety guidelines.

**'Charity Insolvency: Discerning the Wider Implications of Recent Developments in Australia.'**

Monday 29<sup>th</sup> November 2021, 9am-12pm GMT

This hybrid international mini-conference will examine charity insolvency in Australia and the UK and attempt to offer some solutions to the knotty problems that are involved when a charity goes into an insolvency procedure.

Bringing together charity law experts from Australia and the UK, the conference will focus on the recent decision of the Queensland Supreme Court in the Presbyterian Church insolvency (*The Presbyterian Church of Queensland Incorporated by Letters Patent v. Attorney-General for the State of Queensland* [2021] QSC 136). Dr Matthew Turnour will guide us through the case and highlight what it teaches us about, amongst other things, charitable purposes, charity structures, and charity insolvency.

There will be further contributions from Garth Blake QC who will discuss the Bathurst case ([2015] NSWSC 1856) by way of background. Murray Baird, former Assistant Commissioner of the ACNC and a director and secretary of the Charity Law Association of Australia and New Zealand, will also provide some insights from a regulatory perspective. Members of the Charity Law & Policy Unit will also contribute with insights from various charity law perspectives.

There will also be discussion points for conference attendees to discuss the issues which arise from the Presbyterian and Bathurst cases.

Register via [Eventbrite](#).

Following our successful inaugural series last year, CLPU plan to host further short Charity Brief online events. These will mainly coincide with the teaching of the Charity Debates module in Semester 2 (Feb–May 2022) and further details will follow in due course. The first event will be:

***‘Charitable Purposes, Demonstrable Benefit and the Role of the Charity Commission: The Fourth Pemsel Head Recast’***

Dr Lara McMurtry, Keele University  
Tuesday 7<sup>th</sup> December, 2021 5-6pm

Register via [Eventbrite](#).

**Annual Property Law Lecture**

***‘Licences of Commercial Premises: The Reach of Street v Mountford’***

Professor Michael Haley, Professor of Property Law, Keele University  
Tuesday 15<sup>th</sup> February 2022, 6-7pm

This event, held in conjunction with the Chancery and Commercial Practice Group, Atlantic Chambers, will be held on a hybrid basis, with both a Liverpool-based speaker and audience and an online audience.

Register via [Eventbrite](#).

## PLANNED EVENTS

Watch out for further information on a live panel event which we plan to host in Liverpool in February 2022 (subject to Covid conditions) on charities' experiences of coming out of Covid, with synchronous online stream. The event will focus on charities surviving Covid, with considerations of new (and better) ways of operating and lessons learned.

Also watch out for further details in due course of how we will be taking forward our planned International Symposium in 2022:

***‘Fallen from Grace: Protecting the Charity Brand in the 21<sup>st</sup> Century’***

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## CONTACT DETAILS

If you would like more information about supporting research by the CLPU or more information about postgraduate study, contact:

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