



Annual Newsletter 2019-20

A MESSAGE FROM OUR DIRECTOR...



Welcome to the October 2019 edition of the Charity Law & Policy Unit newsletter, which reports on another active and successful year and provides a list of future events.

One of the highlights of last year was a very well attended panel evening at our London campus on the hot topic of charity governance and you can read more about this in the newsletter. We also began a new initiative – the first of a new series of joint sessions with Brabners law firm where we co-hosted a charity roundtable on a topic where we could share our research expertise and discuss it with charities and their legal advisors. Building on earlier research conducted by CLPU members, we chose to focus the first session on Charities and Equality & Diversity and in June 2019 we held a lively session at which charities, lawyers and CLPU colleagues discussed the intricacies of this topic and how it affects charities in their day to day activity. On the back of the success of this event, we plan to host further charity roundtables in the coming year, and details of these can be found in the newsletter.

We are pleased to be joined in this new academic year by a new PhD student and Graduate Teaching Assistant, Matilda Clough. Funded by the School of Law and Social Justice, Matilda's PhD research will focus on independent schools, under the supervision of Dr John Picton. Matilda is no stranger to CLPU, having been both an undergraduate and postgraduate (LLM) student here. She has also previously undertaken a charity law summer placement at Brabners law firm, having won a charity law essay writing competition as an undergraduate student. We look forward to working closely with her in the coming years.

Unit members have been out and about as usual presenting at various seminars and conferences. We have also been busy this past year drafting chapters for our new edited collection, which we will be excited to see published in 2020. You can read about this and our other work in this newsletter.

We are also pleased to report that the CLPU and its members will soon be moving into the new School of Law and Social Justice Building at the University of Liverpool. In the future we will be hosting Liverpool based events in our amazing new purpose-built building and we look forward to welcoming guests in the coming year.

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 at one of our events.

All the best

Debra Morris

Debra Morris, Professor of Charity Law & Policy
Director, Charity Law & Policy Unit

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.

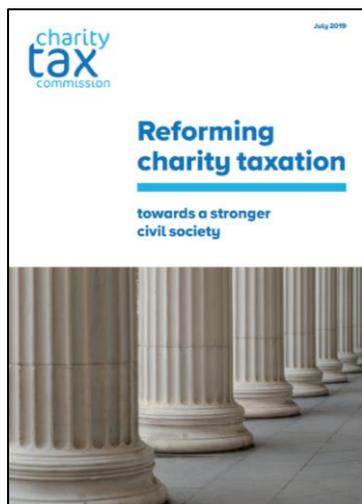
PANEL EVENT



Charity Governance: Looking Backwards to Move Forward panellists from left to right, Professor Debra Morris, Philip Kirkpatrick, Rebecca Fry, Joss Saunders and Rosie Chapman.

Over recent years charities have been in the headlines for the wrong reasons on a number of occasions. Scandals have arisen around sexual abuse and exploitation, aggressive fundraising methods and the very public collapse of large charities. In February 2019, CLPU hosted a panel event at the University of Liverpool in London; '*Charity Governance: Looking Backwards to Move Forwards*', focusing on how the charitable sector can learn important lessons from previous mistakes, and move forward to support better charity governance. Chaired by Professor Debra Morris, our expert panel consisted of Rosie Chapman (Chair of the [Charity Governance Code](#) Steering Group), Rebecca Fry (Head of Legal Policy, [Charity Commission](#)), Philip Kirkpatrick (Head of Charity & Social Enterprise Department, [Bates Wells Braithwaite](#)), Joss Saunders (General Counsel, [Oxfam](#)). The panel were invited to reflect on three key lessons they have learned or observed from recent events about charity governance, leadership, regulation and transparency, and their suggestions for better practice among the sector. Key aspects of the panellists' comments included improvement of culture and ways of working for charities and their trustees, and more focus on their main purposes. For a more detailed summary of the panellists' comments, visit the [CLPU webpage](#).

PARTNERSHIPS, EXCHANGES, IMPACT



During the year, Debra Morris and Karen Atkinson carried out funded consultancy work for the NCVO for its Charity Tax Commission. The Commission published its report '[Reforming charity taxation towards a stronger civil society](#)' in July 2019.

In February 2019, CLPU hosted a visit from [Professor Pauline Ridge](#) of the Australian National University. Pauline is an Australian private law academic with an interest in the legal regulation of religious financing (including through charity law). She has written on various aspects of that topic (religious charity law; undue influence; human rights) and is currently working on a monograph. As well as engaging in discussions with Unit members, Pauline gave a presentation on '*A Conceptual Framework for the Law of Religious Financing: Accommodating the Public Benefit and Freedom of Religion*'.

In August 2019, [Professor Matthew Harding](#) of Melbourne Law School also visited CLPU and colleagues enjoyed sharing current research projects with Matthew. Matthew is a leading charity lawyer in Australia and recently edited the '[Research Handbook in Not-for-Profit Law](#)' to which CLPU colleagues contributed.

In March 2019, CLPU colleagues submitted a response to the Scottish Government Consultation on Scottish Charity Law. In our response, we supported proposals to give the Scottish Charity Regulator (OSCR) greater enforcement powers and to require all registered charities to publish their accounts.

Jennifer Sigafoos has been working with James Organ to investigate the impact of austerity and legal aid cuts on Merseyside advice agencies and local social welfare advice. Jennifer Sigafoos is also a member of the [Liverpool Law Society Access to Justice Committee](#). She presented evidence of the findings from her co-authored EHRC study: [The impact of LASPO on routes to justice](#) to the Liverpool Mayoral Citywide Fairness and Anti-poverty Commission and was asked to join the Commission.

In a new partnership with Brabners, through partner Robert Nieri, CLPU members have begun to run joint roundtable events with key charity personnel in attendance. The first event, on Equality, Diversity and Inclusion was held in June 2019. Debra Morris (photo, right) and Jennifer Sigafoos participated in the roundtable and presented findings from their charities and equality research project. This is a good way to disseminate research findings and hopefully encourage good practice in the charitable sector. We will be co-hosting further charity roundtables with Brabners in the coming year.



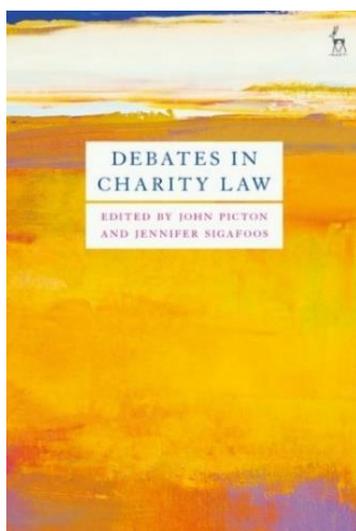


Juan-Cruz Alli of UNED, Madrid was invited to the University of Liverpool to deliver a talk at a CLPU seminar in May 2019 about the radical transformation of the Savings Bank sector. Juan Cruz discussed the transformation of Saving Banks into private banks, how they have inherited the previous social mandate purposes of the old Saving Banks and the process and consequences of these transformations.

Juan Cruz (photo, above) delivering his seminar: 'A New Kid in the Neighbourhood of Charitable Foundations? The transformation of Spanish Savings Banks into Shareholding Private Banks with Ancillary Charitable Foundations'

BOOK PROJECT

Jennifer Sigafoos and John Picton are co-editing a volume of peer-reviewed essays on charity law intended to showcase the research strengths of the Unit and other key members of the Charity Law community with whom the Unit works. [Debates in Charity Law](#) builds upon both the outcomes of the [Future of Charity Law: Teaching, Scholarship and Research Symposium](#) held in 2017 and the launch of the new charity law undergraduate module in 2018. CLPU members have been working on their chapters for this volume during the year and the manuscript has now been submitted to the publishers, Hart Publishing. The book will be published in 2020.



Images above, the *Debates in Charity Law* book cover and co-editors, John Picton and Jennifer Sigafoos enjoying a celebratory coffee after successfully submitting the manuscript to Hart Publishing.

FUNDED RESEARCH PROJECTS

INCREASING ACCESS TO JUSTICE IN LIVERPOOL



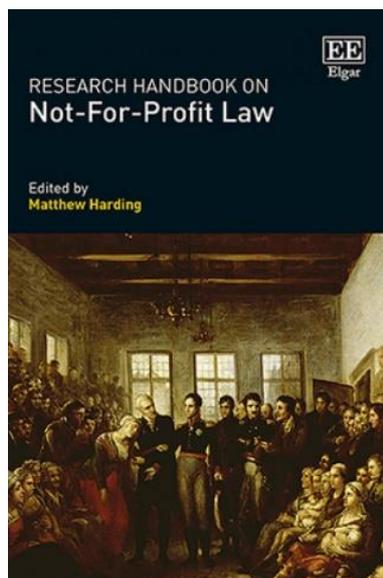
James Organ and Jennifer Sigafoos, together with Dr Sophie Wickham, a colleague in the Institute of Population Health Sciences, were successful in a funding bid, worth £90,000, to Liverpool City Council. Their project, *'Increasing Access to Justice in Liverpool'* was launched in October 2019. The aim is to increase the evidence base of the impact of legal aid cuts and welfare reform in Liverpool. They will work with a third sector partner to identify legal help provision in Liverpool, seeking to increase its effectiveness in the medium to long term through improving networking and referrals within and across sectors, and developing training capacity. Jennifer and James also received funding from the School of Law and Social Justice Research Development Fund to support some of this work. Debra Morris serves on the Steering Group for the project.

CLPU EXTERNAL STEERING COMMITTEE



For many years the CLPU has benefited from the wisdom of its External Steering Committee, whose main aim is to ensure that CLPU's work remains relevant and useful to charities and their legal advisors. An annual meeting is held with the Committee whose members also provide hands-on advice and support throughout the year. The Steering Committee has been led by Sir John Mummery and includes as its members Hubert Picarda QC, Stephen Claus (Brabners LLP), Julian Smith (Farrer & Co LLP), Matthew Smith (Maitland Chambers) and Helen Rice (Chief Executive at Age UK, West Sussex). At the conclusion of the annual meeting in 2018, Sir John Mummery retired as Chair of the Steering Committee after many years of faithful service. In February 2019, a lunch (photo, above) was held in his honour, attended by CLPU colleagues and Steering Committee members, together with the new Chair, Sir Alastair Norris, a judge of the High Court. CLPU colleagues look forward to working with Sir Alastair Norris in the future.

PUBLICATIONS AND PRESENTATIONS



Amongst the highlights this year are contributions to Professor Mathew Harding's edited collection '[Research Handbook on Not-for-Profit Law](#)' by both John Picton and Debra Morris. The Handbook provides a comprehensive overview of scholarship on not-for-profit law. Chapters explore key ideas and debates in relation to: theories of the not-for-profit sector, the composition and scope of that sector, not-for-profit organisations and the constitution, the legal conception of charity, the tax treatment of not-for-profit organisations and the regulation of not-for-profits. The book serves to represent not-for-profit law as a field of academic inquiry, and to point the way to future research in that field.

A full list of Unit publications can be found [here](#)

Members of the Unit have been presenting papers at conferences near and far throughout the year.

Debra Morris (photo, right) represented CLPU at the ARNOVA (Association for Research on Non-profit Organisations and Voluntary Action) Conference in Austin, Texas, delivering a presentation titled: *Developing Charity Law Teaching and Scholarship: Lessons to be Learned*.



At the Law Society Association Conference, Washington DC, in June 2019, CLPU member Jennifer Sigafoos (photo, left) presented hers and James Organ's research on Legal aid cuts and Social Citizenship in the UK.

A full list of Unit presentations can be found [here](#)

POSTGRADUATE NEWS



Matilda Clough (photo, left) has just joined us as a PhD student and Graduate Teaching Assistant, funded by the School of Law and Social Justice. Her research will focus on independent schools, under the supervision of John Picton.

Malavai Hood-Fredriksen continued his PhD studies, looking at the impacts of changes in social housing allocations. He is due to complete this academic year.

Brett Crumley continued his PhD research on the Charity Tribunal with a view to improving outcomes for parties.

Angela Fowler continued her work on the international counter-terrorist financing legal framework. She seeks to discover whether the objectives of such regulation can be met without prejudicing the ability of non-profit organisations to meet their charitable objectives.

Potential students interested in pursuing postgraduate research in the area of charity law are invited to contact CLPU in order to obtain further information or to discuss any research proposals that they might have. Students may register for the postgraduate degrees of LLM and PhD, either on a full-time or part-time basis. For more information on applying for a postgraduate degree, [visit our website](#).

UNDERGRADUATE TEACHING

Following the successful launch of a new final year undergraduate module (FHEQ Level 6) 'Debates in Charity Law' last year, the module was taught again in 2018-19, and was again extremely well received by students. The delivery of the module is one of the outcomes from the international symposium on the '[Future of Charity Law](#)' that CLPU hosted in April 2017. The module is a research-led module, team-taught by members of the CLPU. Each year the module will consider different 'debates' in charity law.

In 2018-19 students enjoyed debates on issues such as charities and campaigning; the charitable status of fee-paying schools; and charities and counter-terrorist financing.



FORTHCOMING EVENTS

All events carry non-credit bearing CPD accreditation. These varied events are designed to encourage participation from all those involved with charities, whatever their discipline. As well as its regular visitors, the Unit hopes to welcome some new faces this year.

BRABNERS AND CLPU CHARITY ROUNDTABLE EVENTS

Charites and Contentious Gifts

with Dr John Picton

Tuesday 19th November 2019, 3.00-5pm

University of Liverpool in London, 33 Finsbury Square

[Register here](#)

(Note that this event is open to charities only)

Charity Mergers

with Debra Morris and Professor Warren Barr

Wednesday 11th March 2020, 3.00-5.00pm

University of Liverpool in London, 33 Finsbury Square

[Register here](#)

(Note that this event is open to charities only)

PROPERTY LAW LECTURE

Property Voices in the shadow of Grenfell

Professor Susan Bright

New College, Oxford University

Tuesday 11th February 2020, 6-7pm

New SLSJ Building

[Register here](#)

This Liverpool Law School event is held in conjunction with Chancery & Commercial Practice Group, Atlantic Chambers Liverpool. All are welcome.

CLPU SEMINAR

Enhancing the powers of the Scottish Charity Regulator (OSCR): clone of the Charity Commission for England and Wales (CCEW) or home-grown charity regulator for Scotland?

Patrick Ford

Honorary Research Fellow, University of Dundee

Thursday 27th February 2020, 6-7pm

New SLSJ Building

[Register here](#)

INTERNATIONAL SYMPOSIUM

Early notice of an event to take place next year – further details in due course.

‘Fallen from Grace: Protecting the Charity Brand in the 21st Century’

May 2020

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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For up-to-date details of the Charity Law & Policy Unit's activities
[visit our website](#)

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 [@liv_clpu](#)