



Newsletter

A Message from the Director...

September 2013

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Welcome to the new edition of the Charity Law & Policy Unit newsletter, which I hope you will enjoy reading.

In this issue, we report on another busy and successful past year for the Unit and we include details of our future events.

I am delighted to report two new appointments for the Unit. Dr Jennifer Sigafoos, who was working with us on the Charities and Equality project has been appointed to a Leverhulme Early Career Fellowship based within the Unit. Also, John Picton, who is completing his PhD, has been appointed to a lectureship. I wish them both the very best of luck and look forward to continuing to work with them.

One of the highlights of the last academic year was the Key Cases Symposium that was held here in Liverpool. You can read more about this in the newsletter. I am pleased to report that the papers from this Symposium are about to be published in the *Charity Law & Practice Review* so please do watch out for that. The text of Lord Phillips' public lecture from November 2012 is already published in the same journal.

We have an exciting schedule of events planned for this academic year and details of these are outlined towards the end of this newsletter. All are invited to attend these events which will be both informative and will also provide an opportunity for networking. In particular, I am thrilled that Sir John Mummery, who chairs our Steering Committee and has recently retired from the Court of Appeal, will be giving this year's public lecture. He will be reflecting on charity cases over the years, from his perspective as both a barrister and a judge. If you would like to contact me about these events, or indeed 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

Director, Charity Law & Policy Unit

Sponsorship

We are delighted to announce that the leading North West law firm Brabners LLP have kindly agreed to continue to sponsor the work of CLPU. This takes the form of both financial and practical support. We are very grateful to Stephen Claus, Partner and Head of Charity and Social Enterprise at Brabners LLP and his partners for their continued support.

Brabners

Impact of the Equality Act 2010 on Charities

The year-long project, funded by the Leverhulme Trust, came to an end in the summer of 2013 with the publication of a research report. It was found that although charities are aware of the legislation they may not understand how it affects them, potentially leaving them open to a challenge that threatens their charitable status.

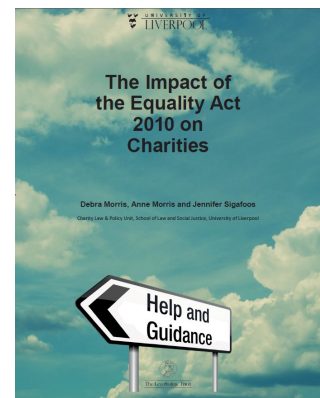
The Equality Act 2010 tightened the exceptions that allow charities to target their services to particular sectors of the population, for example along gender lines. In response, charities must ensure that their existing approaches comply, but the study found the extent to which they have done so is not clear.

The study, led by Debra Morris, alongside Anne Morris and Jennifer Sigafoos, found that charities are unlikely to appreciate that non-compliance with the Act may mean that they are considered not to be acting in the public benefit, resulting in loss of charitable status. Religious charities and higher education institutions may be most exposed. Older charities may also discover that outdated charitable aims are no longer justifiable in the wake of the new legislation. The inter-relationship between the Act and charity law is one of the questions that this study has shown to be particularly problematic. The question of whether a charity's core activities should be regulated by reference to the Act, or whether charity law, with its public benefit requirement, provides adequate safeguards to ensure equality, requires further consideration.

As well as considering the interaction between charity law and equality law, the project included an empirical investigation of the Equality Act 2010 in practice. This involved talking to charities, lawyers and regulators about their understanding and experience of the Act and its impact on charities.

As the first empirical project in this area, the findings are interesting, thought-provoking and, to some extent, unexpected. We hope that they will provide a major contribution to helping charities navigate the new legal landscape.

The detailed research report, which includes the research findings, four case studies, and both policy recommendations and advice for charities can be read here: <http://liv.ac.uk/law/research/charity-law-and-policy/impact/>



Brabners LLP Charity Law Moot

Once more, as part of the Unit's sponsorship by Brabners LLP, second year law students from Liverpool University were given the opportunity to participate in the Charity Law Moot Competition. The winning mooter, whose prize was a week-long summer work placement at Brabners LLP was Jessica Tierney. In addition, all the participants received a small prize from Brabners to mark their overall achievement in the competition. Jessica later described the placement week as a 'great experience'. She also noted that taking part in the competition, which required her and her fellow mooters in a close examination of the legal definition of charity, was great fun but also 'very helpful for exam revision too'!



Members of both teams of mooters together with the panel of judges.

Impact of Legal Aid Cuts on Charities

In a knowledge exchange partnership between the Unit and external partner, Liverpool Specialist Advice Services (the umbrella body for Citizens Advice Bureaux in Liverpool) we undertook a survey on the immediate impact of the legal aid cuts, which came into force in April 2013, on advice giving charities in Liverpool. This culminated in a report detailing the findings of the survey.

It was found that 91 per cent of charity advice workers believe that they are providing a lower level of service following cuts to legal aid. The reality for advice-giving charities in one of the UK's most deprived areas is that welfare reforms have increased demand for their services, and they cannot meet the ever-growing need. The lack of access to welfare benefits advice was singled out, with 95 per cent citing this as an area where people need advice but cannot access it. Agencies are shifting from specialist to generalist advice. In addition, agencies are reducing eligibility for their services, their opening hours or the scope of types of matters that they can handle. The study also found that 98 per cent of advisers feel under more pressure in their jobs when trying to meet the needs of their clients.

The results of the survey were presented at a meeting to representatives from: the charitable advice giving sector and other charities; the Law Society; Liverpool City Council; and the University of Liverpool. The external partner stated 'We are delighted with the extent of the research, the way it was presented and the publicity we jointly received about this crucially important piece of work'.

The report from the study, written by Jennifer Sigafos and Debra Morris, can be read here:

[http://www.liv.ac.uk/media/livacuk/law/cplu/
Impact_of_Legal_Aid_Cuts_on_Advice_Charities_in_Liverpool.pdf](http://www.liv.ac.uk/media/livacuk/law/cplu/Impact_of_Legal_Aid_Cuts_on_Advice_Charities_in_Liverpool.pdf)

This work followed on from the publication of an article, written by Debra Morris and Warren Barr, examining the impact of legal aid cuts on charities. This article is published in a special issue of the Journal of Social Welfare and Family Law in 2013. Debra and Warren gave a presentation based on the article at a seminar in March on the Impact of Legal Aid Cuts on Access to Justice, co-hosted by the Unit and School of Law and Social Justice at the University of Liverpool.

Work in this area is continuing in 2013-14.

Left to right, Jennifer Sigafos, Debra Morris, Rachel Howley (from Liverpool Specialist Advice Services, our KE partner) and John Spafford (Business Gateway)



Key Cases Symposium

In May 2013, experts in Charity Law gathered at a Symposium, organised by the Unit, to discuss eight key cases that have shaped charity law over the centuries. The invited audience then discussed the importance of the developments which had been chosen and considered whether or not whether they earned their place as a key case. Experts presenting their cases included Sir John Mummery, Lord Justice of Appeal, senior practitioners in Charity Law, such as Hubert Picarda QC, and, academics who specialise in this area. The Symposium was supported by the Unit's sponsors, the law firm Brabners LLP. The papers from the Symposium are due to be published in the *Charity Law & Practice Review* later this year.



Sir John Mummery with Symposium participants.

Fresh Thinking on Big Issues: The Future of the Third Sector

In conjunction with the Heseltine Institute for Public Policy and Practice at the University of Liverpool, the Unit hosted an event in June 2013, which saw Dr David Horton Smith, US Fullbright Scholar and Harvard Graduate give a keynote presentation. Local and practical comment was provided by Lesley Dixon, Chief Executive of the national charity PSS and Dr Claire Moxham from the University's Management School. In addition to academics from across the University, the audience consisted of key policy makers and practitioners from around Merseyside.



Staffing

During the year, Tracy Harkin (ex-Research Reports Manager, Charity Commission) was appointed as an Honorary Research Associate for the Unit. She completed a scoping paper on the impact of pension liabilities on charity trustee decision making, which we intend to take forward in the coming year.

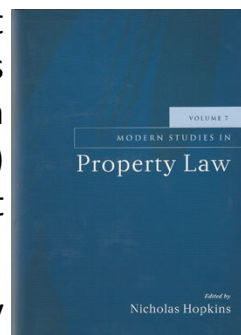
We are also about to welcome Daeho Yang, Associate Professor from Liaocheng University in China as an Honorary Research Fellow. He will be visiting the Unit between October 2013-April 2014 to research English charity law with a view to informing discussions in China about charity law.

New Publications

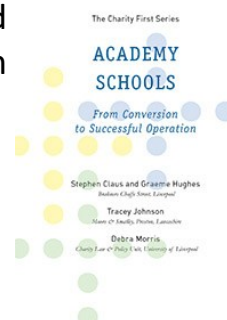
A number of articles, reports and chapters were published by members of the Unit during the year. A full list can be found here: <http://liv.ac.uk/law/research/charity-law-and-policy/publications/>

Following on from Warren Barr's presentation at the last Modern Studies in Property Law conference held in 2012, his chapter on 'The Big Society and Social Housing: Never The Twain Shall Meet?' has now been published in Nick Hopkins (ed.) *Modern Studies in Property Law: Volume 7* (2013) Hart Publishing Ltd, Oxford.

You can read more about the 2014 Modern Studies in Property Law conference, to be held in Liverpool, in this newsletter.



As part of our working relationship with Brabners LLP law firm, Debra Morris, together with Stephen Claus, Graeme Hughes and Tracey Johnson, co-authored *Academy Schools - From Conversion to Successful Operation* (2012) SPM Fund essentials. This gives a comprehensive and authoritative overview of legislation relating to Academies, with practical guidance on their establishment and operation.



News from our Postgraduates

John Picton is about to submit his PhD thesis on cy-pres; law and practice. We look forward to working with him as lecturer this year.

Tessema Mebratu continues his third year of PhD research on laws and policies governing charities and their impacts on the democratization process of a country: Ethiopia in case. Tessema is the recipient of both a University and a Faculty studentship. He presented his work at a Unit seminar earlier this year.

Charlotte Hood-Fredriksen continues her PhD studies, looking at the impacts of changes in social housing allocations. Charlotte is now a Graduate Teaching Assistant. She is also helping with the organisation of the Modern Studies in Property Law conference being held in Liverpool in April 2014.

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 LL.M and PhD, either on a full-time or part-time basis.

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.

Public Lecture:

Sir John Mummery, Retired Court of Appeal Judge

'The Charity Experience: Cases, Courts and Counsel'

14 November 2013: 6pm – 7pm

Hearnshaw Theatre, Eleanor Rathbone Building, University of Liverpool

Followed by a reception

Register at - <http://www.uolevents.org/141113>

Forthcoming Events

Seminars:

Professor Joseph Jaconelli, University of Manchester

'Adjudicating on Charitable Status – a Reconsideration of the Elements'

5 December 2013: 6pm – 7pm

Lecture Theatre 4, Rendall Building, University of Liverpool

Register at - <http://www.uolevents.org/051213>

Daobo Yang, Honorary Research Fellow, Charity Law & Policy Unit, Associate Professor, Liaocheng University

'Charity Law in China'

20 February 2014: 6pm – 7pm

Lecture Theatre 4, Rendall Building, University of Liverpool

Register at - <http://www.uolevents.org/200214>

Charlotte Hood-Fredriksen, PhD student, Charity Law & Policy Unit

'Social Housing and the Re-Emergence of the Deserving Poor'

22 May 2014: 6pm – 7pm

Lecture Theatre 4, Rendall Building, University of Liverpool

Register at - <http://www.uolevents.org/220514>

Modern Studies in Property Law 2014

The 10th Biennial Conference will take place at the University of Liverpool from Tuesday 8th – Thursday 10th April 2014. The conference series has its origins in the biennial conference first held by the University of Reading in 1996. Those conferences gave rise to the book, *Modern Studies in Property Law* which, since 2001, has been the medium for refereed publication of the conference papers. In 2008, the conference took place away from Reading for the first time and was held at Queens College, Cambridge. In 2010, the conference was hosted at New College, Oxford and in 2012 the conference was held at the University of Southampton.

Modern Studies in Property Law 2014 will again be closely tied to publication of a volume of the book.

For further information see: <http://www.liv.ac.uk/law-and-social-justice/conferences/mspl/>

The Charity Law and Policy Unit will be holding a one-day International Charity Law Symposium on Friday 11th April 2014, with a focus on reform of charity law. It is hoped that a number of visitors to the MSPL Conference will extend their visit to Liverpool to attend this event.

Contact Details

For More Information -

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 please see its website at:

<http://www.liv.ac.uk/law/research/charity-law-and-policy/>