



Newsletter

A Message from the Director....

September 2017

Welcome to the September 2017 edition of the Charity Law & Policy Unit newsletter, which reports on another active and successful year and provides a list of future events.

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I am delighted to report that our colleague and CLPU member Dr Matt Shillito successfully defended his PhD thesis and graduated in July 2017. His PhD research focused on non-traditional payment methods and their money laundering and terrorist financing risks. He is now working on financing of charities. Specifically, he has interests in 'de-risking', whereby banks sometimes refuse to provide financial services to charities in line with their anti-money-laundering and counter-terrorist financing obligations.

We have a full programme of events planned for this academic year, starting with the Unit's annual public lecture in October, delivered by Julia Unwin and entitled 'The World is Changing, Civil Society is Changing: Is Charity Law Fit For Purpose?' During this lecture, Julia will look at issues of public and private benefit, stewardship, membership, public trust and engagement and she will put those in the context of a changing environment. Julia is currently Chair of the Independent Inquiry into the Future of Civil Society and we are delighted to announce that we will also be hosting a Civil Society Futures Conversation on the same day as the lecture.

Unit members have been out and about as usual presenting at various seminars and conferences, and you can read about this in the newsletter. The highlight of last year for CLPU was our Symposium on 'The Future of Charity Law: Teaching, Scholarship and Research'. We were pleased to welcome colleagues from around the world and to broaden our network of interested researchers and teachers. Further details of this and other events held by the group are below.

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

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 the CLPU. This takes the form of both financial and practical support. Once again, we ran a Charity Law essay competition for undergraduate law students, with the winner, Matilda Clough, being awarded a week's work experience at Brabners. After the placement, Matilda said: 'I really enjoyed my placement at Brabners. It was a great experience and it strengthened my knowledge of charity law. I am grateful to the Unit for giving me this opportunity'. We are very grateful to Stephen Claus, Partner and Head of Charity and Social Enterprise at Brabners, and his partners for their continued support.



Matilda Clough.

Public Lectures

In October 2016, Francesca Quint, barrister at Radcliffe Chambers, delivered the Unit's annual public lecture, titled 'Protection of Charities under the Charities (Protection and Social Investment) Act 2016: Too Little or Too Much'. In the lecture, attended by students, academics, charity practitioners, trustees and lawyers, Francesca focused on those provisions of the Act which deal with the protection of charities. She concluded that the Act is capable of facilitating better regulation by the Charity Commission by providing a more coherent range of powers, enabling threats to charities to be reduced or removed. However, the way in which the legislation is expressed places excessive importance on informal guidance and demands of the charitable sector a greater trust in the inherent fairness and proportionality of the Commission's approach to its powers than, perhaps, past experience would tend to justify. The text of the lecture has now been published in the Charity Law & Practice Review.

Professor Debra Morris introduces Francesca Quint at the start of her public lecture.



In February 2017, the Liverpool Law School hosted the second annual Property Law lecture, organised in conjunction with the Chancery & Commercial Practice Group, Atlantic Chambers, Liverpool. This year, the lecture was delivered by the CLPU's Professor Warren Barr, and was titled 'Repudiatory Breach of Leases – Hard Lessons for 'Contractualisation' of Leases'.

International Charity Law Symposium

April 2017 saw a major CLPU event in the form of an international symposium titled 'The Future of Charity Law: Teaching, Scholarship and Research'. This solutions-focused international symposium, held at the University of Liverpool's Foresight Centre, considered how researchers with an interest in charity law could collectively raise the profile of charity law teaching and scholarship and, as a result, generate new research interest (particularly among early career researchers). It was noted during the discussions at the symposium that members of the public recognise the importance of charities and not-for-profit organisations, but that in the UK we do not currently mirror that in our law courses. The event drew from international expertise to lay the groundwork for a robust future for charity law. Participants included academics and postgraduate researchers from various jurisdictions, researchers from within the UK voluntary sector, and practising UK lawyers.

The event was supported by Brabners LLP and by a competitive award from the School of Law and Social Justice Teaching Development Fund.



Delegates at the symposium in sessions and at lunch.



Details of the event can be found on the CLPU webpages [here](#), and a synopsis of the findings from the day can be found [here](#). Papers arising from the day's presentations are due to be published in a forthcoming issue of the Charity Law & Practice Review.

Partnerships, Exchanges, Impact

In September 2016, members of CLPU submitted a response to the House of Lords Select Committee on Charities' call for evidence, with many of the points raised in our submission being specifically referred to in the Report of the Select Committee, published in March 2017.

Members of the CLPU working on their response to the House of Lords Select Committee on Charities.



In May 2017, members submitted a response to the Charity Commission's consultation on the complementary and alternative medicines and charitable status and the results of the consultation are awaited.

The Unit has also submitted responses to the Law Commission consultations on Technical Issues of Charity Law.

Debra Morris acted as the UK country expert for the Comparative Index of Philanthropic Freedom project. First published in June 2015, the Index of Philanthropic Freedom measures the regulatory, socio, cultural and political barriers and incentives to philanthropy in around 80 developed and developing countries. The results will be published by Indiana University's Lilly Family School of Philanthropy, which administers the project.

Debra Morris participated in a legal forum organised by the Charity Commission on charities and political activity. The Charity Commission met with a select group of charity lawyers and academics to discuss this topical issue. The debate was to a very high standard and attendees presented a range of differing perspectives and approaches to the issue.

In February 2017, it was announced that Debra Morris' piece on political campaigning published in the Voluntary Sector Review in 2016 (Debra Morris, 'Legal limits on political campaigning by charities: drawing the line' [2016] Voluntary Sector Review 109-115) was one the journal's top five most read articles published in 2016.

Jennifer Sigafoos continues to work with James Organ, also of the University of Liverpool School of Law and Social Justice, to investigate the impact of austerity and legal aid cuts on Merseyside advice agencies and local social welfare advice. In 2016-17, following work over several years, Jennifer and James conducted three focus groups with local advice agency staff and volunteers on meeting unmet need. Jennifer and James have submitted evidence of their findings to various bodies and committees, including the agencies themselves, Liverpool City Council and the Bach Committee on Access to Justice.

Jennifer Sigafoos is also a member of the Liverpool Law Society Access to Justice Committee, and has been working on mapping access to justice in the Merseyside area.

In November-December 2016, Liping Wang visited the Unit. Liping is Dejian Li's supervisor for his PhD being undertaken at Shandong University, China. During her visit, she spent time building academic contact with colleagues in the Unit. Her research interest is the legal protection of the disadvantaged and her project relating to the property of non-profit organisations won the first-class award of the Research Project funded by the Ministry of Civil Affairs in China. During her visit, she investigated common interest in terms of charity law research between herself and members of the Charity Law & Policy Unit. As part of her visit, Liping gave a seminar to colleagues on the reform of charity law in China.



Liping Wang with members of the CLPU.

Funded Research Projects

Jennifer Sigafoos has completed the empirical work for her project investigating the impact of funding cuts and legal changes on access to justice for charities seeking to use and influence social welfare law, which was funded through an Early Career Fellowship from the Leverhulme Trust. She is working on writing up the results.

A bid submitted to the Australian Research Council for one of its Discovery Projects grants (\$AUS 600,000) in which Debra Morris is a partner-investigator, originally submitted in February 2016 with research partners at Melbourne Law School, has been resubmitted in 2017 following positive reviews and amendment. The outcome is awaited. This multifaceted project aims to produce a deeper understanding of what it means to say that charity has a public character by addressing the following research questions: (i) how should the public aspects of charity be conceptualised, and why; (ii) what role does constitutional and human rights law play in the public aspects of charity; (iii) what are governments doing to cause, or address the impact of, the public characterisation of charity; and (iv) which models of charity law and charity regulation would respond appropriately to charity's public character.

The development of an ESRC bid on charitable legacies, to be submitted by Professor Warren Barr in conjunction with Dr Heather Conway (Senior Lecturer) of Queen's University Belfast, is also making good progress.

Work has also started on a potential ESRC bid which revisits the contract culture project undertaken by the Unit twenty years ago and considers current legal issues faced by charities delivering services under contract and changes in the legal situation over the past two decades.

Publications and Presentations

A full list of Unit publications can be found here:

<https://www.liverpool.ac.uk/law/research/charity-law-and-policy/publications/>

Members of the Unit have been busy presenting papers far and wide again this year. Debra Morris and John Picton both presented at the ARNOVA (Association for Research on Nonprofit Organizations and Voluntary Action) conference in Washington DC, USA in November 2016, and Dejian Li presented his research at the ARNOVA Asia Conference in Beijing in June 2017. Debra Morris presented a paper on Charity Regulation in England: Recent Developments in the Legal Framework at *Nuevas fórmulas en la regulación del mecenazgo y las fundaciones*, UNED, Madrid in May 2017.



Debra Morris (left) and John Picton (right) at the ARNOVA conference in Washington DC.



Debra Morris presenting her paper in Madrid, May 2017.

Members of the Unit also presented at the Modern Studies in Property Law Workshop, Queen's College Cambridge in April 2017 (John Picton), at the VSSN/ NCVO Conference in Nottingham in September 2016 (John Picton & Brett Crumley), at the 'Use and Abuse of Trusts and Wealth Management Devices' International Conference, Singapore Academy of Law in Singapore in July 2017 (Warren Barr).



Warren Barr presenting in Singapore (July 2017).

The Unit's annual seminar series included presentations by Brett Crumley in May 2017 and by Jennifer Sigafoos and Karen Atkinson in June 2017.



Brett Crumley presenting in Liverpool (May 2017).



Jennifer Sigafoos and Karen Atkinson presenting in London (June 2017).

A full list of papers presented can be found here:

<https://www.liverpool.ac.uk/law/research/charity-law-and-policy/conference-papers/>

News from our Postgraduates

Malavai Hood-Fredriksen continued his PhD studies, looking at the impacts of changes in social housing allocations.

Dejian Li continued his PhD studies (with funding from the Liverpool China Scholarship Council (CSC)). Dejian is looking at the reform of charity governance in China, based on a comparative study of the UK. In October 2016, Dejian presented his research at the Charity Commission to a visiting delegation from the Ministry of Civil Affairs in China. Following this, Dejian was invited to act as a member of the Academic Committee of the recently established Philanthropy Development Institute in Shanghai Jiaotong University.

Brett Crumley continued his PhD research on the Charity Tribunal with a view to improving outcomes for parties. He was awarded a Liverpool Doctoral College Bursary early in 2017 to work with the Home Office. He has contributed to Bishop James Jones' Review of the Hillsborough Families' Experiences project.

Angela Fowler, an existing Law School PhD student, has brought her research within the Unit and has added an element of empirical research to her thesis, exploring charities' experience of terrorist financing regulation.

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.

[Civil Society Futures Conversation:](#)

'The Future of English Charity Law and Regulation: Is the English model of charity and its regulatory framework fit for purpose for the future?'

26 October 2017: 2-3:30pm

The Women's Organisation, Roddick Rooms, 54 St James Street, Liverpool

[Register here.](#)

Public Lecture:

Julia Unwin, Chair of Civil Society Futures

'The World is Changing, Civil Society is Changing : is Charity Law Fit For Purpose?'

26 October 2017: 6-7pm

Eleanor Rathbone Building, Hearnshaw Lecture Theatre

Followed by a reception

[Register here.](#)

Workshop:

'Technical Issues in Charity Law Report: A Discussion'

(with representatives from the Law Commission)

15th December 2017: 10.15am-3pm

Liverpool in London Campus

[Register here.](#)

Property Law Lecture:

Professor Martin Dixon (Cambridge)

'The Last in Line: Occupiers and Third Parties. Too Many Steps, Too Far?'

13 February 2018: 6-7pm

Eleanor Rathbone Building, Hearnshaw Lecture Theatre

Followed by a reception

[Register here.](#)

Seminar:

Dr Oonagh Breen, Associate Professor of Law (University college Dublin)

'Shared Learning: Selected Findings from the Formative Experiences of New Charity Regulators'

8 March 2018: 6-7pm

Rendall Building, Lecture Theatre 4

[Register here.](#)

Seminar:

Dr John Picton and Dr John Tribe, Charity Law and Policy Unit

'Lessons for the Realm of Charities from the Directors' Disqualification Regime'

17 May 2018: 6-7pm

London Campus, Seminar Room 4

[Register here.](#)

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/>.

CLPU YouTube channel: https://www.youtube.com/channel/UCVPHn_0k2P_oAirs5HTRhYw

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