



Newsletter

January 2011
Issue 2

A Message from the Director....

Inside this issue:

Re-launch lecture	2
“Big Society— Big Debate”	2
Recent Publications	3
Karen Atkinson	5
Sponsorship	5
Charity Commission Strategic Review	6
External Advisors	6
Postgraduate Study	6
Forthcoming Events	7

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

Last semester proved to be a very busy one for us all here at the Unit. You can read about our events and activities in this newsletter. The new members of staff (myself and Dr Jonathan Garton) have been settling in. We have also recently been joined by Karen Atkinson, who has taken up the post of part-time Research Assistant. We are very pleased to see Karen back working with the Unit. We also welcomed a new Phd student, Tessema Beyene, in December 2010.

We have two seminars planned for this semester 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.

I will be on research leave during the second semester of 2010-2011 (February to May 2011). Whilst I am away, Jonathan Garton will be taking care of CLPU. Please feel free to contact him – Jonathan.Garton@liverpool.ac.uk.

All the best

Debra Morris

Debra Morris

Director, Charity Law & Policy Unit

Re-launch Public Lecture

CLPU held a public lecture on 18th November 2010 to re-launch its programme of activities for 2010-2011. Alison McKenna, the Principal Judge of the First-tier Tribunal (Charity) addressed the question 'Is the Charity Tribunal fit for purpose?' In her lecture, attended by many charity law practitioners and academics from the North West and further afield, she reviewed the early work of the



Tribunal, since its inception in 2008, and made many interesting observations. For example, she noted the preference of many charity lawyers to settle disputes through the Charity Commission's internal review process rather than through the Tribunal. She questioned this practice, suggesting that it adds unnecessary expense for the charities involved and thwarts the original intent for the Tribunal to help evolve case law. She also noted that the Charity Commission's recent adoption of lighter-touch and consensual regulation, and its decision to open less statutory inquiries, means that many of its decisions are not open to challenge in the Tribunal. Alison concluded that the forthcoming Parliamentary review of the Charities Act 2006 should include a review of the role and remit of the Tribunal and she urged those interested to engage in a debate about the issues raised during the review. The full transcript of the lecture is available at :

[http://www.liv.ac.uk/law/clpu/current%20activities/CLPU Public Lecture 2010.pdf](http://www.liv.ac.uk/law/clpu/current%20activities/CLPU%20Public%20Lecture%202010.pdf)

'The Big Society: The Big Debate'

On 9th December 2010, members of CLPU engaged in a discussion on the impact of the Big Society on the voluntary sector, looking at the opportunities that it brings and the potential pitfalls, from a legal point of view. They were joined by Michael Mair, a colleague from Sociology and Social Policy, at the University of Liverpool, who gave a policy-oriented perspective on the issues. The event concluded with a lively discussion involving members of the audience. The audience was made up of legal practitioners, academics from around the University of Liverpool and beyond, and charity personnel. Background notes, together with notes of the presentations and the resulting discussion

are available here http://www.liv.ac.uk/law/clpu/current%20activities/big_society/Big_Societyreport9th_December_2010.pdf

Members of the Unit intend to continue to pursue work in this area in the future and would welcome comments or contributions to the debate. Members have attended a number of recent conferences and events on the Big Society. John Picton attended 'Big Society: all froth and no substance?' a Galileo Round Table in November 2010 at LSE, and 'Social Reform in the UK: Building the Big Society' in December 2010, organised by Inside Government. Warren Barr also attended an Inside Government conference in November 2010 on 'Sustainable Communities: Building Green, Prosperous Places to Live in the Big Society'.

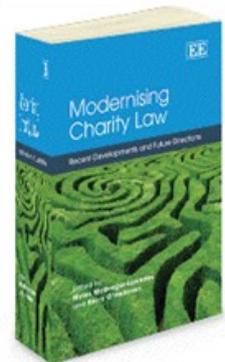
Recent Publications

We are pleased to announce the following recent publications in which members of CLPU have contributions:

From Edward Elgar Publishing:

http://www.e-elgar.com/Bookentry_Main.lasso?id=14002

'Modernising Charity Law. Recent Developments and Future Directions' edited by Myles McGregor-Lowndes and Kerry O'Halloran, Queensland University of Technology, Australia.



In recent years the pressure for charity law reform has swept across the common law jurisdictions with differing results. Modernising Charity Law examines how the UK jurisdictions have enacted significant statutory reforms after many years of debate, whilst the federations of Canada and Australia seem merely to have intentions of reform. New Zealand and Singapore have begun their own reform journeys. This highly insightful book brings together perspectives from academics, regulators and practitioners from across the common law jurisdictions. The expert contributors consider the array of reforms to charity law and assess their relative successes. Particular attention is given to the controversial issues of expanded heads of charity, public benefit, religion, competition with business, government participation and regulation. The book concludes by challenging the very notion of charity as a foundation for societies which, faced by an array of global threats and the rising tide of human rights, must now also embrace the expanding notions of social capital, social entrepreneurship and civil society.

This original and highly topical work will be a valuable resource for academics, regulators and legal practitioners as well as advanced and postgraduate students in law and public policy. Specialists in charity law, comparative law, and law and public policy should also not be without this important book.

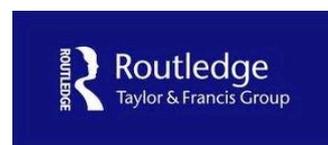
Includes:

'The Future of Civil Society Organisations: Towards a Theory of Regulation for Organised Civil Society' Jonathan Garton

'Public Benefit: The Long and Winding Road to Reforming the Public Benefit Test for Charity: A Worthwhile Trip or "Is Your Journey Really Necessary?"' Debra Morris

From Routledge:

<http://www.routledge.com/books/details/9780415774772/>



'Governance and Regulation in the Third Sector. International Perspectives' edited by Susan Phillips and Steven Rathgeb Smith

Governance and Regulation in the Third Sector brings together scholars and experienced practitioners from different countries to investigate the relationship between regulation and relational governance for the third sector in a comparative context. Each chapter reviews recent regulatory changes in the country in question. To what extent are there significant convergences in these reforms and what are the implications for the third sector? Is there any evidence that the foundational architecture for a more collaborative relationship between the state and the third sector has been laid?

Overall, the book reveals that the reality of the supposedly new collaborative relationships and the impacts of regulatory reform are quite different from what contemporary theories of public management would have us believe. Recognizing the gap between theory and reality, the chapters explore some of the outstanding challenges for regulatory reform for the third sector.

Includes:

'The Case of England and Wales: Striking the Right Balance of "Hard" Law versus "Soft" Law' Debra Morris

Karen Atkinson

Karen joined CLPU in November 2010 as a part time research assistant. Those familiar with the former Charity Law Unit will have known Karen as the Director of the Unit during 2007-2009. Karen is currently working on a project looking at the impact of the Equalities Act 2010 on charities, and also on the effectiveness of the First-tier Tribunal (Charity). Members of CLPU are delighted to have Karen working with them again.



Sponsorship



We are delighted to announce that the leading North West law firm Brabners Chaffe Street have kindly agreed to sponsor the work of CLPU. This takes the form of

both financial and practical support. The firm's Charities and Social Enterprise team has a long history of acting for charities and other social enterprises both locally (in the North West) and nationally. Stephen Claus, Partner and Head of Charity and Social Enterprise at Brabners Chaffe Street, has agreed to act as an external advisor on CLPU's Steering Committee. Stephen commented upon the sponsorship: "Brabners Chaffe Street has actively had a long standing interest in the work of the University of Liverpool and we are proud to be able to continue to give it our support, which has been our practice when possible over many years. Ranked as the North West's leading charity law practice, the firm is naturally interested in supporting the research and activities undertaken by the Charity Law & Policy Unit. Charity law is a highly specialist area undertaken in a serious way by very few law firms and the decision to sponsor the Unit represents an ideal opportunity to showcase the advisory services that Brabners Chaffe Street offers to charities and affirms our commitment to the development of charity law." The firm's interests and those of CLPU provide a perfect fit and we look forward to working closely with them in the future.

Charity Commission Strategic Review 2010-15

In November 2010, members of CLPU welcomed Kenneth Dibble Executive Director, Legal Services & Compliance and Simon Carney, Head of Governance, both of the Charity Commission, to discuss with them the Commission's strategic review. Following the announcement of a real terms funding cut of 33% (a reduction of around £8 million) by 2014/15, the Charity Commission has launched a public consultation on its future role and focus. The Commission is seeking to review its key priorities for the next five years and to develop a new strategy, which can be delivered within the resources available. The meeting formed part of the consultation exercise, which is the first stage of the review. The discussion was wide-ranging and considered the key risks that the Commission should seek to address, and the different expectations stakeholders have of it. The review is likely to see the Commission changing quite significantly over coming years. This may involve the withdrawal of some services, changes to the way that the Commission interact with charities, and a refocus of its regulatory approach. It was therefore a privilege to be able to have our own input into the future direction of the Commission.

External Advisors

We are pleased to announce the appointment of Sir John Mummery, Hubert Picarda QC and Stephen Claus as External Advisors on the Unit's Steering Committee. Members of the Unit has benefitted from their guidance in the past and look forward to working with them again in the future.

Postgraduate Study

We are delighted to welcome Mr Tessema Beyene who began his Phd studies in December 2010. The working title for his study is 'the impact of laws and policies governing charities in the democratization process of a country: Ethiopia as a case study'. Tessema was the recipient of a University of Liverpool postgraduate studentship. As well as conducting his research, Tessema will be working with the

School of Law and Social Justice's 'Interchange' project, a charity which links higher education with community and voluntary groups on Merseyside with Liverpool Hope University and the University of Liverpool.

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.

Please do send an email to Jonathan.Garton@liverpool.ac.uk if you plan to attend any of our events.

Seminars:

Jonathan Garton

Charity Law Unit

'Public Benefit and the Limits of Charity'

24 February 2011: 6pm – 7pm

Theatre Workshop, Rendall Building, University of Liverpool

Seminar:

Debra Morris

Charity Law Unit

'Charity Begins at School: the Creeping Reach of Charity Law'

26 May 2011: 6pm-7pm

Theatre Workshop, Rendall Building, University of Liverpool



UNIVERSITY OF
LIVERPOOL

CLPU

Charity Law & Policy Unit

Contact Details

For More Information

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

Debra Morris, Director, Charity Law & Policy Unit

The Liverpool Law School

University of Liverpool

Liverpool L69 7ZS

England

Telephone: +44-(0)151-794 2825

EMAIL: Debra.Morris@liverpool.ac.uk

During February to May 2011, please contact Dr Jonathan Garton:

Jonathan.Garton@liverpool.ac.uk

For up to date details of the Charity Law Unit's activities please see its website at:

<http://liv.ac.uk/law/clpu/>