

Charities and Social Enterprise Newsbrief



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Welcome and round-up

2018 is nearly out. We cannot promise it will be a quiet end to the year for the sector, but we can at least promise not to mention Brexit in this edition of the newsbrief. Well sort of. Suffice to say, it is likely that the Government will be a little distracted over the next few months.

With the uncertainty, there is little impetus for domestic reform. This is the context in which the Government's new Civil Society Strategy must be read. Issued last month, it has a lot of promise, but there is no clear commitment on how some of it will be delivered. Of note however, is a promise to allocate £90m on a new youth initiative, and to unlock £20m from dormant charitable trusts to help communities as well as £35m from dormant accounts for use by Big Society Capital and Access. (We have a full summary of the strategy in this edition.)

2018 started well for the Social Enterprise sector, particularly for organisations seeking to step over from the public sector, with £1.7m made available to those wanting to become, or grow as Public Sector Mutuals. We are delighted to be on one of only two consortia commissioned to deliver the work.

It was not such a great start for charities. The hotly anticipated implementation period for converting charitable companies into CIOs kicked off the year.

Whilst you may have missed this in the press, you will have noticed the outpouring of revelations relating to exploitation and safeguarding failures by international aid charities. In February, the Charity Commission opened its statutory inquiry into Oxfam. In April, it opened one into Save the Children, although this was limited to concerns about the charity's handling, reporting and response to serious allegations of misconduct and harassment against senior staff members in 2012 and 2015.

Certainly, the Charity Commission has been busy, just over a year into its stewardship by its new chief executive, Helen Stephenson CBE. It released its report on the Presidents Club Charitable Trust in July which set out key guidance on how trustees should approach fundraising, and in particular, the need to prioritise a charity's values and public benefit over the need to generate income. It used its statutory power to issue a formal warning to the RSPCA in August, and other powers to action freezing orders on charity assets and bank accounts (Fazal Ellahi Charitable Trust and Combined Funds Limited). There have also been a handful of trustee suspensions, and more investigations launched in July and August.

On a more positive note, most of us survived GDPR day in May. It remains to be seen if charities have fully adapted their processes and whether many have been hit by a loss of donor income. Given that 11 more charities were fined in April in relation to data screening, before the changes kicked in, the dust still needs to settle before we can see the full picture.

August saw the introduction of new automatic disqualification rules for charities, as well as for trustees. These now apply to ‘senior managers’, such as the chief executive and finance director. The list of reasons for automatic disqualification has been extended to include certain other offences. As a result, there is a new style of trustee declaration form which trustees must use from 1st October 2018 when registering a charity.

Social Enterprise seemed to gather pace this year. Big Society Capital reported its first profit this year, which suggests that the market for social finance is growing. As we go to press, the Social Enterprise World Forum will be closing in Edinburgh.

Social value continues to permeate public service delivery. In June, the Government announced that it would extend the Social Value Act 2012 to ensure that all Central Government departments will need to positively evaluate social value when commissioning services. This may in future be extended to local government.

We would go as far to say ‘social value’ seems to be the buzzword for 2018. The Government wants to build a Civil Society on what it considers this to be, i.e. ‘enriched lives and a fairer society for all’, which is ‘created by individuals and organisations when they act together, independent of the state’. The sector will no doubt need a leg up in the year to come if this to happen.



IAN HEMPSEED,
PARTNER AND HEAD OF
CHARITIES AND SOCIAL
ENTERPRISE

i.hempseed@hempsons.co.uk



NADEEM AZHAR, ASSOCIATE

n.azhar@hempsons.co.uk



Trust Matters

“Trust Matters”. These are the bywords of the Charity Commission for its recent report on public trust in charities, issued in July.

Given the coverage earlier this year of charities working internationally, in particular, reports of sexual abuse and exploitation involving Oxfam and Save the Children, culminating in a damning Parliamentary Inquiry and Report substantiating the failings of household name charities, it is not hard to conclude that trust does indeed matter. It is reported that Oxfam will lose up to £16m in income, putting both jobs and assets at risk. As well as cuts from Government funding Oxfam estimates having lost approximately 7,000 donors. Save the Children UK estimates a loss of up to £67m in 2018.

What did the Commission find?

The Commission’s report, based on research carried out by Populus, makes the following key findings:

- Charities need to demonstrate good stewardship of funds, to live their values, and to demonstrate their impact, crucially by showing how donations reach their end cause.
- Trust affects donor behaviour, which is largely unsurprising.
- Overall trust in charities remains broadly at the level in 2016.

- Charities are more trusted than most institutions, for example private companies, banks, and politicians, but less trusted, however, than the average man or woman in the street.
- The Commission is seen as necessary and effective.

In need of repair

Overall trust in charities stands at a score of 5.5 out of 10, which is compared to the 5.7 score achieved when the Commission last carried out a similar survey in 2016. This must be taken in the context of a steady average of approximately 6.6 for the ten-year period up to 2016. The downturn is coupled with the worrying revelation that charities are now considered less trustworthy than the average man or woman in the street.

The 2016 research was conducted in the aftermath of press coverage of charities carrying out aggressive fundraising practices and trading activities aimed at elderly, or vulnerable donors and beneficiaries, which also happened to coincide with the collapse of Kids Company. There is now a revamped Fundraising Regulator, a new Charity Governance Code and legislation in force designed to make charities more accountable. Yet, according to this report, there seems to have been little recovery in terms of trust.

Lessons for charities

The report highlights a need for charities to show that they are in control of their funds, as well as their staff, and that they can demonstrate their impact. There are practical steps charities can take to ensure they protect trust. Examples we recommend include:

- Understanding and keeping under review a charity's objectives and who it is supposed to benefit.
- Ensuring a charity protects its beneficiaries, and not just its brand or reputation.
- Ensuring trustees understand the full extent of activities being carried out and are fully informed of the charity's risk assessments. They should be able to challenge these if necessary. They should not be passive.
- Not taking unnecessary risks with how assets are used, or how funds are raised, if this will damage confidence in donors and beneficiaries.
- Complying with specific rules, and guidance regarding fundraising, trading and partnering with businesses when fundraising (commercial participation). In particular, trustees and management should be familiar with the Commission's guidance on fundraising (CC20) and trading (CC35).
- Having clear agreements in place when collaborating or contracting with other charities, and non-charities, particularly where this will involve the charity's name or brand.
- Reporting on activities in a clear and accessible format that everyone can understand.

NADEEM AZHAR, ASSOCIATE

n.azhar@hempsons.co.uk

Nadeem specialises in advising charities and social enterprises, focusing on their governance and their commercial activities. He has worked with many different clients, ranging from independent schools, research associations to national housing providers. He has a background in advising private and corporate clients and brings a commercial edge to his work with charities.



Sleep-ins

– what next?

The Court of Appeal's judgment in the Royal Mencap Society v Tomlinson-Blake is not yet the final word on sleep-ins.

The saga of sleep-ins has now been long-standing and continuing for a number of years. In the social and health care sectors traditionally, staff have been paid a set allowance for undertaking a "sleep-in" shift. This is where someone is paid to sleep on site, but no duties are usually performed. It applies to children's and adult social care as well as some healthcare provision.

Whether that sleep-in is 8 or 10 hours, usually the allowance was a relatively nominal sum, not comparable with the hourly rates of pay within the National Minimum Wage or more recently, the National Living Wage. There have been a number of challenges to this, all of which have tended to suggest that sleep-ins ought to more properly be regarded as work for the purposes of National Minimum Wage Regulations.

Some organisations became aware of earlier case law and began to make changes to accommodate the minimum wage but even into 2017, a large number of providers had not made any changes.

The Royal Mencap Society was one of those organisations paying a nominal sleep-in allowance. Their payment mechanism was challenged as a breach of the National Minimum Wage Regulations and underpayments successfully claimed by staff in the Employment Tribunal. They were also successful in the Employment Appeal Tribunal. This led to what has been described as a £400m black hole in funding for the sector.

In July 2018, the Court of Appeal heard Royal Mencap Society's appeal and overturned the two earlier judgments. They concluded sleep-ins were not the type of work where the worker involved was required to be paid the minimum wage.

That is not the end of the story:

Appeal to the Supreme Court

We know that permission has been sought by the employees' union for permission to further appeal. Currently we anticipate the Supreme Court will decide whether or not to accept the appeal in October 2018. If the Supreme Court refuses to accept the appeal, then the Court of Appeal's judgment ought to be final. It should be the final guidance on the application of sleep-ins, overturning previous case law.

However, if the Supreme Court allows the appeal to proceed, then the matter will proceed to be heard in 2019. This leaves social care and healthcare providers with the unenviable uncertainty that the matter could yet be overturned and the £400m black hole returns.

Social Care Compliance Scheme (SCCS)

In light of the Court of Appeal's judgment, HMRC, the regulator for the National Minimum Wage, indicated that it needed some time to consider the issue. Having done so, it has now contacted most providers who were already part of the SCCS and provided a limited response:

"it is appropriate to continue to operate the Social Care Compliance Scheme (SCCS) allowing participating employers to complete a self review, taking the judgment into consideration, and make a declaration to HMRC".

In deciding to keep the scheme open, HMRC also states that they will be updating their guidance on calculating the minimum wage (for use within the SCCS) once the Department for Business, Energy and Industrial Strategy (BEIS) have reviewed their guidance. That guidance will be published "in due course".

As the SCCS is limited in time and due to conclude at the end of 2018 (with payment by the end of March 2019), it is to be hoped that HMRC know that the BEIS are shortly

going to finalise their revised guidance and HMRC will, themselves, update their own guidance immediately. In the context of a potential appeal in the Supreme Court, this underlines the continuing uncertainty which providers face.

Local Authority Commissioners

Notwithstanding the potential appeal in the Supreme Court, local authorities are themselves considering the implications of the Court of Appeal judgment. Some are already looking to move forward on the basis of the Court of Appeal's judgment: that sleep-in payments need not be paid as part of the minimum wage. Whether local authorities will be looking to make reductions in contract payments has yet to be seen, but this is the likely direction of travel.

Way Forward for Providers

Given the extent of the SCCS, those providers who are already in the SCCS ought to now consider their own sleep-in practices in line with the Court of Appeal judgment. Many will likely regard their sleep-ins as operating in the same way and, therefore, not part of the minimum wage calculation. HMRC's SCCS guidance needs to be updated and providers will need to revisit this when it comes out.

If the Supreme Court accept the appeal, then HMRC and providers will undoubtedly have a further period of uncertainty, but in the meantime commissioners may look for further cost savings. Providers will need to keep a careful eye on the implications of commissioner demands and the potential for sleep-in liabilities returning.

MARTIN CHEYNE,
EMPLOYMENT PARTNER
m.cheyne@hempsons.co.uk

Martin works closely with clients in advising on reorganisations, TUPE issues and complex disciplinary and discrimination matters. The majority of Martin's clients are health and social care related organisations. They include charities and private sector providers, NHS Trusts, Arms Length Bodies and other public sector organisations. The staffing issues related to outsourcing, service redesign and provision by new providers is core to this part of his practice.



Partner profile: ACEVO

the Association of Chief Executives of Voluntary Organisations



VICKY BROWNING CEO, ACEVO

ACEVO exists to help chief executives in the voluntary and not for profit sector. It offers the chance to connect with peers, to share good practice and offer mutual support. Leadership development, coaching and mentoring help the chief executives it represents at every point of their career, while on the national stage ACEVO acts as an advocate of members' interests.

But the aim of this is to improve the services delivered to the public.

“The whole thrust of what ACEVO does is to help leaders make the biggest difference they can,” says Vicky Browning, chief executive officer. “We enable them to be better leaders and lead more effectively. We amplify their voices in areas of influence, whether that is with national, regional or local government or the media.”

The future

ACEVO has just launched a three-year strategy focusing on five areas – inspiration, support, connections, advocacy and skills. “Charities and not for profit organisations are facing a lot of challenges on a number of fronts. Resources are going down, demands are going up – there is always a need to do more for less. We believe good leadership is a key part of this,” says Ms Browning. “We want to make sure that leaders are working effectively with their boards and teams.”

The impact the organisation can have is what matters, she says: “not just following the money. Charities have always had to be careful especially if they are using donors' and taxpayers' money; they are always very conscious that they are stewards of people's money.”

Coming challenges include Brexit, which is adding to volatility and uncertainty for many in the sector, and could affect staffing.

Many members are also thinking about how technology could affect the services they deliver, and enable them to do more with less. Another issue is attracting the right leadership when many younger people entering the workforce are agnostic about the sector they work in and some commercial companies present themselves as businesses with a social purpose. “We have to think about how we engage, attract and retain a new generation of people into this sector,” says Ms Browning.

Working with Hempsons

ACEVO has a long-term strategic partner relationship with Hempsons. “Hempsons specialises in many areas that civil society organisations deal with. They are an expert source of advice and information. They have always been at the forefront of where the law is,” says Ms Browning.

Hempsons works with specialist interest groups within ACEVO to help them navigate some of the tricky issues. One example of this is around the recent NHS pay deal for staff on Agenda for Change: funding is available for non-NHS bodies providing NHS services to match this rise but the criteria are very strict.

Another is the “sleep in” controversy where back pay for staff expected to spend nights at a client's home but not necessarily to work all those hours could have cost charities millions. Although this has been overturned, it leaves many questions for charities, says Ms Browning. “Having good legal advice to pick your way through that sort of maze is really important,” she says. “Hempsons is also very strong on the legal aspects of mergers and collaboration. And we are about to do some work with Hempsons on advising our members about income diversification.

“In the past charities were often reliant on one source of income. They can't be absolutely sure that these income streams are going to be as consistent as they have been so they really need to think about diversification.”

What Hempsons offers

- Hempsons will host two ACEVO health and social care workshops on 1 November 2018 and 26 March 2019. These will be linked to its regional offices by video conferencing.
- ACEVO and Hempsons are jointly producing two health and social care newsletters.
- Hempsons is offering two one-to-one surgery sessions for ACEVO members, with up to 10 slots for chief executives available at each. These will be either face to face with a Hempsons lawyer or via Skype or phone call, and will focus on legal and commercial topics.
- ACEVO legal surgeries on income diversification will be run by Hempsons from 4-22 February 2019.

To find out more about membership of ACEVO and the activities above please email membership@acevo.org.uk

acevo

Charity Leaders Network

Safeguarding revisited – how does your charity fare?

The last year has seen changes to how – and who – charities must safeguard. And more changes are afoot...

Background

Safeguarding is usually thought of, by reference to the Safeguarding Vulnerable Groups Act 2006, as protecting children and vulnerable adults, particularly in the context of carrying on various “regulated activities”, as defined in the Act. But recently the Charity Commission has sought to broaden the scope of safeguarding in the charity sector and changes are also underway which will affect NGOs in the humanitarian sector.

The Charity Commission

Serious incident reporting

The Charity Commission’s guidance on how to report a serious incident in your charity, updated in September 2017, refers not only to children and vulnerable adults, but more widely to beneficiaries generally. In particular, it makes clear that charities should submit a report if a beneficiary (whether an adult or a child) has been, or is alleged to have been, abused or mistreated while under the care of the charity, or by someone connected with the charity, for example a trustee, staff member or volunteer.

Charity Commission’s safeguarding strategy

The guidance also refers to the Charity Commission’s strategy for dealing with safeguarding issues in charities updated in December 2017 and August 2018. The strategy also broadens the scope of safeguarding, stating that trustees “must take reasonable steps to ensure that their beneficiaries or others who come into contact with their charity do not, as a result, come to harm.” That would therefore include the trustees themselves, staff and volunteers as well as beneficiaries, their family and those who live in the charity’s areas of operation.

Regulatory alert

In December 2017 the Charity Commission circulated a regulatory alert to charities following a number of serious incidents reported to the Commission, and media reporting about misconduct by Oxfam’s workers and volunteers in Haiti. The alert stated that “safeguarding should be a key governance priority for all charities, not just those working with groups traditionally considered at risk” and stressed the importance of “providing a safe and trusted environment which safeguards anyone who comes into contact with it including beneficiaries, staff and volunteers” and “setting an organisational culture that prioritises safeguarding so that it is safe for those affected to come forward and report incidents and concerns with the assurance they will be handled sensitively and properly.” Finally, the alert reminded trustees that their failure “to manage safeguarding risks would be of serious regulatory concern to the Commission. [The Commission] may consider this to be misconduct and/or mismanagement in the administration of the charity and it may also be a breach of trustee duty.”

Suite of steps on safeguarding

In February 2018 the Charity Commission announced a suite of measures to help ensure charities learn the wider lessons from recent safeguarding revelations involving Oxfam, the Presidents Club Charitable Trust and other charities, and to strengthen public trust and confidence in charities.

This included the establishment of a new taskforce to handle the increase in serious incident reports relating to safeguarding as well as plans for better co-ordination on safeguarding with government departments, including the Department for International Development (DfID) and the Disclosure and Barring Service (DBS), the police and local authority social services.

In addition, the announcement referred to two summits, which took place in March 2018: a joint DfID/Charity Commission safeguarding summit for charities and umbrella bodies working internationally and a second one for charities and umbrella bodies working in the UK. There is a further International Safeguarding Conference planned for this October.

Changes affecting NGOs working in the humanitarian sector

At the March summit DfID announced a series of steps to tackle safeguarding issues in the area of international aid. In particular, in June 2018 DfID introduced Enhanced Due Diligence – Safeguarding standards for organisations it works with, and funding will depend on meeting those standards.

The House of Commons International Development Committee also launched an inquiry into sexual exploitation and abuse in the aid sector, which is entirely separate from the Independent Inquiry into Child Sexual Abuse (IICSA). The Committee has as a result issued its report “Sexual exploitation and abuse in the aid sector (Eighth Report of Session 2017-19)”.

Government strategy on safeguarding children and tackling child abuse

In July 2018 the Government published its updated statutory guidance *Working Together to Safeguard Children* building on changes to multi-agency arrangements under the Children and Social Work Act 2017, and separate guidance on transitional arrangements.

In March 2018 the Government also outlined strengthened plans to tackle child abuse, including by improving information sharing between the police, social workers and healthcare professionals.

What to do?

In this light, many charities will likely need to comprehensively review their safeguarding policies and procedures as well as how safeguarding is dealt with in the context of HR policies, whistleblowing and complaints, for example, as well as taking steps to actively monitoring their implementation and how they can be improved going forwards.

The measures put in place should be proportionate to the size of the charity and the risks arising from the charity's activities. But that means the trustees must first have considered what risks may arise, their likelihood and impact and how they could be mitigated.

In addition, does your charity also have procedures in place to make serious incident reports to the Charity Commission and any other statutory regulators (e.g. Care Quality Commission), as required?

More generally, trustees should review the Charity Commission's safeguarding strategy and its guidance on reporting serious incidents so that they understand the law and what is expected of them as a matter of best practice.

IAN HEMPSEED, PARTNER AND HEAD OF CHARITIES AND SOCIAL ENTERPRISE

i.hempseed@hempons.co.uk

Ian is a charity and corporate lawyer who has a wide range of experience in the field of commercial, constitutional and governance law. He heads up the Charities and Social Enterprise team at Hempons.

Rationalising leased office space – making the most of your opportunities

With advances in technology, more and more charities and social enterprises (and other organisations for that matter) are reviewing their office space requirements and taking the opportunities this presents for reducing rent, rates and utility bills.

Agile working arrangements are on the increase facilitated by better connectivity and advanced hot-desk booking systems which, in turn, is significantly reducing space requirements for many organisations and improving working arrangements for staff.

In view of their fiduciary and statutory duties, trustees also need to be careful to keep under review the extent of their organisation's rented office space and whether it is justifiable. The good news is that opportunities are out there for reducing premises overheads and can be taken with a bit of planning, creative thinking and appropriate professional advice.

The office lease (which may have been negotiated many years ago when times and the organisation's needs were very different) can be seen as something of a straightjacket holding back much needed change. However, if you are keen to seize the opportunities to rationalise your office space, the following questions are certainly worth considering when you next pick up and look through that problem lease.

When does the lease end?

It may sound obvious but the first thing to check is how long there is left to run on the lease term? It is a good idea to start planning for a lease expiry 12-18 months in advance as this may be an opportunity to negotiate with your landlord a reduction in space or indeed to relocate elsewhere. In either scenario, you should also consider the repairing obligations under the lease and the extent of any potential dilapidations claim.

Do we have a break options?

If you have a break option and the landlord is keen for the lease to continue, you may have an opportunity to negotiate variations to the lease including perhaps a reduction of the space and rent. Key to these negotiations is convincing the landlord that you mean business and will exercise the break if you cannot reach a deal. As there is normally a deadline for serving a break notice, the timing of negotiations is crucial as you will need any agreement properly documented before your bargaining power evaporates. A particularly bullish tenant may go as far as serving the break notice before securing a deal in the hope of doing so before the break date, although this is risky as once served a break notice cannot be withdrawn.

Can we assign the lease?

Usually the tenant will be able to assign the lease to a new tenant subject to the landlord's consent. Ordinarily this consent is not to be unreasonably withheld but may be granted subject to conditions, such as a requirement for the outgoing tenant to guarantee the performance of the lease by the new tenant. The lease will almost certainly not allow assignment of part but assigning the whole is a potential option if you wish to relocate, can find a willing tenant to take over the lease and (if necessary) are willing to stand as guarantor.

Can we sublet?

Depending on the terms of the lease, it may be possible to sublet the whole or part(s) of the premises. Again this will usually be subject to the landlord's consent (not to be unreasonably withheld) and conditions including possibly limitations on the number of subleases and the areas you can sublet.

The ability to sublet part may be a good opportunity to tailor the size of your office space and generate a rental income for the area you no longer need. However, it is important to note that this does not reduce your liability

for the rent you pay to your landlord but is rather a means of recovering some of this from your subtenant. It is therefore important that you select any subtenant carefully as a sublease to a “man of straw” will provide no protection whatsoever unless it is backed up by suitable guarantees and/or a rent deposit.

Can we do a deal with the Landlord?

If none of the other options are available, or are unappealing, there may be no harm in discussing the position with your landlord and seeing if there is any prospect of negotiating changes to or an early surrender of your lease. Of course the arrangement will need to make commercial sense to the landlord but if, for instance, there are development opportunities available to the landlord they may be open to talking particularly if you have security of tenure under the Landlord and Tenant Act 1954.

Professional advice

Every dealing with a lease can carry with it legal, valuation, building condition and taxation considerations and risks. Communication and engagement with staff is also crucial to the success of any premises project involving changes to the workplace. It is therefore essential to seek professional input from experts in these fields, but also to ensure your advisors understand the charitable and not for profit considerations specific to your organisation.

Depending on your organisation’s circumstances, opportunities may well exist which can save money and improve the working environment. We would be delighted to discuss these with you.

BRYN MORGAN, REAL ESTATE PARTNER

b.morgan@hempsons.co.uk

During his career Bryn has represented a diverse range of public, private and third sector clients, ranging from listed corporations, professional bodies and charities, livery companies and housing associations to smaller businesses, healthcare professionals and private individuals, in many different real estate transactions.

He has over twelve years broad experience of acting for landlords and tenants in lease negotiations, renewals, consent applications and exercising break options. He has acted on high value lettings of offices and retail premises in the City of London and West End.

GDPR – are you compliant yet?

GDPR day – 25th May 2018 – came and went with a flurry of Privacy Notices and Policies filling our in-boxes. But did everyone take stock of their data and their responsibilities or are there thousands of businesses out there who are yet to up-date their systems and processes?

GDPR brings data protection into the digital age. It requires specific mandatory requirements of Data Controllers and Data Processors, including increased security responsibilities, and increased access rights to individuals.

Did you get a Privacy Notice drafted for your employees?

Did you get a Privacy Notice drafted for your customers?

Have you updated your Policies and Procedures?

Is your staff training up to date to meet the new requirements?

Notification of breach obligations are now more onerous, and fines are more eye watering. If you haven't yet engaged with the GDPR, or have started but put into the "too difficult pile" then don't delay and take the necessary steps to comply.

CHRIS ALDERSON, PARTNER
c.alderson@hempsons.co.uk

Chris is a leading information lawyer and advises a wide range of public, private and third sector organisations on privacy law and legal and practical aspects of the Data Protection and Freedom of Information Acts. He appears before the Information Commissioner and Information Rights Tribunal. One of Chris's cases early in the life of the FoIA involved successfully persuading the ICO that a RCPCH peer review report was exempt from disclosure.

PHILIPPA DOYLE, PARTNER
p.doyle@hempsons.co.uk

Philippa has an interest in data protection and freedom of information matters which continue to be hot topics. She has provided a significant amount of training to front line staff in charities on GDPR.

Our team of professional lawyers can assist you with every aspect of GDPR, from ensuring data processing agreements are compliant, to staff training, drafting of privacy notices and advising on managing breaches.

The ICO will allow organisations time to adapt to the new regime, but she won't allow you forever!



Civil Society Strategy

The Government published its Civil Society Strategy on 9th August 2018.

The focus is on community, an ‘even bigger’ society, and creating ‘social value’ – something that the Government states as being independent of state control. There are five aspects to the strategy - people, places, the social sector, the private sector, and the public sector.

On ‘people’, the Government promises:

- Continuing the DCMS and Big Lottery run Place Based Social Action programme – supporting local partnerships
- Training 3,500 in community organisations
- Plans for DFE and DCMS to collaborate to help young people to play their part
- Setting up the National Citizen Service Trust as an independent public body that is accountable to Parliament and Ministers
- Allocating £90m to a new organisation focusing on transitioning disadvantaged young people into work.

On ‘places’:

- Launching an Innovation in Democracy program, supporting local decision making
- Designing a program to review sustainable community spaces
- Encouraging ‘community rights’, i.e. taking up ownership of local assets
- Continuing strategic initiatives with existing local industry and enterprise
- New funding models bridging social, charitable and corporate investment, as well as Big Society Capital and Access funding £35m from dormant accounts.

On ‘the social sector’:

- Reviewing the relationship between the social sector and government
- Exploring ‘non-legislative’ steps to enable some ‘speaking out’ lobbying and campaigning
- Convening a cross- government group to take part in the policy making process
- A regular point of access to DCMS for social enterprises
- Releasing at least £20m over the next two years from inactive charitable trusts to help community organisations
- Exploring how charitable giving can be better pooled
- Joint action on increasing diversity in trusteeships
- Explore how to use ‘digital’ to build a stronger and even more effective social sector.

On ‘the private sector’:

- ‘Build support’ for responsible business and update in 2019
- Establish a responsible business Leadership Group reporting to DBEIS and DCMS
- Build on the Inclusive Economy Partnership, and further develop recommendations on social impact investment and business transparency.

On ‘the public sector’:

- A vision of ‘collaborative commissioning’
- Support the spread of Citizen Commissioners, as local decision makers
- Extend support currently offered to mutuals and social sector organisations wanting to deliver public services
- Broaden community funding, including reviving grant funding
- Improving the use of the Public Service (Social Value) Act 2012 and requiring central government (as well as all local government in the future) to positively ‘account’ for social value in procurement, rather than just ‘consider’ it.
- Using social value in grants as well as contracts and explore whether the Social Value Act could apply to other public decision making such as planning and community asset transfers.

Two Associates join our Charities and Social Enterprise Team



NADEEM AZHAR
n.azhar@hempsons.co.uk

Nadeem specialises in advising charities and social enterprises, focusing on their governance and their commercial activities. His clients have ranged from independent schools, research associations to national housing providers. He also has a background in advising private corporates and can bring a commercial edge to his work with charities.

His recent work includes advising on a joint venture delivering accountable care in North West London and a merger of six regional housing providers.

Nadeem has been a trustee for the national maritime charity, Seafarers UK, as well as for grant making charities and theatre start-ups.

Main areas of expertise

- Charities and Social Enterprise
- Company/Commercial
- Trusts

Clients he works with

- Academic Institutions and Research Bodies
- Grant-making charities
- Charity and Social Enterprise start-ups
- Third Sector Health and Care providers
- Religious Charities



HELEN HIRST
h.hirst@hempsons.co.uk

Helen developed her education expertise during six years at a regional firm who advise Academies on a national basis. She was described as “approachable and calm” in the 2016 Legal 500 directory.

Helen advises charities and social enterprise organisations with particular expertise in the education sector. Helen assists clients to choose the most appropriate charitable and social enterprise structures, as well as governance more generally.

Helen’s experience of the education sector includes steering community, foundation, faith and PFI schools through the Academy conversion process. In addition, Helen advises multi academy trusts on acquiring existing academies through re-brokerage arrangements, as well as assisting academies who are themselves being transferred to multi academy trusts. She attends quarterly meetings with the Department for Education regarding academy conversion issues and policy decisions.

Helen supports academies and independent schools on day to day issues arising which can be very wide ranging including governance, freedom of information and data protection.

Helen completed her training in local government where she gained a solid grounding in public law and remained in local government for three years post qualification. During this time Helen work for three different Councils advising on projects in the education, housing and waste sectors. This included delivering a number of Building Schools for the Future Scheme. Helen draws upon this background in the advice she provides to education clients.

About Hempsons

Helping you to deliver maximum social impact

Our broad expertise in advising charities, social enterprises and other not for profit organisations (including membership bodies and trade associations) enables us to provide pragmatic and proactive advice to the sector as a whole as it faces challenging times and recognises the need to become more innovative and entrepreneurial.

As a top 10 specialist legal advisor to the UK's top charities, our team has worked with those operating within this sector for many years and advises on all aspects from start-up options and legal structures, to expansion and collaborations. Our aim is always to assist clients to maximise their impact and become more efficient.

We have a dedicated national team operating across the firm's four offices in London, Manchester, Harrogate and Newcastle. Our clients range from household names to start-ups and from national charities to local groups.

Access our Charities and Social Enterprise web pages via:
<http://www.hempsons.co.uk/sectors/charities-and-social-enterprise/>



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