

## Annual Newsletter 2018-19

### A MESSAGE FROM OUR DIRECTOR...



Welcome to the October 2018 edition of the Charity Law & Policy Unit newsletter, which reports on another active and successful year and provides a list of future events.

I am delighted to report that our former student and CLPU member Dr Dejian Li successfully defended his PhD thesis and graduated in July 2018. His research focused on charity law reform in China and in particular governance issues for charities in China. Having spent four years with us in Liverpool, we bid farewell to Dejian as he has returned to China to take up a lectureship post at the Law School of Zhejiang University of Technology in Hangzhou. We all wish Dejian the very best of luck in his academic career and in his continued charity law research.

We have introduced changes to our usual roster of events planned for this academic year. This year, we are hosting a year of themed events around charity governance. The flagship event will take place in February 2019, when we will hold a panel session at our London campus, featuring key stakeholders who will be discussing the governance lessons to be learned for charities, in the light of recent events. We do hope that many of you will be able to join us at this important event. In addition, we plan to hold a series of charity governance workshops and we will be telling you more about those in the coming months. Each will have a practical focus, where will be sharing our research findings and emphasising key points of good practice for charities and their governance.

Unit members have been out and about as usual presenting at various seminars and conferences. Much work has been undertaken over the past year to emphasise the effects of legal aid cuts on access to justice and, in particular, the effects of these cuts on charities and other voluntary organisations. You can read about this and our other work in this newsletter.

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.

## PUBLIC LECTURES



*Julia Unwin, delivering the Charity Law & Policy Unit Annual Lecture*

Julia Unwin, Chair of Civil Society Futures delivered our annual public lecture, 'The World is changing, civil society is changing: is charity law fit for purpose?' in October 2017. We were delighted to hold this event which took place on the same day that CLPU hosted a Civil Society Futures Conversation, held at The Women's Organisation in Liverpool. The Civil Society Futures project involves a national conversation about how English civil society can flourish in a fast changing world. Through community events, academic research and online debate, Civil Society Futures is creating a space for conversation among those involved in all

forms of civic action – from informal networks to vast charities, Facebook groups to faith groups. Considering how both the nature of civil society and the context it exists in are changing fast, the project is investigating how to maximise the positive effects of civic action and plans to provide a guide to how to release its potential to drive positive change. Before giving the public lecture, Julia Unwin attended our Civil Society Futures Conversation on the 'The Future of English Charity Law and Regulation: Is the English model of charity and its regulatory framework fit for purpose for the future?'

In February 2018, the Liverpool Law School hosted the third annual Property Law lecture, organised in conjunction with the Chancery & Commercial Practice Group, Atlantic Chambers, Liverpool. This year, the lecture was delivered by the Professor Martin Dixon, of University of Cambridge, and was titled 'The Last in Line: Occupiers and Third Parties. Too Many Steps, Too Far?'

## ENGAGEMENT WITH REFORM OF CHARITY AND LAW



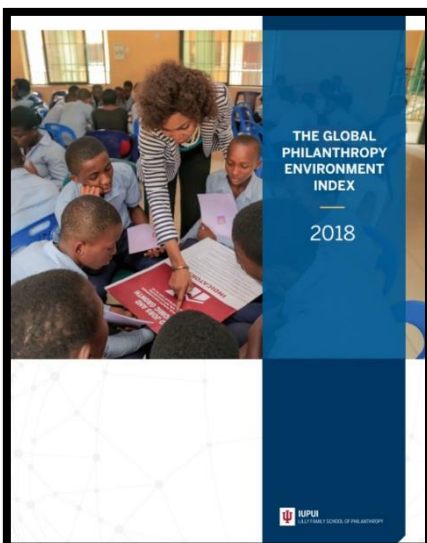
*Law Commissioner Professor Nick Hopkins at the engagement event held at the University of Liverpool in London*

Following the publication of the Law Commission's final report on Technical Issues in Charity Law (September 2017), CLPU held an engagement event at the University of Liverpool in London campus in February 2018, in conjunction with the Property and Family Team of the Law Commission for England and Wales. Presentations from the Law Commission on key areas of the Charity Law Reform programme were followed by comments from discussants consisting of members of the Charity Law Association and the Charity Commission. This event followed on from an

earlier one which took place in May 2015 when the Law Commission was first consulting on technical changes to charity law. We now await the final outcome of this law reform process.

In April 2018 members of CLPU submitted a response to the Charity Commission consultation on its draft guidance on 'charities that are connected with non-charitable organisations: maintaining your charity's separation and independence'. CLPU collaborated with the Law Society Wills & Equity Committee (of which Debra Morris is a member) on this project.

## GLOBAL PHILANTHROPY ENVIRONMENT INDEX (GPEI) 2018 REPORT



[The Indiana University Lilly Family School of Philanthropy's Global Philanthropy Environment Index](#) was published in May 2018. The Index measures the regulatory, socio, cultural and political barriers and incentives to philanthropy in 79 developed and developing countries. The 2018 Global Philanthropy Environment Index is the world's largest and most comprehensive effort to document the state of global philanthropy and the factors that enhance or inhibit its success. The index was previously the product of the renowned Hudson Institute, under the title the Index of Philanthropic Freedom. Debra Morris acted as the UK country expert on this project.

## FUNDED RESEARCH PROJECTS

### LASPO REPORT LAUNCH



*Lord Willie Bach speaking at the LASPO report launch in September 2018, photo credit Alison Lobb*

In September 2018, the Equality and Human Rights Commission (EHRC) and the School of Law and Social Justice, held the formal launch event for the report: '[The impact of LASPO on routes to justice](#)', co-authored by Dr James Organ and Dr Jennifer Sigafoos, at the London campus. The report is based on a large-scale qualitative study, commissioned by the EHRC, on the impacts of the cuts to legal aid following the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). The study examined the impact on the routes to justice and lives of people who can no longer receive legal aid to help solve their

family, employment and welfare rights legal problems. The speakers were June Rawlinson from Citizens Advice, Lucy Yeatman from the Liverpool Law Clinic, James Organ and Jennifer Sigafoos.

One week later, the School of Law and Social Justice, the Liverpool Law Society and Law Works co-sponsored a Labour Party Conference Fringe Event in Liverpool. Dr James Organ and Dr Jennifer Sigafoos presented findings of their recent study of the impacts of LASPO. Other speakers were Lord Willie Bach, Shadow Secretary of State for Justice Richard Burgon MP, Steven Hynes from the Legal Action Group and Deborah Tyfield from the Liverpool Law Clinic.

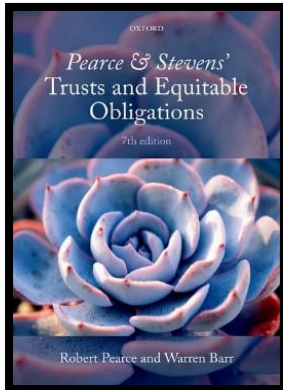
### CHARITIES AS BENEFICIARIES OF WILLS

Warren Barr is planning to work with Dr Heather Conway (Queen's University, Belfast) on a project entitled 'Disinheriting Families, Benefitting Charities: Exploring the Limits of Testamentary Freedom'. This two-year socio-legal project, aims to examine the legal and practical issues faced by charities, testators and testators' family members where the testators have disinherited them (partially or completely) in favour of leaving legacies to charities.



## PUBLICATIONS AND PRESENTATIONS

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



Amongst the highlights this year is the publication of a new edition (7<sup>th</sup>) of Pearce & Stevens: Trusts and Equitable Obligations edited by Warren Barr together with Robert Pearce. The new edition includes updating chapters on Charity Law generally, as well as the specific issues of cy-pres schemes and the regulation of charities.

Members of the Unit have been busy presenting papers far and wide again this year. Both Brett Crumley and John Picton presented at the ARNOVA (Association for Research on Nonprofit Organisations and Voluntary Action) conference in Grand Rapids, USA in November 2017. Debra Morris represented the Unit at the ISTR (International Society for Third Sector Research) conference. Warren Barr chaired an Open Forum Events conference in November 2017 in Birmingham, entitled 'Charity Reform: Effective Governance, Protection and Strategic Aims'. He delivered a keynote speech on the need for the sector to more effectively champion success stories and the value of charities to civil society.



*John Picton (left), and Brett Crumley (right picture, first on left) at the ARNOVA conference in Grand Rapids, Michigan.*



*Debra Morris at the ISTR conference hosted by Vrije Universiteit Amsterdam, Philanthropic Studies Department July 2018*



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

## POSTGRADUATE NEWS



*Dejian Li with Debra Morris and John Picton*

Dejian Li completed his PhD studies in January 2018 and graduated in the summer. With funding from the Liverpool China Scholarship Council (CSC). Dejian looked at the reform of charity governance in China, based on a comparative study of the UK. Dejian has now returned to China and has taken up a lecturing post in the Law School of Zhejiang University of Technology, where he will be continuing with his research on charity law.

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

Brett Crumley continued his PhD research on the Charity Tribunal with a view to improving outcomes for parties. He presented his research at the ARNOVA conference in the autumn 2017. Brett's focus over the next year is on writing up his PhD thesis.

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 the 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

Members of CLPU launched a new final year undergraduate module (FHEQ Level 6) 'Debates in Charity Law' in the second semester of the 2017-18 academic year. This was 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' which 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 2017-18 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.

### ENGAGEMENT EVENT:

#### **Student Volunteers and Third Sector Engagement**

This workshop will involve short presentations and posters of best practices from law schools for student volunteer engagement with the third sector.

**Wednesday 7<sup>th</sup> November 2018, 3.30-5pm**

**Location TBC**

[Register here](#)

### PROPERTY LAW LECTURE:

#### **'From Lecture Hall to Court Room'**

His Honour Judge Hodge QC, Specialist Chancery Circuit Judge sitting principally in Manchester and Liverpool

**Tuesday 12<sup>th</sup> February 2019, 6-7pm**

**Eleanor Rathbone Building, Hearnshaw Lecture Theatre, University of Liverpool**

[Register here](#)

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

### PANEL EVENT:

#### **'Charity Governance: Looking backwards to Move Forwards'**

Confirmed panellists – 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) and Joss Saunders (General Counsel, Oxfam)

**Wednesday 20<sup>th</sup> February 2019, 6-8pm**

**University of Liverpool in London, 33 Finsbury Square**

[Register here](#)

### SEMINAR:

#### **'A New Kid in the Neighbourhood of Charitable Foundations? The transformation of Spanish Savings Banks into Shareholding Private Banks with Ancillary Charitable Foundations'**

Juan-Cruz Alli Turrilas, UNED, Madrid, Spain

**Thursday 9<sup>th</sup> May 2019, 6-7pm**

**Rendall Building, Lecture Theatre 4, University of Liverpool**

[Register here](#)

## 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](#)

Or follow us:

 [CLPU YouTube Channel](#)

 [@liv\\_clpu](#)