



Newsletter

October 2012

Inside this issue:

Sponsorship	2
Impact of the Equality Act 2012 on Charities	2
Brabners Chaffe Street Charity Law Moot	3
Members of the Unit Get Out and About	3/4 /5
Local Activity	5
Building International Links	6
News from our Postgraduates	6/7
Early Notice	7
Forthcoming Events	8/9
Contact Details	9

A Message from the Director....

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 past year for the Unit.

We have been joined by Dr Jennifer Sigafos, who was appointed as a post doctoral Research Associate to work on the Charities and Equality project that you can read more about in this newsletter.

One of the highlights of the last academic year was Professor Peter Luxton’s public lecture on the Upper Tribunal’s decision on Public Benefit and Independent Schools. The publication of the decision in that case was delayed and Peter only had about one week to prepare his oral presentation. I am pleased to report that he has now had a chance to consider the case fully and has written up and elaborated upon his lecture, and this is about to be published in the *Charity Law & Practice Review*.

Our Phd students, John Picton and Tessema Beyene, are both making good progress and you will read more about their recent activities in this newsletter.

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, we expect Lord Phillips’ talk to be very popular. 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 Chaffe Street 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 Chaffe Street, and his partners for their continued support. During the last academic year, support from Brabners Chaffe Street enabled CLPU to employ Karen Atkinson as a Research Assistant.



Impact of the Equality Act 2010 on Charities

Following the award of a research grant from the [Leverhulme Trust](#), Debra Morris and Anne Morris, together with Jennifer Sigafos, are investigating charities' experience of the impact of the Equality Act 2010 on their work. The purpose of the study is to understand how the changes to charities' exemptions from discrimination law, contained in the Equality Act 2010, are affecting charities. In particular, we are interested in ascertaining charities' awareness of the law in this area, their views on the clarity of the law, and any changes that charities may have made as a result of the coming into force of the Act. We are currently interviewing charities to help us to understand the real effects of the Equality Act 2010 on the third sector. We intend to produce guidance for the sector, as well as policy recommendations. If you or an organisation with which you are associated would like to participate in the research, please contact Dr Jennifer Sigafos: Jennifer.Sigafos@liverpool.ac.uk

Debra Morris has already undertaken some research in this area, and an article based on a lecture that she gave in 2011 as part of the Current Legal Problems series at University College London has recently been published in the *Current Legal Problems* journal.

Brabners Chaffe Street Charity Law Moot

In a new initiative, as part of the Unit's sponsorship by Brabners Chaffe Street, second year law students from Liverpool University participated in the first Charity Law Moot Competition. A moot is a legal debate, based on a factual situation, where two teams of counsel, representing appellant and respondent, attempt to persuade the judges of the strength of their case by reference to legal authority. The moot problem is a pre-drafted factual situation in which a point or points of law are in dispute. In this particular moot, the debate was around the legal definition of charity. The task of each team is to support the side of the argument with which it has been presented. This is done with reference to legal authority, such as case law or legislation. The judges weigh up the arguments presented and question counsel during the course of their submissions. At the end of the moot, the judges give their judgement on the law and they also decide who is the winning team, in terms of mooting skills. In this competition, the judges also chose one overall winner, Michael Pinder, whose prize was a week-long summer work placement at Brabners Chaffe Street, later described by Michael as a 'fantastic opportunity'. In addition, all the participants received a small prize from the firm to mark their overall achievement in the competition.

Photo:

l-r back row: Amie Harrison (Clerk); Rachel Sephton; Lauren Easton (both Respondents) Amy Thomas; Michael Pinder (both Appellants).

l-r front row: John Picton; Stephen Claus; Warren Barr (all Judges) and Debra Morris.



Members of the Unit Get Out and About

It has been a busy year for Unit members attending and presenting at conferences, both at home and abroad.

Building on his earlier work in this area, Warren Barr spoke on 'Big Society and social housing: never the twain shall meet?' at the Modern Studies in Property Law 2012 conference at the University of Southampton in March 2012. The paper is due to be published in an edited collection by Hart Publishing Ltd in 2014. John Picton presented some of his PhD work at the inaugural postgraduate research students' conference which followed on from the Modern Studies in Property Law conference.

Whilst in Southampton to attend the Property Law conference, Debra Morris gave a seminar at the Third Sector Research Centre, based on her recent publication in *Legal Studies* journal on Charities and the Big Society.



During the past year, Debra Morris gave presentations at New York University Law School at the annual conference of its National Center on Philanthropy and the Law, and also in Toronto at the 40th Annual Conference of ARNOVA (Association for Research on Nonprofit Organizations and Voluntary Action). During the summer of 2012, she participated in a major international conference on Defining, Taxing and Regulating Not-for-Profits in the 21st Century at Melbourne Law School. The aim of the conference was to enable academics and other experts to reflect, from theoretical and comparative perspectives, on the theme of defining, taxing and regulating the not-for-profit sector. The conference coincided with a very active period of not-for-profit law reform in Australia, with the establishment of a new national regulator, the statutory definition of charity and other changes to the taxation and regulation of charities and other not-for-profit entities. It is anticipated that essays based on the conference proceedings, including Debra's presentation, will be published in an edited collection within the near future.



Tessema Beyene made his international conference debut by presenting at the International Society for Third Sector Research (ISTR) conference in Sienna. Tessema reported back that he really enjoyed 'meeting all the people that he had been citing in his work'.



Local Activity

As well as the Public Lecture given by Professor Luxton, a successful series of local events also took place during the last year. A discussion with colleagues from the Department of Sociology, Social Policy and Criminology on the impact of the Big Society on Volunteers took place in December 2011. The discussants considered both legal issues and sociological and policy considerations that arise as a result of the increased role of volunteers in service provision. The event concluded with a lively discussion involving members of the audience, which 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 at -

[http://www.liv.ac.uk/law-and-social-justice/research/clpu/current%20activities/2011-12/impact/Big Society Report 2011.pdf](http://www.liv.ac.uk/law-and-social-justice/research/clpu/current%20activities/2011-12/impact/Big_Society_Report_2011.pdf)

In addition to the original programme of seminars, given by John Picton and Warren Barr, both of CLPU, the Unit was very pleased to be able to host Professor Alex Murdock, Head of Centre for Government and Charity Management, London South Bank University who spoke to an interested audience on social enterprise and community interest companies.

Photo:

l-r Debra Morris; Stephen Claus, Partner and Head of Charity and Social Enterprise at Brabners Chaffe Street; Hubert Picarda QC, Peter Luxton; after Professor Luxton's Public Lecture.



Building International Links

En route to Melbourne in the summer of 2012, Debra Morris paid a visit to Hong Kong University and visited its recently established ExCEL3 project – ‘Excellence and Capacity building for Entrepreneurship and Leadership for the Third Sector’. This interdisciplinary project aims to build the capacity of non-government organisations and empower civil society in Hong Kong, as well as build research and teaching capacity in the study of civil society within HKU.

Following further discussions, it is expected that members of the Unit will collaborate with the five-year project, which will develop various training programmes, public lectures and workshops to enhance the third sector's capacity, in the future.

Photo:

*I-r Ms Elsie Chien, Senior Project Manager, Excel 3;
Professor Cecilia Chan, Project Director, Excel 3;
Debra Morris; Mr Benny Tai, Associate Professor,
Department of Law.*



News from our Postgraduates

John Picton has continued with his third year of Phd research on *cy-près*; law and practice. He has also participated in CLPU events and has attended a number of conferences and seminars. John is now a Graduate Teaching Assistant. He has recently published a piece on a new *cy-près* case in the *Charity Law & Practice Review*.

Tessema Beyene continues his second 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. In addition, he continues to work 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.

Charlotte Hood-Freidriksen joined the Unit in September 2012 as a PhD student, considering the impacts of changes in social housing allocations.

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. In particular, we would welcome contact from those who may have an interest in looking at the effectiveness of the First-tier Tribunal (Charity).

Early Notice!

In April 2014, Liverpool Law School will be hosting the 10th Biennial Modern Studies in Property Law Conference. The conference series originated in the biennial conference first held at the University of Reading in 1996. In 2008, the conference took place away from Reading for the first time and it has since been held at Queen's College Cambridge, New College Oxford and the University of Southampton. After each conference, selected contributions have been published in the Modern Studies in Property Law book, in which Warren Barr has featured several times.

Immediately following the Conference, CLPU is planning to host an International Charity Law Colloquium, at which experts will discuss pressing issues in charity law.

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 register your attendance on the individual below links—

[Public Lecture:](#)

To register - <http://www.uolevent.org/clpu1nov>

Andrew Phillips, Lord Phillips of Sudbury

‘Can Charities Save The Day In A Values-Lite UK?’

1 November 2012: 6pm – 7pm

Hearnshaw Theatre, Eleanor Rathbone Building, University of Liverpool

Followed by a reception

[Discussion:](#)

To register - <http://www.uolevent.org/clpu6december>

Members of the Charity Law & Policy Unit with colleagues from the School of Sociology and Social Policy

‘Big Society: The Harsh Financial Reality’

6 December 2012: 6pm – 7pm

Lecture Theatre 6, Rendall Building, University of Liverpool

Followed by refreshments

[Seminar:](#)

To register - <http://www.uolevent.org/clpu21feb>

Tessema Beyene

Charity Law & Policy Unit

‘The impact of laws and policies governing charities in the democratization process of a country: Ethiopia as a case study’

21 February 2013: 6pm – 7pm

Theatre Workshop, Rendall Building, University of Liverpool

Seminar:

To Register - <http://www.uolevent.org/clpu23may13>

Debra Morris

Charity Law & Policy Unit

'The Impact of Equality Law on Charities: Research Findings'

23 May 2013: 6pm -7pm

Theatre Workshop, Rendall Building, University of Liverpool

Day-Long Symposium:

'Key Cases and Developments in Charity Law'

Senior academics, practitioners and members of the judiciary will discuss individual key cases and developments in charity law over the centuries. Papers from the proceedings will be published in the Charity Law & Practice Review.

14 May 2013

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

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

<http://www.liv.ac.uk/law-and-social-justice/research/clpu/index.htm>