

Response ID ANON-Z2S2-SWMR-T

Submitted to Call for evidence and views on the Charities Bill
Submitted on 2021-09-03 10:52:32

Introduction

1 How would you like your response to be published?

I would like my response to be published.

2 What is your name?

Name:
Murray Watt

3 What is your email address?

Email:
murray@supportingcommunities.org

4 What is your organisation?

Organisation:
Supporting Communities

Policy Objectives of the Bill

5 Do you think that the Bill will meet the policy objectives? If not, why not?

Yes

Please provide further comments:

The Bill is likely to meet the policy objectives because it retains focus on a limited number of issues.

6 Do you foresee any unintended consequences of any of the policy objectives of the Bill?

Unsure

Please provide further comments:

Clause 1: Actions of Commission staff treated as Commission actions

7 Do you feel the retrospective effect to make the majority of decisions taken by Commission staff lawful is dealt with sufficiently in the Clause?

Yes

Please provide further comments:

It is important that certain previous decisions made by Commission staff are rendered lawful as it is recognised that it was not necessarily the decision they made which was unlawful but rather the delegated authority which was called into question; it is essential that these decisions are now deemed lawful.

8 Do you believe that individuals' rights under the ECHR are protected by the fact that decisions still subject to ongoing legal proceedings will not be subject to the Clause?

Unsure

Please provide further comments:

we might suggest that this question can only really be settled in the courts, should it come to that.

9 Do you feel that the Refreshed Appeal Rights in Clause 1 are sufficient?

Unsure

If not, what would you propose?:

we welcome fresh appeal rights but we would hope that appeals would be an exception, but it is correct they are legislated for

10 Please provide further comments in relation to Clause 1.

Do you have any other comments in relation to Clause 1?:

We can only suggest that charities will be pleased that they do not have to go through the charity registration process again and will be relieved to know that previous 'consents' obtained such as permission to change charitable purposes and schemes will be lawful when this Bill receives royal assent.

Clause 2: Power of Commission to delegate to staff

11 Do you feel the power of the Commission to delegate to staff certain functions that are listed in a Scheme of Delegation is sufficient?

Yes

12 Please provide further comments on the power to delegate, or the Scheme of Delegation, including: Will it allow Commission staff to operate effectively and efficiently?

Additional Comments on on Scheme of Delegation:

It is important that Charity Commission staff should be able to make certain decisions on their own to ensure that charities are able to receive decisions in a timely manner. Certain decisions however which could negatively impact on the reputation of a Trustee or a charity should not be taken by staff as identified. The Bill adequately addresses the issue.

13 Please provide further comments on the fact that it is the Department for Communities who will make and publish the Scheme of Delegation (after consultation with the Commission)?

Any comments on DfC making and publishing the Scheme of Delegation?:

The Department for Communities is responsible for charity legislation for the oversight of the Charity Commission, it would seem appropriate that it would make the scheme of delegation.

14 Please provide any further comments in relation to Clause 2.

Do you have any other comments in relation to Clause 2?:

The Commission is already under resourced to carry out all of its functions effectively and we would be concerned that this Scheme will result in additional resource issues for the Commission. The Department should provide additional resources to the Commission to allow for this additional time burden that will be created for both the Commissioners and staff in the Commission.

Clause 3: Power to introduce a registration threshold via regulations

15 Do you feel it is appropriate to have this power in the Bill?

Yes

Please provide further comments:

Supporting Communities welcomes that this Bill includes the power to introduce a de-minimis threshold for charity registration at some future point through regulations and made this clear in our response to the consultation which preceded the publication of the Bill. We also welcome the inclusion of measures that where a charity that falls below any set threshold it would be able to remove itself from the charity register and agree that any charity not required to register should be permitted to do so if they want to be a registered charity. There is merit in preventing a situation where existing small organisations decide they might be better served by winding up rather than having to register and/or report annually to the Commission.

16 Please provide any further comments on the list of matters that the regulations will cover? Are there any matters missing from the list?

Any missing matters or other comments:

We welcome the plans to introduce proportionate regulation for small exempt charities so that they may not have to file accounts and reports however we remain concerned about the reporting requirements for small charities that do choose to be registered; for example, even with a charity registration threshold in place, a reporting threshold for small registered charities may still be needed as we need regulation that is proportionate to the size of the charity. Expecting a registered charity with an

income of £3,500 to conform to the same accounting and reporting rules with a charity who's income is £220,000 is not proportionate. The accounting and reporting thresholds therefore need revised to help relieve the burden on small registered charities.

17 Please provide any further comments on Clause 3.

Further comments:

A detailed timetable for implementation is required to provide clarity and confidence to the sector.

18 Please provide any further comments you wish to make on the Charities Bill.

Further comments on the Charities Bill: