

CLAS CIRCULAR 2021/22 (21 October 2021)

Disclaimer

CLAS is not qualified to advise on the legal and technical problems of members and does not undertake to do so. Though we take every care to provide a service of high quality, neither CLAS, the Secretary nor the Governors undertakes any liability for any error or omission in the information supplied.

It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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CHARITIES & CHARITY LAW

Charity Commission: 'Take action on fraud'

For information

The Charity Commission has [warned](#) charity leaders to protect their organisations against fraud and cybercrime, after new figures show charities reported almost £8.6 million of lost funds in the last financial year.

This latest data from Action Fraud also shows 1,059 separate incidents of fraud were reported by charities from April 2020 to March 2021. The true scale of fraud against charities is believed to be much higher, as fraud is known to be underreported.

The Commission is highlighting these figures, and the risk to charities from fraud, as part of [Charity Fraud Awareness Week](#), an annual campaign that aims to highlight ways charities can protect themselves from fraud.

[Source: Charity Commission, 18 October]

EMPLOYMENT

Home Office: updated immigration rule guidance for Minister of Religion and Religious Worker

For information and possibly for action

The Home Office has updated its guidance notes, both for [Minister of Religion](#) and [Religious Workers](#), to reflect changes made in line with [Statement of Changes HC 617](#). The Statement sets out the specific changes to immigration rules on given dates.

[Source: Home Office, 11 October]

ODDS & ENDS

DCMS: exporting or importing objects of cultural interest

For information **and possibly for action**

DCMS has [updated](#) its guidance on exporting or importing objects of cultural interest. The guidance has been updated to reflect the revocation of EU Regulation 2019/880 from UK law.

[Source: DCMS, 15 October]

Food safety and allergen labelling

For information **and possibly for action**

On **1 October** 2021, the way that organisations in England are required to provide allergen information on 'pre-packed for direct sale' (PPDS) food changed, when the [Food Information \(Amendment\) \(England\) Regulations 2019](#) (aka "Natasha's Law") came into force. We contacted the Food Standards Agency (FSA) Helpline about the new allergen labelling requirements and received the following reply:

'Changes to the allergen labelling requirements for foods that are prepacked for direct sale (PPDS) came into effect on 1 October 2021. **PPDS food is food that is packed on the same site as which it is sold, before the customer orders it.** Food that is made to order or packaged at the customer's request will not be caught by the new legislation.

'Food that is PPDS will need to have the name of the food and a full ingredients list, with allergens emphasised on the packaging/label from the above date.

'We have a dedicated '[PPDS Hub](#)', on our website which includes further information on PPDS, including detailed labelling guidance, [PPDS Decision Tool](#) link to our [technical guidance](#) and sector specific guides, which you may also find useful; including a guide for event caterers which might help: <https://www.food.gov.uk/business-guidance/prepacked-for-direct-sale-ppds-allergen-labelling-changes-for-event-caterers>.

'You may wish to see our in-depth PPDS labelling guidance for best practice and regulatory advice to food businesses: <https://www.food.gov.uk/business-guidance/labelling-guidance-for-prepacked-for-direct-sale-ppds-food-products>.

'We are unable to provide specific advice on individual questions, therefore you may wish to contact the Food Safety team at your Local Authority who can provide business-specific advice on new PPDS rules as well as existing requirements on allergen information. To find out which Local Authority you need to speak to, please use the following link: <https://www.food.gov.uk/contact/consumers/find-details/contact-a-local-food-safety-team>.

'You may need to register with your local authority as a food business if you provide food on a regular and organised basis. Our guidance (at the following links) on the application of EU food hygiene law gives practical examples of community and charity events selling or supplying food. It will help you decide whether you require registration.

<https://www.food.gov.uk/safety-hygiene/providing-food-at-community-and-charity-events> [*but it was last updated on 25 May 2018*].

<https://www.food.gov.uk/safety-hygiene/scenarios-where-registration-may-be-required-when-providing-food-in-the-community> [*but it was last updated on 29 June 2020*].

Comment:

The impact of this is on small charities and churches is not entirely clear. Our assumption is that a church congregation going about its normal activities would not be regarded as a "food business operator" and that the Regulations would not apply to it unless (eg) it set up something like regular Saturday produce sales that included prepacked goods. (Cathedrals and major churches that operate cafés for visitors would presumably be regarded as "food business operators" but almost all of them will probably have contracted the operation to a professional catering firm). The most obvious grey area would be the sale of such items as jams and pickles in sealed jars at church fêtes. In that particular case, we assume that it would be good practice to list the ingredients on the jar.

There is a helpful guide on Stone King's website here: [Natasha's Law – charities need to be aware of new laws around allergen labelling](#).

[Source: FSA, 11 October]

PROPERTY & PLANNING

Heat and Buildings Strategy

For information and possibly for action

BEIS has [published](#) its Heat and Buildings Strategy that aims to help decarbonise buildings as part of the Government's [Net Zero strategy](#). The Strategy involves 'phasing out the installation of new natural gas boilers from 2035', while referencing heat pumps and hydrogen systems as the 'the future'. Using a 'fabric first' approach, the Government states that it is 'committed to supporting businesses and households to upgrade as many buildings as possible to higher levels of energy efficiency and flexibility, in a way that will ensure long-term compatibility with low-carbon heating systems.'

[Source: BEIS, 19 October]

Phasing out the installation of fossil fuel heating systems in businesses and public buildings off the gas grid

For information and possibly for action

BEIS has [published](#) a consultation – closing 12 January – on phasing out the installation of fossil fuel heating systems in businesses and public buildings that are not connected to the gas grid – which must include a large number of rural churches and chapels. The consultations seeks views on:

- using the 'natural replacement cycle' as the trigger for phasing out fossil fuel heating systems;
- introducing the policy using a phased approach with the largest buildings first, followed by smaller buildings;
- taking a 'heat pump first' approach to the replacement of those fossil fuel systems;
- allowing the limited use of alternative low carbon systems where a heat pump is not suitable;
- the cost trajectory for the installation of these low carbon technologies and the ability of businesses to pay.

[Source: BEIS, 19 October]

Phasing out the installation of fossil fuel heating in homes off the gas grid

For information and possibly for action

BEIS has [published](#) a consultation – closing 12 January – on phasing out the installation of fossil fuel heating in homes off the gas grid. The consultation seeks views on proposals that include:

- an end to new fossil fuel heating installations in homes off the gas grid from 2026
- a 'heat pump first' approach to replacement heating systems in homes off the gas grid from 2026
- requiring high performing replacement heating systems where heat pumps cannot reasonably practicably be installed

[Source: BEIS, 19 October]

SAFEGUARDING

Independent Inquiry into Child Sexual Abuse: child protection in religious organisations and settings

For information

The Home Office has [published](#) a report on the Independent Inquiry into Child Sexual Abuse (IICSA), chaired by Professor Alexis Jay. The thematic investigation, *Child Protection in Religious Organisations and Settings*, 'augments the dedicated investigations into the Anglican and Roman Catholic Churches already conducted by the Inquiry.'

[Source: Home Office, 19 October]