

CLAS CIRCULAR 2022/02 (8 FEBRUARY 2022)

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

Coronavirus (COVID-19) guidance for the charity sector

For information

The Charity Commission has [updated](#) its guidance for the charity sector in England & Wales on COVID-19 restrictions. The updated guidance notes that it should now be possible for charities to gradually move back to face-to-face meetings and hold any outstanding AGMs or other meetings. However, it reminds trustees that coronavirus continues to have an impact on charity events and they may still need to consider how and if they can hold meetings.

[Source: Charity Commission, 28 January]

FAITH & SOCIETY

"No-fault" divorce in England and Wales

For information

The [Divorce, Dissolution and Separation Act 2020](#), which introduces no-fault divorce in England and Wales, will come into effect on 6 April 2022. Instead of one party attributing blame to the other as a reason for the divorce, or the parties waiting for a minimum of two years after separation, they can decide together to get divorced by making the application jointly should they wish to do so. The other major change is that it will no longer be possible for one party to contest a divorce.

The new law covers marriage, civil partnership and nullity. It provides for a 26-week time period between commencement of divorce proceedings and the final divorce order being made. Under the new rules, the initial divorce application can be filed by either party or by both together.

[Source: CLAS, 8 February]

'Levelling Up Our Communities: Proposals for a New Social Covenant': Government response

For information

The Government has published its [Response](#) to the report by Danny Kruger MP on '[Levelling Up Our Communities: Proposals for a New Social Covenant](#)'. Specifically on Recommendation 10, 'A new deal with faith communities, by which government supports a greater role for faith groups in meeting social challenges' it says this:

'The government recognises the significant contribution of faith groups and the increase in scale and innovation of their work during the pandemic and beyond. On 9 September 2021, the government announced the Faith New Deal Pilot Fund. Funding is available through a competitive grant programme for faith groups working on community projects in collaboration with local agencies and philanthropy.

The fund aims to strengthen engagement between faith groups, national and local government through supporting faith-based initiatives addressing social issues. The fund will serve as a statement of intent to work constructively with faith groups and its delivery will inform a 'Faith Compact' to encourage national and local government to look for opportunities to partner with faith groups. Innovation is a key criterion for applications and each applicant will need to demonstrate they are innovative within their partnerships, new projects and/or expansion to pre-

existing projects. The pilot will help determine how the future plans for the Faith New Deal will evolve.

In addition, Colin Bloom, the independent Faith Engagement Adviser, has been appointed to lead a review into how the government should engage with faith groups in England. We look forward to seeing his recommendations on how we can further enhance government engagement with our faith groups.'

(It rejects the rather weird proposal in Recommendation 11 for 'An annual "Neighbour Day" bank holiday to celebrate communities' work together.)

[Source: DCMS, 2 February]

Prime Minister appoints Deputy Special Envoy for Freedom of Religion or Belief

For information

The Foreign, Commonwealth and Development Office has [announced](#) that [David Burrowes](#) has been appointed as the Prime Minister's Deputy Special Envoy for Freedom of Religion or Belief. He will support the Prime Minister's Special Envoy, [Fiona Bruce](#), in bringing together faith representatives, faith organisations and civil society stakeholders to promote freedom of religion or belief around the world.

[Source: FCDO, 20 January]

NORTHERN IRELAND

Charity Commission for Northern Ireland

For information

Communities Minister Deirdre Hargey has [appointed](#) Alan Hunter to the Board of the Charity Commission for Northern Ireland (CCNI) from 1 February 2022 for a term of five years.

[Source: Department for Communities, 1 February]

Consultation on Hate Crime Legislation in Northern Ireland

For information **and possibly for action**

The Department of Justice has [published](#) a consultation – closing **28 March** – on hate crime legislation. The proposals include the creation of a sectarian aggravator and, beyond consulting on its creation, asks whether ‘... the definition should include the following elements:

- membership (or presumed membership) of a Roman Catholic or Protestant denominational group;
- social or cultural group with a perceived Roman Catholic or Protestant denominational affiliation;’

The consultation also asks whether ‘any future changes to the hate crime legislation should include future proofing to include different denominations from non-Christian religions/faiths should evidence emerge to show this was required?’

[Source: Department of Justice, 31 January]

Independent Review of Charity Regulation

For information

The Independent Review of Charity Regulation in Northern Ireland, commissioned by the Minister for Communities, has published its [report](#). The Review considered the Charities Act (NI) 2008 and the roles

of the Charity Commission for Northern Ireland and the Department under the Act: the full [Terms of Reference](#) can be found on the DfC website.

While the Panel believes that the statutory objectives and statutory functions outlined in the 2008 Act remain fit for purpose and does not recommend any change, it concludes that two important legislative flaws have “deeply impacted” the present situation. Because of a problem with the public benefit test in the original legislation, registration did not actually commence until December 2013 (following necessary legislative amendment) and was preceded by the introduction of investigation and enforcement powers. The February 2020 Court of Appeal decision in *McKee v Charity Commission* – in which the Court held that all Commission orders and decisions had to be made by the Board of Commissioners or by a committee to include Commissioners with delegated authority, rather than by Commission staff following manuals approved by Commissioners – also had a profound impact on the Commission’s decision-making processes, its reputation and the sector’s confidence in the regulatory framework.

The conclusions of the report have been welcomed by the Charity Commission for Northern Ireland.

[Source: Department for Communities, 20 January]

ODDS & ENDS

Levelling Up White Paper

For information

DLUHC has published the [Levelling Up White Paper](#), which aims to provide funding to regions across the UK that the Government believes have been historically underinvested. The White Paper sets out a series of aims, all to be mostly achieved by 2030, with the key points as follows:

1. For pay, employment and productivity to have risen in every area of the UK, with each containing a 'globally competitive city', with the gap between the top performing and other areas closing.
2. Increased investment in R&D outside the Greater South East by at least 40% and at least one third over the Spending Review period.
3. Local public transport connectivity will see improved services, simpler fares and integrated ticketing.
4. Ensure nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
5. To increase the number of primary school children achieving the expected standard in reading, writing and maths.
6. To increase the number of people who successfully complete training courses to improve individual skills.
7. To lessen the gap in Healthy Life Expectancy between different local areas and, by 2035, for Healthy Life Expectancy to have risen by 5 years.
8. To increase the number of first-time house buyers in all areas and for the number of non-decent rented homes to have fallen by 50%.
9. For homicide, serious violence, and neighbourhood crime to have fallen.
10. For every part of England that wants a devolution deal to receive one, with powers 'at or approaching the highest level of devolution' and a long-term funding settlement.

Separately, the National Audit Office has [published](#) a report into the spending of the Department for Levelling Up, Housing and Communities. The report considers the lessons that the Department has learned from a long history of implementing local growth policies. It finds that the Department has failed to learn lessons from how best to encourage local growth, stating that: 'The Department has a

poor understanding of what has worked well in its previous local growth programmes because it has not consistently evaluated them' and 'The Department has built its evidence base for what works for local growth by drawing largely on external sources.'

[Source: DLUHC, 2 February]

Immigration: new digital identity checking for landlords and employers

For information

The Home Office has [announced](#) that new digital identity checking technology which, it claims, will make it quicker, safer and more convenient for landlords and employers to carry out right to rent, right to work and DBS identity checks.

[Source: Home Office, 19 January]

E-signatures best practice

For information

The Ministry of Justice has [announced](#) that the expert Industry Working Group on Electronic Execution of Documents has published an interim report on best practice for using e-signatures. The report sets out their analysis of the current situation in England and Wales, identifies simple best practice guidance based on existing technology, including for vulnerable individuals, and makes recommendations for future analysis and reform.

[Source: Ministry of Justice, 1 February]

WALES

Cultural Recovery Fund 3 opens to new entrants

For information **and possibly for action**

The Welsh Government has announced that the third round of the [Cultural Recovery Fund](#) is now open for applications, with businesses and organisations who have not previously received support under the fund now eligible to apply.

[Source: Welsh Government, 31 January]