

CLAS CIRCULAR 2022/11 (1 September 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

Charity Commission: bullying and harassment roles and responsibilities

For information **and possibly for action**

The Charity Commission has clarified the responsibilities of all parties in preventing and responding to incidents of bullying and harassment in charities, following a working group co-chaired by the Commission and involving a range of charity sector and other representatives.

The Commission notes that bullying and harassment should never be accepted in the charity sector (or, dare one say it, anywhere else). Addressing them requires recognition and action from individual charities, the wider sector leadership, the Commission, government, and other experts.

Further details can be found [here](#).

[Source: Charity Commission, 15 August]

PROPERTY & PLANNING

National Lottery Heritage Fund consultation

For information **and possibly for action**

The National Lottery Heritage Fund is in the process of developing a long-term vision for heritage and is inviting stakeholders and the public to comment. There is a link to two online [surveys](#) on the NLHF website:

- a survey for people who work with heritage, and
- a survey for members of the public.

The surveys close on **5 September**.

Members with an interest are urged to complete the heritage survey. Given that some members do not engage with the NLHF as a matter of principle, CLAS will not be responding corporately.

[Source: HRBA, 10 August]

UPDATE - Smoke and carbon monoxide alarms in social housing/rented homes

For information **and possibly for action**

The [Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022](#) will come into force on **1 October 2022**. From that date, all relevant landlords must:

- ensure that at least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015;
- ensure that a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers); and
- ensure that faulty smoke alarms and carbon monoxide alarms are repaired or replaced.

The requirements are enforced by local authorities, which can impose a fine of up to £5,000 where a landlord fails to comply with a remedial notice.

The Regulations 2022 apply to all social and private rented tenancies other than those that are explicitly excluded in the Regulations, including:

- shared accommodation with a landlord or landlord's family;
- long leases;
- student halls of residence;
- hotels and refuges;
- care homes;
- hospitals and hospices;
- low-cost ownership homes; and
- other accommodation relating to health care provision.

The Government has issued guidance for landlords and tenants on how the Regulations will apply in practice, [here](#). The guidance confirms that there will be no grace period: *compliance is required from 1 October 2022* on all applicable rented properties (ie, not just those that are let from that date).

[Source: DLUHC, 29 July 2022]

SCOTLAND

A New Deal for Tenants: consultation analysis

For information **and possibly for action**

The Scottish Government has [published](#) an analysis of responses to the consultation on the draft rented sector strategy, *A New Deal for Tenants*. The summary covers a number of the key findings from the analysis of responses to the Scottish Government's consultation.

[Source: Scottish Government, 23 August]

Heat in Buildings Strategy: Domestic EPC Reform Consultation

For information **and possibly for action**

The Scottish Government has [published](#) an analysis summary of its Energy Performance Certificate reform consultation that ran from July to October 2021. Proposals included renaming the current metrics and adding a third metric, such that EPCs display separate ratings for energy efficiency, cost, and carbon emissions. This summary report outlines the key findings.

[Source: Scottish Government, 24 August]

OSCR online upgrade: possible missed messages?

For information **and possibly for action**

Every registered charity in Scotland is required to submit an online annual return to OSCR of its accounts, trustees' annual report and external scrutiny report.

The upgraded version of OSCR Online went live on **25 July 2022**, and every person listed with OSCR as a principal contact for a charity was sent an e-mail with new login instructions. People who are the principal contact for multiple charities were also sent a separate e-mail listing all the charities with which they are associated.

- *If you are a principal contact and have not received for these invitations, please check your e-mail inbox and junk e-mail folders.*
- *If you are a principal contact of a charity and did not receive an invitation to the new system by 31 July 2022, please e-mail info@oscr.org.uk.*

When you log in OSCR Online after the upgrade, you will be asked for the Scottish charity number for the charity on whose behalf you want to submit information. If you do not know this number, you can find it on the Scottish Charity Register (it begins SC0 [ZERO]).

Further details [here](#).

[Source: OSCR, 19 August]

Scottish Government consultation on Gaelic and Scots

For information and possibly for action

The Scottish Government has [announced](#) a [consultation](#) on its key commitments to the Gaelic and Scots languages:

- to establish a new strategic approach to Gaelic medium education (GME);
- to explore the creation of a Gàidhealtachd;
- to review the structure and functions of Bòrd na Gàidhlig; and
- to take action on the Scots language.

The Scottish Government is committed to the introduction of a Scottish Languages Bill to support situations in which primary legislation would be required. It suggests that over recent years there has been good support for Gaelic; however, it emphasises that the consultation

‘is designed to stimulate further discussion, ideas and engagement with all relevant interests. No decisions have as yet been taken on how to make progress for Gaelic and Scots and we are actively seeking contributions from across all communities. We are seeking views on how further progress can be made and the views that we receive will assist in shaping the actions taken immediately and over the longer term to deliver on these commitments’.

The consultation closes on **17 November**.

[Source: Scottish Government, 24 August]

TAXATION

Listed Places of Worship Grant Scheme under new management

For information **and possibly for action**

In a move which seems to have received just about zero publicity, as of 25 July 2022 the administration of the Listed Places of Worship Grant Scheme changed. The Scheme is now being administered by **East Midlands Business Limited** (EMB) on behalf of DCMS and there is a [new application form](#) available from the [website](#) which differs slightly from the old one – though the old one will be accepted for the time being.

The new contact details are as follows:

Telephone: 0800 500 3009

E-mail: grants@lpwscheme.org.uk

Post: The Listed Places of Worship Grant Scheme, East Midlands Business Ltd, 5 Merus Court, Meridian Business Park, LEICESTER LE19 1RJ.

Additionally, the Historic Religious Buildings Alliance (HRBA) reports that DCMS hopes to have an improved website in place by the end of 2022 – the [current one](#) is fairly dire – with the facility to submit digital application forms and understand where applications are in the grant process, while also continuing to provide the existing postal options.

[Source: DCMS, 25 July and HRBA, 1 September]

Review of hybrid and distance working

For information **and possibly for action**

The Office of Tax Simplification (OTS) has [published](#) a consultation – closing 25 November – on the emerging trends in hybrid and distance working, in the UK and across borders, and any pressures that they put on existing tax rules and guidance.

[Source: OTS, 31 August]

WALES

Building Regulations Part L and F Review: Stage 2B

For information **and possibly for action**

The Welsh Government has [published](#) a summary of responses to its review of Building Regulations Part L and F. The consultation set out changes to Part L (Conservation of Fuel and Power) and Part F (Ventilation) of the Building Regulations for new and existing non-domestic buildings, and overheating in new residential buildings.

[Source: Welsh Government, 23 August]

Health and social care: consultation

For information **and possibly for action**

The Welsh Government has published a [consultation](#), open until **7 November**, on various areas of health and social care, two of which would have a direct effect on churches:

- Section 3 – mandatory reporting of children and adults at risk (taking up immediately an anticipated IICSA recommendation) – Consultation Question 3.6 explicitly asks about extending a mandatory reporting duty to individuals in religious settings in Wales.
- Section 6 – extending the definition of “care worker” to include childcare and play workers in regulated childcare (roughly any childcare lasting more than 2 hours – so covering many church holiday clubs and the like). Paragraph 9 of Chapter 6 of the consultation document states that volunteers would be included in this definition. If introduced, this would empower (though not compel) Social Care Wales to introduce registration and registration requirements such as mandatory levels of training for such volunteers as well as for paid workers. [*With thanks to Gethin Rhys*].

[Source: Welsh Government, 17 August]