

CLAS CIRCULAR 2023/15 2023/15 (14 August)

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 AND CHARITY LAW

Charity investments after Butler-Sloss

For information

*Lexology has published two linked explainers about the law on what used to be referred to as “ethical investments” by charities and environmental, social, and corporate governance issues, in light of the recent judgment in *Butler-Sloss & Ors v The Charity Commission for England and Wales & Anor* [\[2022\] EWHC 974 \(Ch\)](#):*

- [Charity trustees' powers of investment: Does the Butler-Sloss decision change the law?](#)
- [New guidance on investing charity money: what part can ESG considerations play?](#)

[Source: *Lexology*, 8 August]

FUNDING

Support for charities helping vulnerable people

For information

Charities and community organisations working with vulnerable people are being invited by the Government to apply for a share of a Department of Culture, Media and Sport support package.

The fund will support frontline charities and community organisations providing services such as the provision of food, emergency provisions, shelter, safe spaces, warmth and financial or housing advice. Organisations can apply for grants worth between £10,000 and £75,000 to cover project and core costs, including office rent, utilities, staff and volunteers, from now until the end of March.

Applications will be accepted until **16 October 2023**. Further details on eligibility and the applications process can be found on The [National Lottery Community Fund website](#), in its role as the intermediary grant maker.

[Source: DCMS, 24 July 2023]

PROPERTY & PLANNING

Domestic consumers with non-domestic energy supply contracts: call for evidence

For information

The Department for Energy Security and Net Zero has opened [a consultation on domestic consumers with non-domestic energy supply contracts](#), as follows:

“Consultation description

This call for evidence aims to increase our understanding of domestic consumers who receive their energy via a non-domestic contract - defined as contracts which are typically used to serve non-residential properties, such as businesses or charities:

- the reasons for those arrangements
- what prices they face

The information you provide will help us determine if these consumers need any longer-term protections.

You are a domestic consumer if you are supplied or need to be supplied with gas or electricity at a domestic premise, for example your home.

Non-domestic energy contracts differ from domestic contracts in the following ways:

- non-domestic energy contracts are for a set period of time whereas domestic energy contracts are generally rolling - there is no end date. To avoid confusion with domestic fixed-term contracts this is only for the duration of the contract itself, the price is not fixed. (Note: there's often a fixed period when signing up to a new domestic supplier, but once that expires, the contract starts to roll).
- cancellation terms - domestic contracts allow consumers to switch suppliers whenever they want. Consumers with non-domestic contracts do not have this option as they must stay with their supplier for the duration of their contract.
- domestic contracts have a cooling off period, non-domestic energy contracts do not.”

The consultation welcomes responses from “a wide range of people who have a non-domestic energy contract”. Relevant categories from which DESNEZ invites submissions that might be of interest to members of CLAS include:

- tenants on all-inclusive rents (bills included in rent)
- tenants in large buildings / tenants renting from large landlords or companies
- residents in hospices
- **residents in religious communities such as nunneries or monasteries**
- residents in school and residential accommodation for students
- bill-splitters (defined as the division of a bill for service into 2 or more parts)
- **landlords who supply energy to their tenants.**

DESNEZ also welcomes the views of those who supply energy to consumers and tenants, such as landlords / landlord groups and suppliers who provide electricity and gas for landlords to resell to their tenants.

DESNEZ is not considering the use of public electric vehicle charging in this call for evidence.

Opened: 24 July 2023 – Closes: **18 September 2023**.

This is probably not something to which CLAS can submit a corporate response; however, we are aware that some member Churches pay corporately for the energy used by their clergy, and they may be interested in responding individually.

[Source: DESNEZ, 24 July]

Consultation: new building requirements for separate male and female toilets

For information and possibly for action

The Government is bringing forward changes to regulations that will mean all new non-domestic public and private buildings in England will be required to provide separate single-sex toilets for women and men and/or a self-contained, private toilet as a minimum.

In addition to single-sex toilets becoming the default and minimum for new non-residential buildings and places undertaking major refurbishment, the guidelines will encourage the consideration of self-contained toilets, which are a fully enclosed toilet room with a wash hand basin for individual use.

This will impact on, for example, new church buildings and church halls. A new short technical [consultation](#) to shape the changes opened on 14 August. It closes on **8 October**.

[Source: DLUHC, 13 August]

Social Housing Quality Resident Panel Reports

For information

The first reports from the Social Housing Quality Resident Panel, comprised of social housing residents in England, were published in [August 2023](#). The reports cover findings from:

- An **online community** on residents' experiences of the complaints process with landlords and the Housing Ombudsman – the Panel's views helped inform the [Make Things Right](#) communications campaign.
- A **focus group** on landlord transparency and the proposed Access to Information Scheme (ATIS) for residents of housing associations – these views are being used to inform the design of the future ATIS public consultation.

[Source: DLUHC, 8 August]

SCOTLAND

Consultation: Delivery of relationships, sexual health and parenthood (RSHP) education in schools

For information **and possibly for action**

The Scottish Government is seeking views on draft statutory guidance on the delivery of relationships, sexual health and parenthood education in Scottish schools. The draft guidance is an update to [guidance originally published in 2014](#).

The revised guidance has been updated to provide more detail on the process for withdrawing a child or young person from relationships, sexual health and parenthood education. The revised guidance also includes new sections on the five topics below as well as key learning points for these topics:

- Consent and healthy relationships
- Faith and belief
- Gender inclusive education
- Inclusion of understanding about differences of sex development (DSD) / variations in sex characteristics (VSC) / intersex people
- Lesbian, gay, bisexual and transgender (LGBT) inclusive education.

It should be noted that the consultation is **not** seeking views on the health and wellbeing curriculum on RSHP or on guidance and tools already available to support delivery of RSHP education in Scotland provided by other organisations.

The consultation opened on 3 August and closes on **23 November**.

[Source: Scottish Government, 3 August]

Consultation: Changes to the Annual Return for charities

For information **and possibly for action**

OSCR is [consulting](#) on proposed upgrades to the Annual Return for Scottish charities but, as a consequence, there will be more questions for some charities to answer. OSCR says that, even so, "the Annual Return should not be difficult to complete for anyone who understands how the charity operates".

There is more information about the proposed changes in the [Annual Return Feedback document](#), which includes a copy of the new Annual Return questions.

OSCR is seeking feedback by **6 October**, either by e-mail to feedback@oscr.org.uk or by post to:

OSCR, 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee DD1 4NY.

[Source: OSCR 18 July]