

CLAS CIRCULAR

2023/17 (29 September)

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.

CHARITIES AND CHARITY LAW	2
Charity Commission guidance on charities and social media	2
FUNDING	4
Code of Fundraising Practice consultation 2023	4
ODDS & ENDS	5
Copyright: be careful	5
Non-party campaigning: draft code of practice	5
PROPERTY & PLANNING	6
Technical consultation on a Community Wealth Fund in England.....	6
Consultation on directions to the Regulator of Social Housing: tenant rights and complaints	6
TAXATION	7
Autumn Statement 2023 representations	7

CHARITIES AND CHARITY LAW

Charity Commission guidance on charities and social media

For information

The Charity Commission has published new [guidance on charities and social media](#). It points out that, though social media can be a powerful communication tool for charities, it can also have risks:

- “its fast pace can increase the risk of posting content that is inappropriate or harmful;
- content, once posted, can be hard to undo; and
- professional and personal lives can overlap, and the line can become blurred.”

The guidance suggests that trustees should think about how their charity can use social media effectively to benefit it, the possible risks it may bring and they may be managed.

Trustees of charities that use social media are responsible for:

- “agreeing and putting in place a social media policy so that you have internal controls that are appropriate and proportionate for your charity’s needs and which are clear to everyone at the charity using social media.
- ensuring your social media policy is regularly reviewed to check it is working effectively and fits your charity’s needs.
- ensuring your charity’s social media use helps you achieve [your charity’s purpose](#)(what your charity was set up to do) and in a way that is in your charity’s best interests.
- complying with relevant laws.
- ensuring any campaigning or political activity that your charity does on social media complies with [the rules on political activity and campaigning](#).
- ensuring your processes help you keep people safe online including any extra considerations when dealing with vulnerable users. Read the [“Operating online”](#) section of our guidance on safeguarding.”

The original draft seemed to suggest that charities should monitor their employees’ and volunteers’ personal use of social media – a suggestion that attracted a good deal of adverse comment from legal commentators concerned about the apparent mismatch with Article 10 ECHR (freedom of expression).

The final guidance states unequivocally that: “Trustees, charity employees and any other individuals have the right to exercise their freedom of expression within the law in their communications, including when using social media” and adds that “There is no expectation that trustees monitor personal social media accounts.” It does, however, go on to suggest that if trustees “become aware of content posted or shared by an individual being associated with and having a negative effect on the charity, they should consider what action to take to protect the charity” – which does not seem to be unreasonable.

[Source: Charity Commission, 18 September]

FUNDING

Code of Fundraising Practice consultation 2023

For information

The Fundraising Regulator has opened a [consultation](#) on the Code of Fundraising Practice 2023. The consultation closes on 1 December.

[Source: Fundraising Regulator, 12 September]

ODDS & ENDS

Copyright: be careful

For information

In its [e-News](#) on 14 September 2023, the Diocese of Oxford reported that one of its parishes had been approached by representatives of a picture agency for unlicensed use of a photograph; in this instance, the parish website was hosting a PDF copy of a PowerPoint given by an external speaker at a church event.

Copyright holders are increasingly using bots to spot unlawful use of copyright material. The Oxford case is a timely reminder of the dangers of copying material from image libraries, Google or news sites, in case one becomes liable for an unintentional breach of copyright. Before you post anything on the Web, *always check that it isn't copyright protected.*

[Source: CLAS, 29 September]

Non-party campaigning: draft code of practice

For information

The Government has at last published the [Non-party campaigning: draft code of practice](#). If approved by Parliament, it will come into force in November 2023. It is accompanied by a Ministerial Statement, [here](#).

The Code applies to UK Parliamentary general elections and to Northern Ireland Assembly elections. It does not apply to elections to the Senedd or Scottish Parliament unless the regulated period (the period when the spending laws apply) for either of those elections overlaps with the regulated period for a UK General Election.

[Source: DLUHC, 13 September]

PROPERTY & PLANNING

Technical consultation on a Community Wealth Fund in England

For information **and possibly for action**

The Government is seeking views on the key design principles of a dormant assets-funded community wealth fund in England in a new [consultation](#). It follows a commitment by the Government in its response to the consultation on the English portion of dormant assets funding, which stated that community wealth funds would be the fourth cause to receive dormant assets funding in England.

The Government intends a Community Wealth Fund to target places that are experiencing high levels of deprivation and/or low social capital. In the first instance, it will target small towns of fewer than 20,000 residents.

The consultation closes at 11:55 pm on **19 October**.

[Source: DLUHC, 21 September]

Consultation on directions to the Regulator of Social Housing: tenant rights and complaints

For information **and possibly for action**

The DLUHC has launched a [consultation](#) seeking views on Directions from the Secretary of State to the Regulator of Social Housing in relation to the provision of information on tenants' rights and complaints.

The Social Housing (Regulation) Act 2023 requires the Secretary of State to give a Direction to the Regulator for the purpose of securing that registered providers of social housing are required to provide their tenants of low-cost rental accommodation with information about tenants' rights and how they can make a complaint.

This consultation seeks views on a proposal to use this power to direct the Regulator to set standards relating to the provision of information to tenants on making complaints, tenants' rights, and relevant regulatory requirements.

The consultation closes on **22 November**.

[Source: DLUHC, 27 September]

TAXATION

Autumn Statement 2023 representations

For information **and possibly for action**

HM Treasury has released [guidance](#) for submitting representations in advance of the Autumn Statement 2023. Interest groups, individuals and representative bodies can submit a written representation to HM Treasury to comment on Government policy or suggest new policies to be included in the Autumn Statement 2023, which will be made to Parliament **on 22 November**.

The representations portal will close on **13 October**.

[Source: HM Treasury, 25 September]