



Edward Connor Solicitors

RUNNING A GROWING CHARITY

A guide to help
you flourish.

“...get your fields ready; after that, build your house.”

Proverbs 24:27

As charities grow, the range of activities they are involved in can grow - from employing staff, managing volunteers, owning a building, to handling large sums of charitable money. All of which are subject to law and regulation.

Satisfying your legal responsibilities, in obedience to Christ (Romans 13:1-7) and out of love for those in contact with your charity, is an important part of a flourishing ministry. The reputational and relational damage when a charity is not run well means legal compliance is something you can't afford to ignore. Dealing with things proactively now, can help save money in the long run.

Here are some tips to help you confidently honour Christ in this area:

1. Governing Documents

- Begin your charity with clear charitable purposes and a structure. These will form part of your governing documents, or constitution. There are important protections that need to be included in these that will shape how you legally operate as a charity, from including a basis of faith to paying any staff.
- There is no point having legal documents that aren't used. Make sure you and your trustees have read them recently and are following them. Ensure that all your charity's activities fall within your charitable purposes, you understand who your members are, and that decisions are being made in accordance with the mechanics set out in your constitution.
- Every flourishing ministry grows and changes over time - and your governing documents need to grow with you! Law and best practice is also changing all the time so review your legal documents every 5-8 years to make sure they reflect how things work in practice and

💡 Naming your charity is important. You can have a 'working name' which is often shorter than the name you register. There are also rules about the sorts of names you can have. Did you know that your registered name cannot be an acronym?

any changes in the law.

At Edward Connor Solicitors (ECS) we understand the importance of your faith and can help you to thread it through your legal documents, ensuring they are the best fit to help, not hinder, the effectiveness of your ministry.

2. Have the right trustees

- Your charity's trustees have a legal responsibility to look after your organisation in a way that enables your ministry to flourish. Start by knowing how many you should have and how their role fits within the governance and structure of your charity. Make sure that you and your trustees are clear about their roles, particularly considering when and how they can be involved in operational issues. Design decision making and delegation processes that fit your structure.
- Trustees need to be active, informed and involved. Can the people appointed as trustees give sufficient time and energy to the role, if you grow quickly or if difficult issues arise? Do you feel confident that they will be able to set the strategic direction of the charity and navigate through changes and developments which may lie ahead? Are they equipped to confidently make decisions?

 Did you know the Charity Commission encourages charities to identify the skills and experience they need in their trustees and to write role descriptions for them?

At ECS we offer bespoke trustee training for your charity, or you can subscribe to our newsletter at edwardconnor.com/subscribe to be the first to hear about our online training sessions for trustees.

3. Up to date policies and procedures

- Depending on the activities your charity is involved in, a breadth of policies and procedures will be necessary to protect all your stakeholders, including staff and volunteers. A good starting point to cover the essentials will be the policies included in our GDPR, employment/office holder and recruitment packs. But you must make sure your policies are reviewed regularly as the charity grows, activities develop, or law and best practice changes. Consider subscribing to our employment premium service to be kept up-to-date with changes. You can find these resources and more here: edwardconnor.com/resources
- You can find a comprehensive list of the policies you may need here: edwardconnor.com/compliancechecklist
- There will be times when you need to get bespoke advice. For example, if you receive a complaint from a member of the public, you receive a Subject Access Request, you need to file a Serious Incident Report with the Charity Commission, or the Charity Commission informs you that they have received a complaint concerning your charity. You will probably need to budget to be able to access good legal advice when needed.

 Did you know that you normally only have one month to reply to a Subject Access Request, so time is of the essence?

At ECS we can adapt policies and procedures to ensure they suit the specific circumstances of your charity, and walk alongside you if and when problems arise.

4. Well managed and maintained property

Whether a charity owns its own property, uses one that is held by separate trustees, or is renting one, it needs:



- A clear understanding of the terms on which it occupies that building to avoid getting into trouble with landlords, neighbours, local authorities or the Charity Commission - for example, understanding key lease requirements, covenants or planning restrictions. If the property is held in a separate trust, you need to know what the trust documents say (and mean!);
- Adequate insurance in place to cover its potential liabilities;
- Policies, practices and budget lines that demonstrate a commitment to comply with its essential obligations in relation to health and safety;
- An established pattern of assessing and reviewing material risks related to property ownership; and
- informed and thoughtful decision-making (by the right people) to ensure all uses of the charity's property are in furtherance of your charitable purposes and take into account the core duties of charity trustees.

When buying, selling, leasing, mortgaging or hiring property, there are extra legal hurdles for charities which you need to understand and comply with.

💡 Did you know that if you house staff in, or rent out, charity-owned residential property, you must carry out an annual gas safety inspection and provide a copy of the report to your occupiers?

At ECS, we can help you through every stage of a property transaction, ensuring that you do not miss any crucial obligations in the course of handling an often complex legal process. We seek to do all that we can to take that load off your trustees, allowing you to focus as much time as possible on your core mission.

We are able to combine our understanding of you, and your ministry goals, with high-quality legal expertise. Wherever you are in your growth journey, and for whatever is ahead, we will provide you with Christ-centred legal expertise to help your gospel ministry flourish.



“It wasn't just the massive legal competency and professionalism that I appreciated.

ECS lawyers understand Christian charities like AIM. They get our vision, our values, our ethos and understand the challenges that we face in our modern age. That's what sets them apart.

I believe their rates are also incredibly reasonable, given the high quality of service they provide.”

**Dudley Pate,
European Director
Africa Inland Mission (AIM)**

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