



**Edward
Connor
Solicitors**

RUNNING A GROWING CHURCH

**A guide to help
you flourish.**

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

Proverbs 24:27

As churches grow they become involved in a broad range of activities which are subject to law and regulation - from employing staff, working with children, owning a building, to handling charitable money.

Satisfying your legal responsibilities, in obedience to Christ (Romans 13:1-7) and out of love for those in contact with the church (Galatians 5:14), is an important part of a flourishing ministry. The reputational and relational damage when a church is not run well means legal compliance is something churches 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 church with a constitution and a church handbook if you will be operating independently, or understand how you will operate within the legal structure of your sending church. There are important protections that need to be included in your governing documents that will shape your freedom to legally operate as a church, from including a basis of faith to paying a pastor.
- 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 church 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 and church handbook.
- 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 3-5 years to make sure they reflect how things work in practice and any changes in the law.

💡 Did you know that it is important the church keeps minutes of the meetings of trustees and members (if you have a voting membership) - recording both the decisions that have been made and why they made them?

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

2. Have the right trustees

- Your church trustees have a legal responsibility to look after your church 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 church. Make sure that you and your trustees are clear about how trusteeship and spiritual leadership sit alongside each other. 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 church and navigate through changes and developments which may lie ahead? Are they equipped to confidently make decisions?

 **Did you know that even if you are not registered with the Charity Commission you are still a charity, and your trustees are charity trustees?**

At ECS we can offer bespoke trustee training for your church, 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 church is involved in, a breadth of policies and procedures will be necessary to protect your staff, church family and community. 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 church 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 church. Your church 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 church, and walk alongside you if and when problems arise.


4. Well managed and maintained property

Whether a church 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 church property are in furtherance of the church's charitable purposes and take into account the core duties of charity trustees.
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When buying, selling, leasing, mortgaging or hiring property, there are extra legal hurdles for charities which churches need to understand and comply with.

 Did you know that if you house staff in, or rent out, church-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 church growth journey, and for whatever is ahead, we will provide you with Christ-centred legal expertise to help your gospel ministry flourish.



“It would not have been possible, in my opinion, to have done this process without ECS. They really understood church life, members' meetings etc and the complex relationships between elders, pastors and staff. It was also great to be able to start and end meetings with prayer...

Now, we are in a much better place strategically and operationally and also big areas of non-compliance have been resolved.”

Ian MacMichael
Bridge Chapel, Liverpool

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