

CLAS CIRCULAR 2020/29 (8 October 2020)

Disclaimer

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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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COVID-19: UPDATE

AGMs and other meetings: latest Charity Commission guidance

Possibly **for action**

The Charity Commission has published some brief guidance on the 'rule of six' as it applies to trustee and member meetings *in England*. Its current advice on **AGMs and other meetings: postponing or cancelling meetings** is as follows:

'Coronavirus continues to have a major impact on charity events and trustees need to consider how and if they can hold meetings.

Charitable companies and Charitable Incorporated Organisations (CIOs) can hold AGMs and other members' [meetings online](#) - this has been made possible by the Corporate Insolvency and Governance Act 2020 and applies until 30 December.

For other types of meetings, or for any other type of charity, trustees need to check if their charity's governing document allows them to hold [meetings online or by telephone](#). Where it does not, an alternative may be to amend it to allow meetings to be held in this way.

We recognise that for some charities virtual meetings are not a viable solution, nor are socially distanced face-to-face meetings. In such instances trustees may consider they have no choice but to cancel or postpone their AGMs and other critical meetings.

If you do consider such a decision is necessary, you should follow any rules in your charity's governing document that allow for postponement, adjournment or cancellation. If there are no such rules, but you decide that this is still the best course of action for your charity in the current circumstances, you should record the reasons for this decision to demonstrate good governance of your charity. This is particularly important if it is not possible to hold your AGM which may make it difficult for you to finalise your annual reports and accounts.

Wherever possible, we would ask you to get your annual reports to us on time. However, where the situation impacts on the completion of annual returns and accounts, charities with an imminent filing date can email us.

Please include your charity name and charity registration number when you email us: filingextension@charitycommission.gov.uk

Note: temporary laws allowing charitable companies and CIOs to postpone AGMs and other members' meetings end on 30 September. These charities can use the above advice.'

[Source: Charity Commission, 29 September]

EMPLOYMENT

Job Retention Bonus

For information and possibly for action

As CLAS previously reported, HMRC published a policy [statement](#) on the Job Retention Bonus that gives employers further details on eligibility requirements and how they can claim the bonus. Under the terms:

- employers will receive a one-off payment of £1,000 for every employee who has previously been furloughed under Coronavirus Job Retention Scheme (CJRS) – if they remain continuously employed to the end of January 2021
- to ensure the jobs are meaningful well-paid, employees must earn at least £520 (the National Insurance lower earnings limit) a month on average between the beginning of November and the end of January
- those who were furloughed and had a claim submitted for them after the 10 June (when the CJRS closed to new entrants), because they were returning from paternal leave or time serving as a military reservist will also be eligible for the bonus as long as they meet the other eligibility criteria
- employers will also be eligible for employee transfers protected under TUPE legislation, provided they have been continuously employed and meet the other eligibility criteria and the new employer has also submitted a CJRS claim for that employee.

The Government has more recently published further guidance, available via the following links:

- [Find an example of employees and the minimum income threshold for the Job Retention Bonus](#)
- [Check if you can claim the Job Retention Bonus from 15 February 2021](#)

[Source: HMRC, 2 October]

FAITH & SOCIETY

COVID-19: marriages and civil partnerships in England

For information

On Wednesday, the Westminster Government published an updated version of [COVID-19: Guidance for small marriages and civil partnerships](#) in England. It notes – retrospectively – that from 28 September no more than 15 people can legally attend a marriage or civil partnership, even where it can be safely accommodated with social distancing in a COVID-19 secure venue. This is the maximum number for all attenders at the event, *including the couple*, but "Anyone working is not included as part of the legal limit". No more than 15 people may attend a reception and it must be in the form of a sit-down meal in a COVID-19 secure venue.

[Source: MHCLG, 7 October]

PROPERTY & PLANNING

Taylor Review Pilot: evaluation

For information

The Taylor Review Pilot ran from September 2018 to March 2020. The aim of the pilot was to test a recommended model from the [2017 Taylor Review: Sustainability of English Churches and Cathedrals](#), to establish how listed places of worship could become more sustainable through regular maintenance and repair and wider community involvement. This latest report, [Taylor Review Pilot Evaluation](#), builds on the [interim report](#) published in January 2020.

Overall, the evidence demonstrates the potential effectiveness of the main findings of the Taylor Review – Fabric Support Officers, Community Development Advisers and the Minor Repairs Fund – and suggests that there is merit in considering further how the elements of the pilot as described in this evaluation report can be taken forward.

[Source: DCMS, 3 October]

SAFEGUARDING

IICSA report on Anglican Churches

For information

The Independent Inquiry into Child Sexual Abuse (IICSA) has published [*The Anglican Church - Safeguarding in the Church of England and the Church in Wales - Investigation Report*](#). It makes a number of recommendations for each of the Churches individually; however, it concludes with a statement that it will return to a number of issues which emerged during this investigation”

- the seal of the confessional;
- mandatory reporting; and
- the disclosure and barring regime, and how it applies to volunteers and to religious organisations.

It expects to address these issues in its final report.

[Source: IICSA, 6 October]

SCOTLAND

Early medical abortion at home

For information

The Scottish Government has [published](#) a consultation – closing 5 January - on the future arrangements for early medical abortion at home across Scotland. The responses will help to inform the Scottish Government's decision on whether the current arrangements should continue once there is no longer a significant risk of COVID-19 transmission.

[Source: Scottish Government, 30 September]

WALES

Renting Homes (Wales) Amendment Bill

For information

We noted in our last Circular that the Welsh Government had [announced](#) that the temporary increase in notice periods for eviction, including those announced in July, would be extended to **31 March 2021**.

The Church in Wales submitted a position paper to Welsh Government regarding the question of giving notice to clergy occupying church property for the furtherance of their duties. and Gethin Rhys forwarded the same paper (which is in the public domain) to the Senedd Committee considering the Bill.

The Committee published its report on Friday and has recommended (Recommendation 5) that

'The Welsh Government should bring forward amendments at Stage Two to ensure properties housing ministers of religion as part of their role as a minister are included in the list of exemptions in Schedule 1.'

Gethin explains that the Government has to respond by October 13, when there is a plenary debate in the Senedd, and believes that If the recommendation is taken up it will resolve the potential knock-on effect on the employment status of clergy. However, the Committee (report available [here](#)) has not been persuaded to recommend that church property held for clergy use should be exempt from the 6-month notice requirements when privately tenanted.

[Source: Cytûn, 6 October]

Wales: Weddings and Coronavirus

For information

In the last Circular, we reported that weddings in Wales are limited to a maximum of 30 attenders. A CLAS member very helpfully corrected us, stating that there is a limit of 30 attenders on wedding receptions – but that the number of attenders at weddings is dependent upon the individual building's risk management. A helpful [FAQs](#) document states that: "The number who will be able to attend a ceremony indoors will be limited by the capacity of the venue where it is being held, once physical distancing measures have been taken into account."

[Source: Welsh Government, 2 October]