



Legal Training and Professional Development

FOR THE CHARITIES SECTOR

This programme has been designed with the charities sector and the challenges it faces in mind. At present, each session will be delivered virtually, but in the future we will be able to offer the option of virtual or in-person training. The programme will evolve according to changes in legislation or new legal developments as they arise.

Please get in touch with your charities sector team contact to discuss pricing for the sessions. If there is another topic that you would like us to cover, we would be happy to design a bespoke session.

Board members' duties and responsibilities

A perfect 'refresher' or 'on-boarding' training for board members, this session is suitable for board and executive team members and covers:

- understanding the role of a board member;
- fiduciary duties;
- Companies Act duties;
- statutory duties;
- conflicts of interest; and
- probity.

Health and safety duties of board members and executives, including corporate manslaughter

In this in-depth session, we consider health and safety and the expectations of the regulator in reference to consumer standards. We also delve into the history of corporate manslaughter, its evolution and what organisations, and particularly their boards, must be mindful of in relation to this.

Trustees' duties and responsibilities

This is a perfect 'refresher' or 'on-boarding' training session for charity trustees, suitable for trustees and senior team members, and covers:

- understanding the role of a trustee;
- charity law duties of trustees;
- liability arising from a breach of duties;
- conflicts of interest; and
- serious incident reporting.

Corporate duties under the Modern Slavery Act 2015

This session will discuss the implications of the MSA 2015, including consideration of:

- the modern slavery statement requirements;
- the background to, and purpose of, the legislation;
- the role of the board when it comes to assuring itself as to its organisation's responsibilities; and
- how to assess risk in the supply chain.



Common board training

Whether you are already operating a common board, or considering the pros and cons of putting one in place, we can provide a bespoke training session. Subject to your requirements, we will consider the conflicts position within the relevant group member constitutions, practical tips for operating a common board, board split procedures and, where one is in place, work through the common board policy. This session will include practical examples for attendees to work through and discuss.

The Bribery Act and probity requirements

This is an essential session for anyone involved in governance within your organisation. We will look at what to do should you discover corruption, bribery or an abuse of position within your organisation including potential recovery action and dealing with PR aspects. We also consider how to avoid and respond to instances of fraud committed within your organisation, by suppliers and/or by other third parties.

Charity law update and requirements

Including consideration of charitable investment powers, non-charitable trading and the Charity Commission's guidance on connections with non-charitable organisations

This session provides an overview of charity law requirements, including the duties and responsibilities of board members of charitable organisations, and considers the ability of charities to make investments and the rules around non-charitable trading. We'll also work through the Charity Commission's guidance on links with non-charitable organisations and key steps your group can take to ensure compliance.

Data protection and freedom of information

This session considers how institutions can comply with their obligations under information laws, including the UK GDPR, Data Protection Act and Freedom of Information Act, for those institutions that are deemed to be public authorities for the purposes of the legislation. We cover the main duties and expectations of data controllers and processors, what to do when things go wrong, and how you can manage complex requests for information under both data protection and freedom of information legislation. We also consider the best use of exemptions to navigate through challenging circumstances and tips on how to engage with the ICO and the tribunal when it becomes necessary.

Safeguarding and adults at risk

This session will cover:

- the key principles of safeguarding;
- the legal and regulatory framework underpinning safeguarding obligations;
- the six key safeguarding components; and
- success criteria in obtaining board assurance on safeguarding.

Duties under the Equality Act including the public sector equality duty and diversity audits

This session will cover:

- the charity's duties under the Equality Act, including in relation to harassment and victimisation;
- the use of diversity audits, and the difference between positive action and positive discrimination; and
- the interface between duties under the Equality Act and obligations with regards to freedom of expression and furtherance of the charity's objects.



Freedom of expression, whistleblowing and bringing an institution into disrepute

This session will cover:

- when it is appropriate to include confidentiality and non-disclosure provisions in contracts and policies;
- how far the obligation to protect a charity's reputation goes;
- what particular considerations apply to whistleblowers in the sector, including a review of the Charity Commission code on whistleblower protection; and
- when speech is protected as freedom of expression, including in regard to hate speech.

Defamation, privacy and reputation management

This session will cover:

- what is required to avoid the risk of a libel claim;
- the misuse of private information or the wrongful disclosure of personal data; and
- how best to respond when the media spotlight turns on your organisation.

Immigration compliance

This session will cover:

- Hiring non-UK nationals, including applying for and maintaining a sponsor licence;
- Right to work checks; and
- Preparing for Home Office audits.

Competition and state subsidy laws post-Brexit

This session brings you up to date with the UK framework for publicly funded grants, subsidies and other funding, from central government, local authority or other public resources, now that the UK is no longer part of the EU state aid regime. We outline the UK's subsidy obligations under the Trade and Co-operation Agreement with the EU and other international agreements, and the developing UK rules under the Subsidy Control Bill, which is currently going through Parliament, and related legislation that will establish the internal UK framework for subsidies.

This session will cover:

- What is a controlled 'subsidy' now that the UK is outside the EU?
- What controls will be in place for public subsidies, and what does the recipient or the provider of a subsidy need to be aware of?
- What is the direction of travel for the UK subsidy regime in the mid-term?
- Does EU 'state aid' still have relevance for educational institutions, UK charities and non-profits?
- Competition law – what has changed since Brexit? Where do charities and educational institutions fit into competition laws?

Charities, litigation and Alternative Dispute Resolution (ADR)

This session will cover situations when charity trustees are faced with taking or defending legal action.

The session will also cover:

- Risks to charity trustees posed by legal action, including in the context of trusts and estates;
- Alternatives to court and ADR, including mediation; and
- Ensuring that any settlement is 'full and final'.