



Effective Governance Bulletin

Date: 04/12/2019

Issue: 5

Make sure that you are up to date with legislation and good practice

Are your policies fit for purpose? Are you aware of changes in Charity Law?

If you need any help you can contact us by completing a Advice
Questionnaire - <https://www.linkscvs.org.uk/node/99>

Included in this effective governance bulletin are:

1. [Election special](#)
2. [Charity Commission Whistleblowing disclosures 2018-19](#)
3. [Charity Annual Returns](#)
4. [Guidance for employers on RTI reporting obligations for payments made early at Christmas](#)
5. [Free Safeguarding Resources](#)
6. [NCVO – A Bigger Role in Building Our Future](#)



CHARITY COMMISSION FOR ENGLAND AND WALES

Charity Commission information regarding the upcoming general election

Election special

Now that the election has been confirmed for 12 December 2019, we are issuing a reminder to all charities of their particular responsibilities.

The Commission is aware that the political context for this election is very different from that which people may have experienced in the past, which makes it all the more important that trustees read both our [guidance on campaigning and political activity](#) and the particular [guidance that applies during an election](#) (PDF, 606KB). We've also published [lessons learned during the last election in 2017](#).

It is legitimate and healthy for charities to speak up for the causes they serve. But appearing to take a political position on either side could risk undermining public confidence in charity as something special, an issue which our chief executive made clear in her [recent blog](#).

As well as your responsibilities under charity law, you need to be aware of the rules on what is called 'third party campaigning' under electoral law, which may affect your charity. The Electoral Commission has worked closely with charities to produce '[Non-party campaigners: where to start](#)', using [real-life case studies](#) to provide advice to charity campaigners.

Transparency: Charity Commission Whistleblowing disclosures 2018-19

The Charity Commission received 185 whistleblowing disclosures between 1 April 2018 and 31 March 2019. This is a continuing increase from 101 disclosures in 2017 to 2018 and 88 disclosures in 2016 to 2017.

Key findings from 2018 to 2019 disclosures include:

- an 83.2% increase in the number of disclosures compared to the previous reporting period
- disclosures are predominantly received from employees and ex-employees (167, 90.3%)
- a fifth of disclosures related to charities supporting education/training
- safeguarding concerns are reported most frequently, which is a change from governance issues in recent years. Safeguarding and governance issues are strongly connected, especially when the safeguarding issue concerns a risk to beneficiaries
- 181 (97.8%) were identified as potentially needing some regulatory action due to the nature and level of risk reported
- 163 (97.6%) disclosures from employees or ex-employees were identified as potentially needing some regulatory action due to the nature and level of risk reported

- 85 (47.0%) of the 181 cases identified as potentially needing regulatory action were closed in this reporting period
- the most common action the Charity Commission took was to provide advice to charities
- the most common impact of their actions was that trustees were aware of their responsibilities and duties

<https://www.gov.uk/government/publications/whistleblowing-disclosures-made-to-the-charity-commission-for-england-and-wales-2018-to-2019/>

It is the duty of every member of staff and volunteer to speak up about genuine concerns in relation to criminal activity, breach of a legal obligation (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment, and the cover up of any of these in the workplace. It applies whether or not the information is confidential.

The worker/volunteer making the disclosure must have a “reasonable belief” that the disclosure is “in the public interest”. This may not exclude complaints by individual workers about their contract being breached if what they complain of is an example of a wider unlawful practice.

The disclosure need not be made “in good faith” but neither should it be motivated, for example, by malice or revenge.

For more guidance on reporting any serious wrongdoing to the Charity Commission please go to the following link:

<https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>

Charity Annual Returns

The Charity Commission has [revised its guidance on preparing an annual return](#) by adding guidance on using the ‘update charity details’ service for the first time. The page has also been rewritten to make it shorter and easier to use. The commission has [issued separate specific guidance](#) for charities preparing an annual return for the first time since 12 November 2018.

<https://www.gov.uk/guidance/prepare-a-charity-annual-return>

Please also note the Charity Commission is no longer providing copies of annual returns after they are submitted online. Unless you manually save/print each individual page in draft while filling it in, there is no longer any way for charities to get hold of their own file copy of the annual return. A reminder that if your financial year ended 31 December 2018 your charity annual accounts and return were due 31 October, and if the organisation is a company the company accounts and return were due 30 September. For a financial year ending 31 March 2019 the charity accounts and return are due 31 January, and company accounts and return 31 December. It is advised you print your return in draft form before submitting it, rather than expecting to receive a PDF of the final version automatically as has happened in the past.

Thank you to Sandy Adirondack for the above information regarding the Charity Commission no longer providing copies of annual returns. We would encourage groups to sign up for her legal update mailings by sending your contact details to legalupdate@sandy-a.co.uk.

A bigger role in building our future

**Our vision for charities
and volunteering**

NCVO manifesto



NCVO – A Bigger Role in Building Our Future

Communities across the country face sizeable challenges, from climate change, technological transformation, economic insecurity and inequality, how to enable people to live better lives for longer, and a democracy and society that appear deeply divided.

But this moment is also one of opportunity: to rethink radically the way people and communities can shape and improve their lives and ultimately thrive.

This requires a commitment to change at all levels: economic, social, political. Charities and volunteering are central to driving this change.

At their best, charities reflect the communities they serve. The variety of causes and people they involve makes them uniquely placed to work with government, business and across diverse communities to address the challenges faced.

This manifesto calls for greater political and financial investment and greater recognition of charities' role in shaping our country's future. To read NCVO's manifesto please click the link below.

[https://linkscvs.org.uk/sites/default/files/civicrm/persist/contribute/files/NCVO a bigger role in building our future.pdf](https://linkscvs.org.uk/sites/default/files/civicrm/persist/contribute/files/NCVO_a_bigger_role_in_building_our_future.pdf)

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