

Charity Seminar

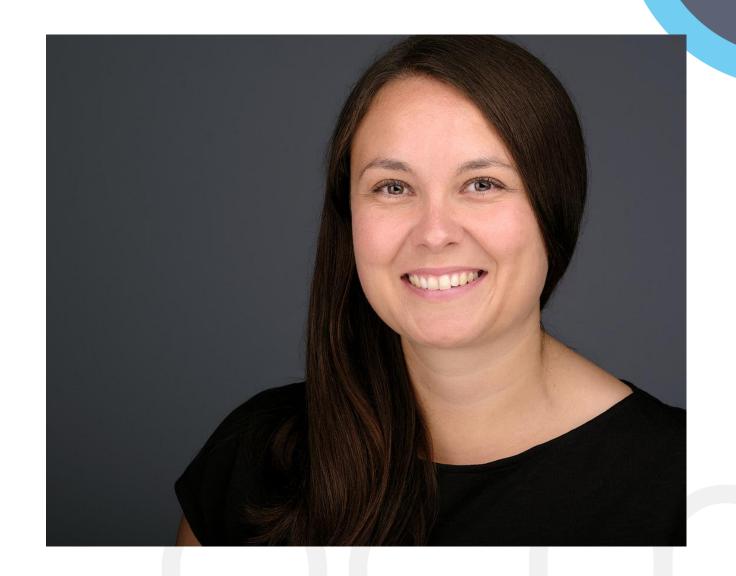
# Welcome

#### Sarah Twist FCA DChA

Head of Charities Team
Associate Partner

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# Agenda

09:35	Setting the scene
10:15	Good financial management
10:40	Charity dynamics; Culture and governance challenges
11:00	Coffee & networking
11:20	Technical update
11:45 11.55	Charities Act 2022: Implementation update Federica Smith-Roberts, Founder, Refugee Aid from Taunton
12:25 12.30	Panel Session: ask the experts Lunch & Close

#### Lexi Shore FCA CTA DChA

Managing Partner

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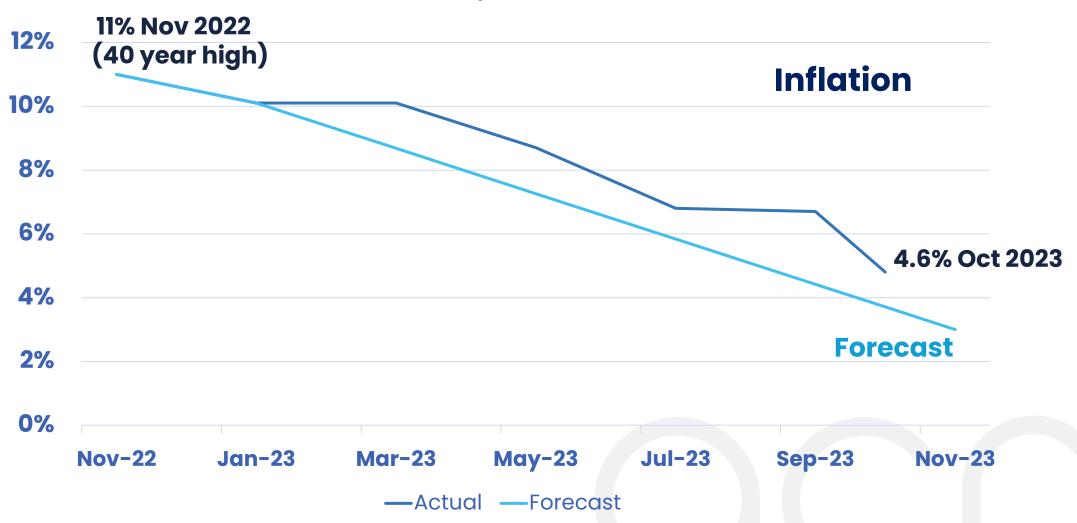


# Setting the Scene

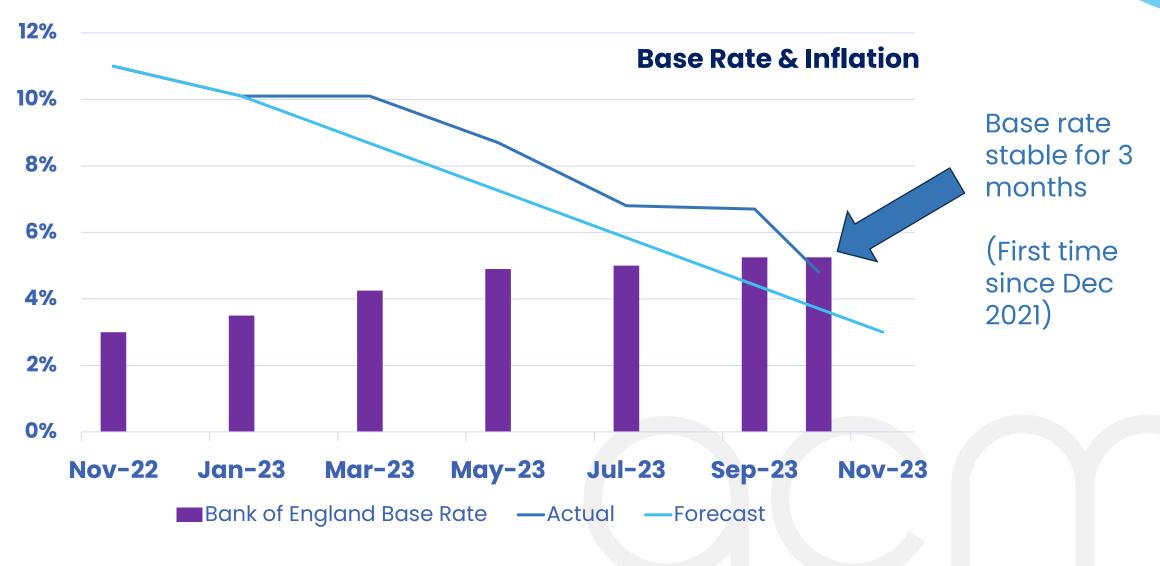
### Setting the Scene



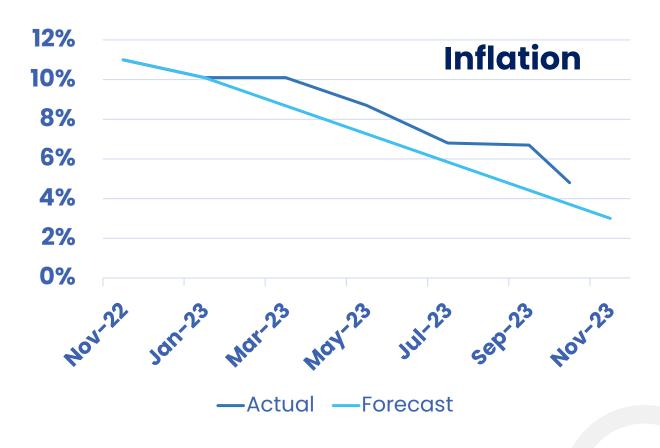
## The UK Economy



### The UK Economy

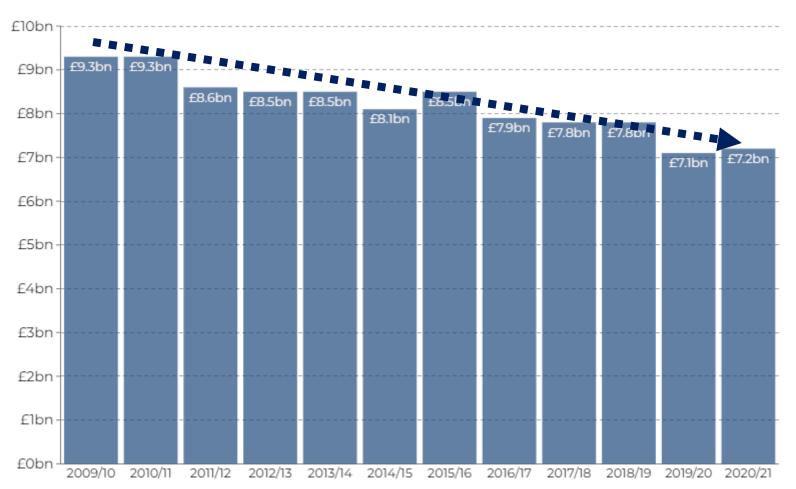


### The UK Economy



- Cuts in real term public service spending
- £19.1billion by 27/28
- Current spend of Home Office and HMRC combined
- "The crisis in public services has been swept under the carpet"

#### Charity income from local government



Delivery of public services outsourced to charities

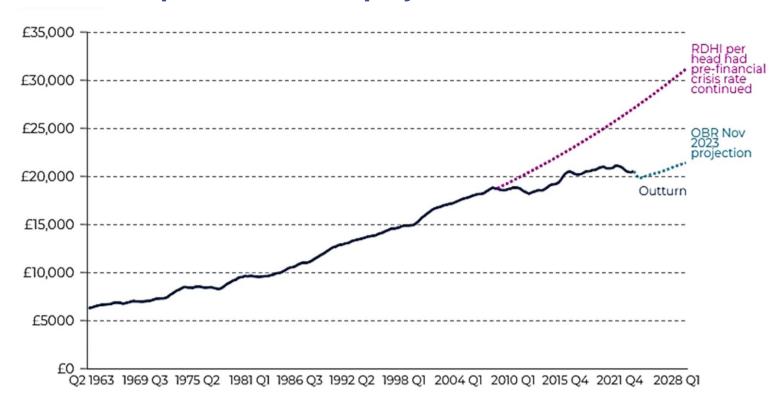
Fall of over £2bn since 2009/10

73% cannot meet demand with funding they receive

11 Local Authorities bankrupt since 2018

#### Household income

#### Household disposable income projections to 2028



Source: PBE analysis of OBR, Economic and Fiscal Outlook, November 2023 and ONS Real disposable Income per head: Chained volume measure £: Seasonally adjusted

OBR forecasts further fall in 24/25

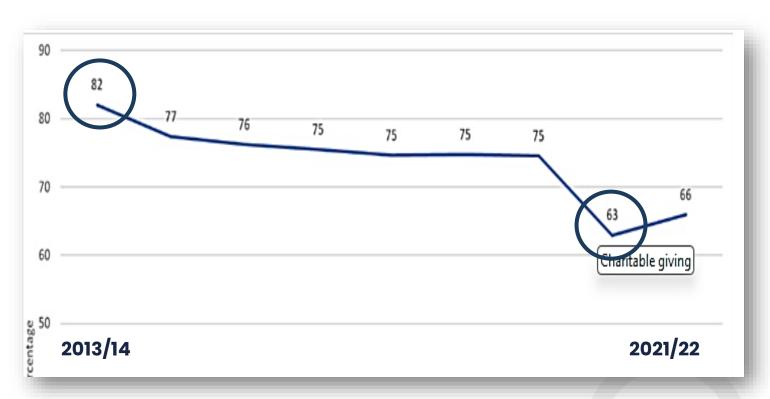
Largest reduction in real living standards since ONS records began

Recovery will be slow when it comes

Debt repayments as % household income forecast to double

# Charitable giving

#### % of Population who have given money to charity



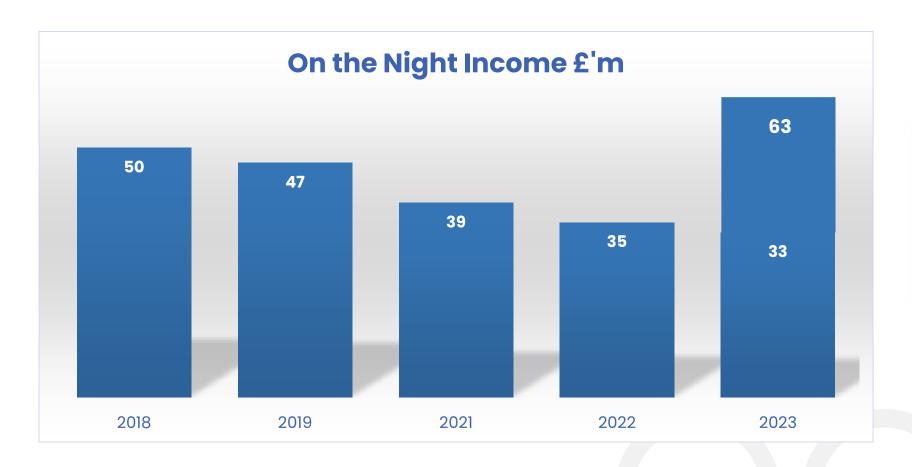
82% donated in 2014

63% donated in 2020/21

UK ranks 3<sup>rd</sup> in CAF World Giving Index

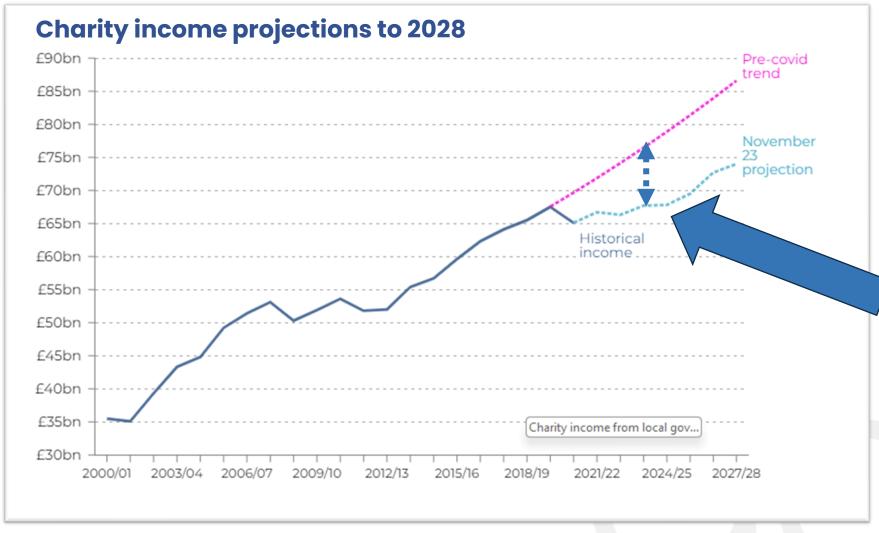
Source: DCMS Community Life Survey

### Donations reducing





#### Charity sector income



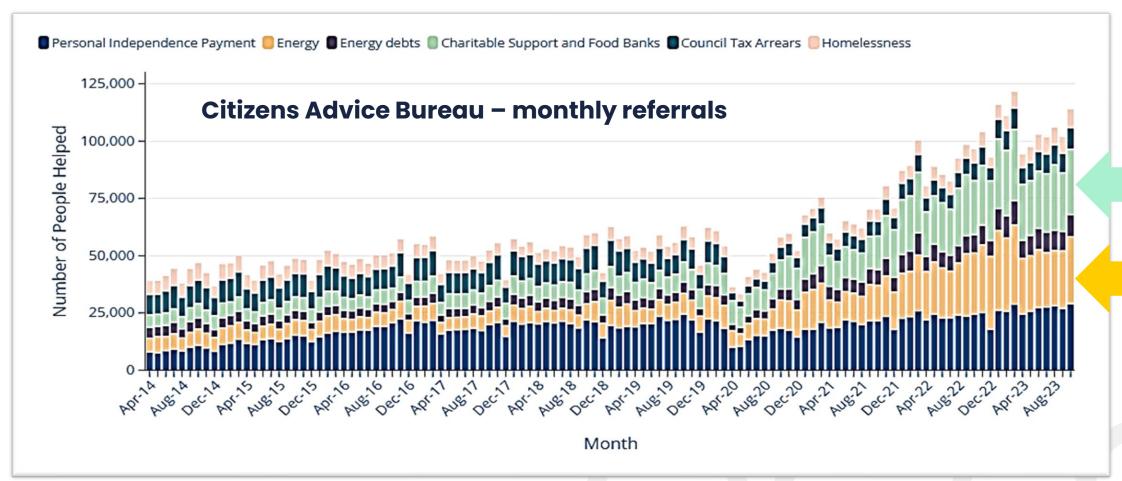
## Total sector income fell last year

1% growth forecast 2024/25

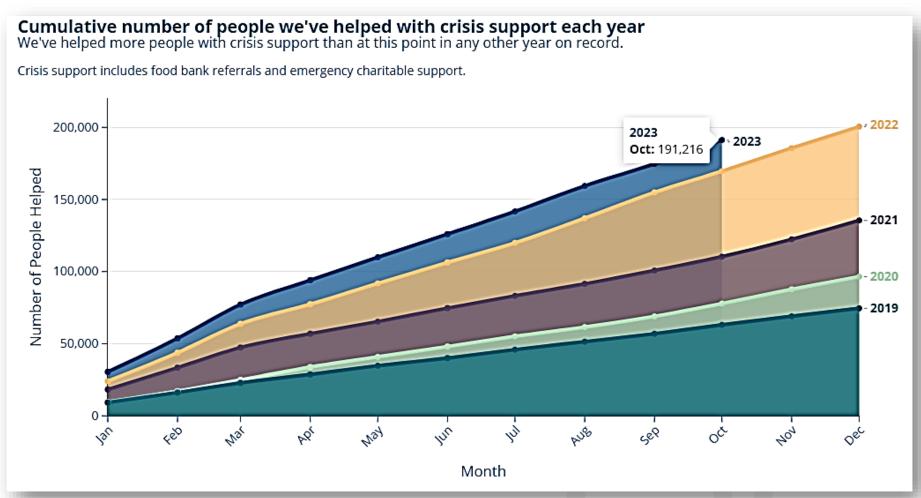
Forecast to be £9bn (13%) below pre-Covid trend by 2024

Source: Pro Bono Economics

#### Charity sector - demand



#### Charity sector - demand



#### Charity sector demand

#### Charities experience of demand



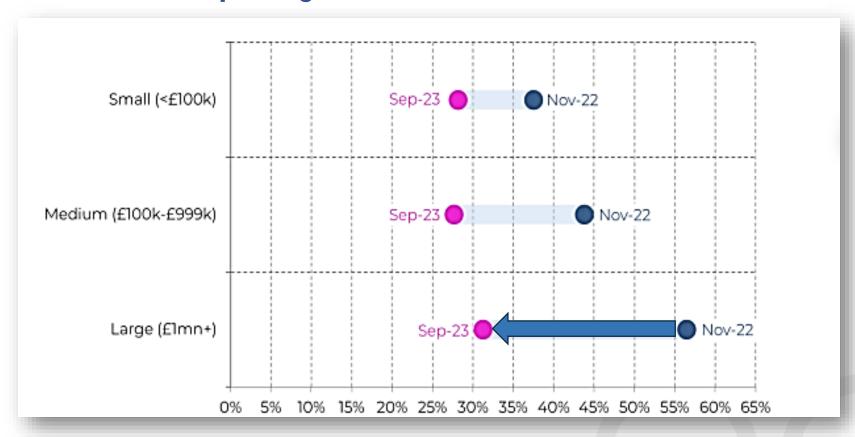
Increases in demand mirrored across sector as a whole

75% of medium and large charities experiencing an increase in demand compared to last year

Source: Pro Bono Economics

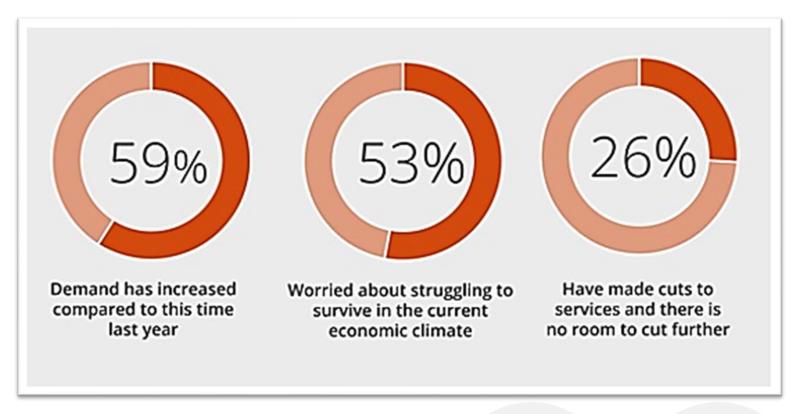
### Charity finances

#### Charities expecting finances to deteriorate in near future



Source: Pro Bono Economics

#### CAF Charity Resilience Index



Source: CAF Charity Resilience Index

#### CAF Charity Resilience Index



MORE CHARITIES WERE FEELING
CONFIDENT ABOUT THEIR ABILITY
TO COPE WITH THE EFFECTS OF THE
CRISIS

TO COPE WITH THE EFFECTS OF THE CRISIS

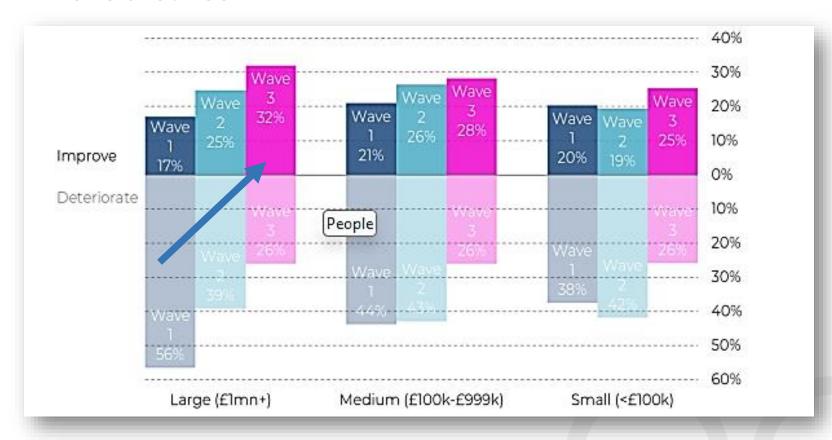
> 75% reported that their senior management and Board felt confident to face the current challenges

36% had developed a detailed plan to face the cost-of-living crisis

Source: CAF Charity Resilience Index

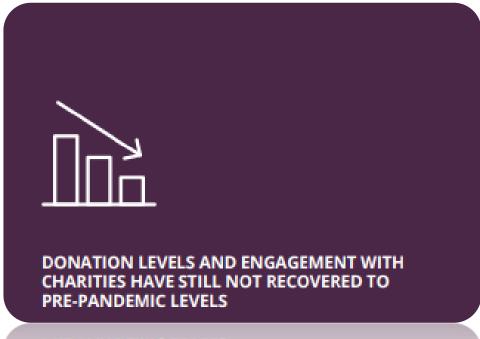
# Charity Resilience

#### **Financial outlook**



Source: Pro Bono Economics and Nottingham Trent University National VCSE Data and Insights Observatory, VCSE Sector Barometer

### CAF UK Giving Report 2023



DONATION LEVELS AND ENGAGEMENT WITH CHARITIES HAVE STILL NOT RECOVERED TO PRE-PANDEMIC LEVELS

Overall level of participation in charitable activities in 2022 84%

Broadly consistent with 2021 (83%)

Not returned to pre pandemic levels (88% in 2019)

### CAF UK Giving Report 2023



Sustained reduction in volunteering levels

16% people volunteered in last 12 months (2018)

Fell to 13% in 2022

Translates to 1.6m fewer people volunteering than 5 years ago

Source: CAF UK Giving Report 2023

14.2 million volunteered at least once

Rates of formal volunteering dropped sharply

37% in 2019/20 to 30% in 2020/21

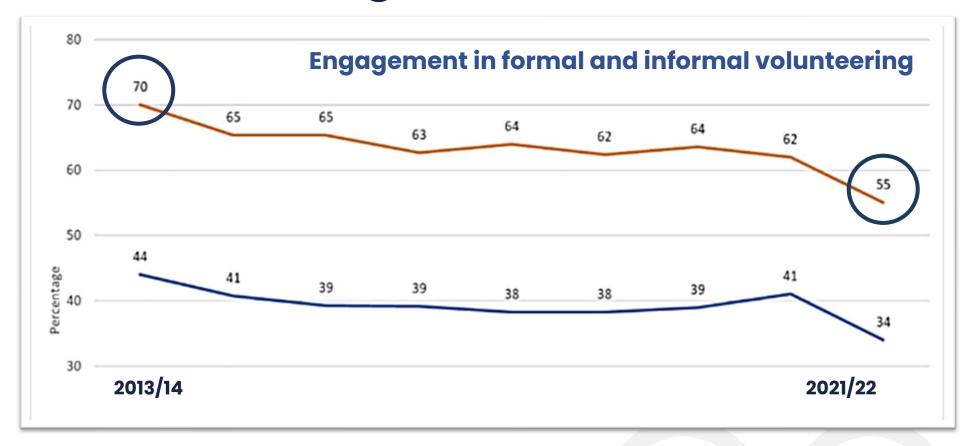
Rates of informal volunteering increased

14.2M PEOPLE
VOLUNTEERED THROUGH
A GROUP, CLUB OR
ORGANISATION IN 2021/22

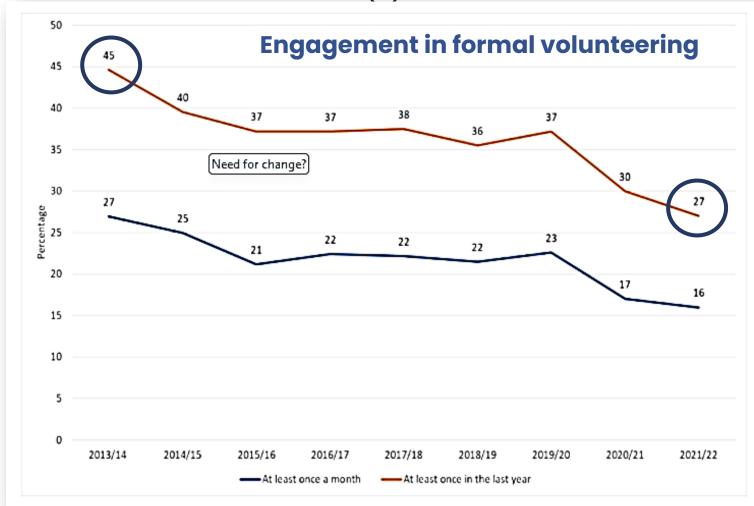
Almost half of the population volunteered their time informally to help others at least once in 2021/22, back down from the ir Young People levels seen in the earlier stages of the pandemic.



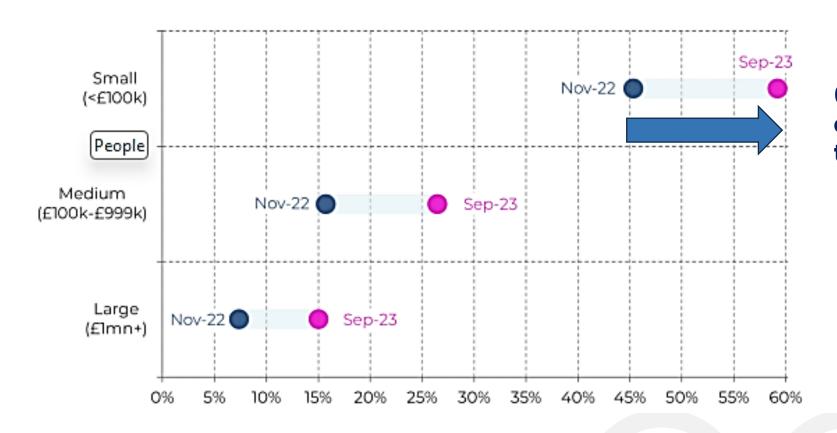




Source: DCMS Community Life Survey

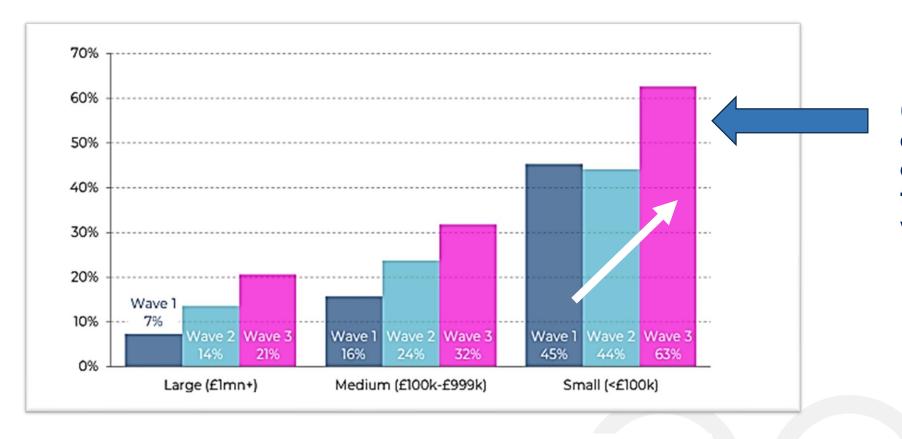


Percentage involved in formal volunteering fell from 45% to 27%



60% small charities concerned about the ability to recruit volunteers

Charities with concerns about volunteer recruitment



60% small charities main concern is ability to recruit volunteers

#### Charities with concerns about volunteer recruitment

#### Broaden view of what volunteering can look like

Wide range of volunteer models?

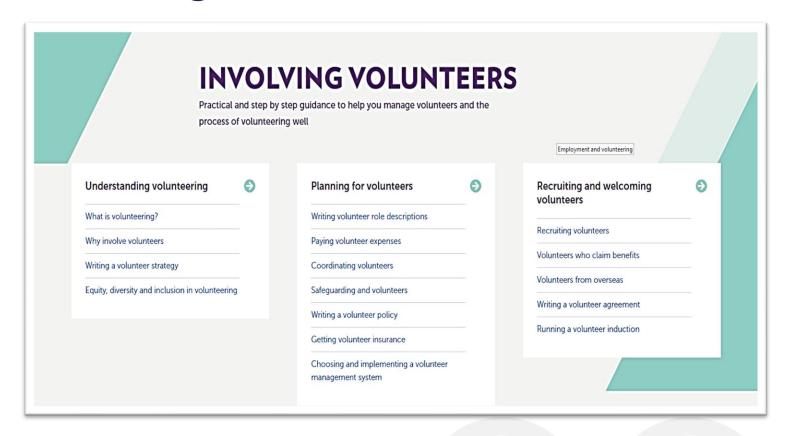
Need to be flexible and creative

Shift to more informal volunteering

Short and long term volunteering opportunities?

Do you engage with volunteers digitally?





https://www.ncvo.org.uk/help-and-guidance/involving-volunteers/

### People

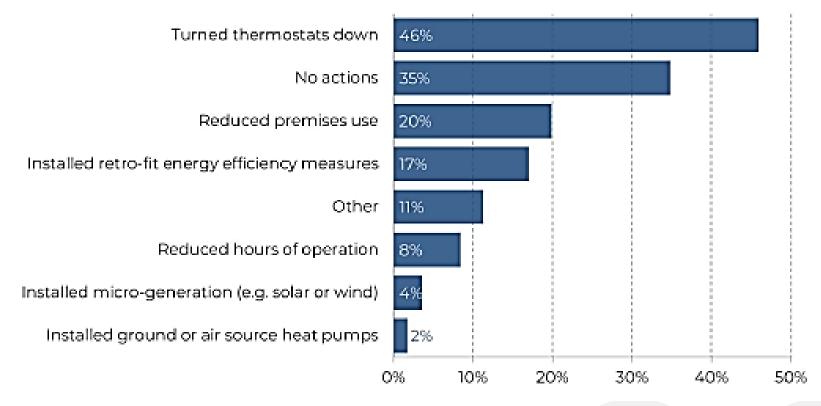


31% charity staff working additional hours

86% flexible working

60% mental health support

#### Charity sector – energy costs



Source: Pro Bono Economics

#### Guidance



The cost of living crisis will affect every charity – whatever their size or cause. If you need support or guidance, we're here to help.

#### **Cost of living**

- → Help and guidance
- ↓ Support
- → Policy and influencing
- ↓ Support for organisations
- ↓ Support for individuals

The cost of living crisis will affect every charity – whatever their size or cause. If you need support or guidance, we're here to help.

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www.ncvo.org.uk/help-and-guidance

## Setting the scene

- Economy overall seeing gradual improvement
- Take time for this improvement to reflect in lives of beneficiaries
- Majority of charities still seeing upward trajectory in demand
- For many in context of sustained financial challenges
- Resources to service this demand remain challenging
- Recruitment of volunteers remains a concern
- Evidence of tale of two sectors larger and smaller charities?

#### Need for change?

Crisis or change in external environment = people & organisations need change

Continue to deliver what always delivered?

 Continue to make decisions in the same way as the past?

Risk less relevant or impactful?

NPC Report – Being a Trustee in an Age of Permacrisis





### Need for change?



- Keep focussed on mission
- Adopt a mission mindset rather than a preservation mindset
- Be open to change (gone are the days of the 5 year plan!)
- Look beyond immediate focus



# Good financial management

# Monitoring the financial performance of your Charity

- Key finance tools
  - Budgets/Cashflow forecasting
  - Appropriate internal controls and policies
  - Communication of information to the board
    - Monthly accounting pack

- Risk register
  - Financial risks
- Business plan
- Finance skills on the board
- Tailored Reserves policy
- Financial ratios

Is cash available to meet obligations as they fall due?

What is the gap? How will we close it?

## Budgets / Forecasts

### **Budgets**

- estimate of the income and expenditure
- defined period of time
- surplus, deficit or breakeven position

#### **Forecasts**

- only cash movements
- excluding accounting adjustments
- tracks the timing of cash movements

Budgeted surplus does not guarantee cash will be available when needed.

# Budgets / Forecasts - Example

	Cashflow Forecast												
	Budget	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Income													
Grants	277,500	35,000			100,000					75,000		67,500	
Fees	210,000	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500
Events	65,000					15,000						50,000	
Total in	552,500	52,500	17,500	17,500	117,500	32,500	17,500	17,500	17,500	92,500	17,500	135,000	17,500
Expenses													
Staff costs	384,000	32,000	32,000	32,000	32,000	32,000	32,000	32,000	32,000	32,000	32,000	32,000	32,000
Office costs	30,000	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
Premises costs	17,000	2,000	1,000	1,000	1,000	1,000	1,000	5,000	1,000	1,000	1,000	1,000	1,000
Fundraising	20,000	8,000						12,000					
Admin	12,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Fixed asset addition									5,000				
Total Out	463,000	45,500	36,500	36,500	36,500	36,500	36,500	52,500	41,500	36,500	36,500	36,500	36,500
Net movement	89,500	7,000	- 19,000	- 19,000	81,000	- 4,000	- 19,000	- 35,000	- 24,000	56,000	- 19,000	98,500 -	19,000
Cash balance		25,000	32,000	13,000	-6,000	75,000	71,000	52,000	17,008	-7,000	49,000	30,000	128,500
Closing cash balance		32,000	13,000	-6,000	75,000	71,000	52,000	17,000	-7,000	49,000	30,000	128,500	109,500

#### **Fixed vs Flexible costs**

# Budgets / Forecasts - Example

	7	Cashflow Forecast											
	Budget	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Income	baaget	Jun	100		- Apr	may	Jun	301	7,08	ОСР	Out	1101	Dec
Grants	277,500	35,000		$\overline{}$	100,000					75,000		67,500	
Fees	210,000	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500
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Premises costs	17,000	2,000	1,000	1,000	1,000	1,000	1,000	5,000	1,000	1,008	1,000	1,000	1,000
Fundraising	20,000		1,000		7,000			4,500		7,500			
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		4											
Net movement	89,500	15,000	- 20,000 -	- 19,000	74,000	- 4,000	- 19,000	- 27,500	- 19,000	48,500	- 24,000	98,500	- 19,000
Cash balance		25,000	40,000	20,000	1,000	75,000	71,000	52,000	24,500	5,500	54,000	30,000	128,500
Closing cash balance		40,000										_	

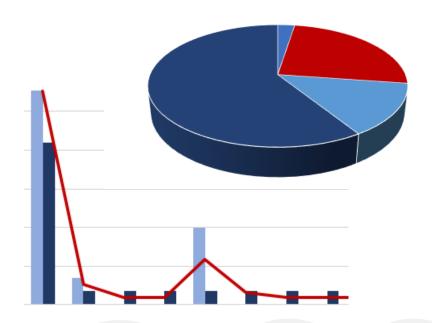
## Budgets / Forecasts

- Minimum 12 months
- 12 month rolling
- Update for actual cash
- Inflation
- Prudent & honest
- Assumptions
- Scenario planningStress tests your forecast
- Unforeseen events
- Simple
  - Agile



### Financial Ratios

- Quick measurement tool
- Identify trends
  - Against prior periods
  - Other similar organisations
  - Target range
- Internal use
- Track charity's financial health
- Early identification
  - sustain mission



### Fundraising efficiency

Fundraising multiplier

fundraising revenue

fundraising expenditure

- Return on investment
- Higher above 1 the more successful the fundraising
- Overall/by event
- Non monetary value



*example* 120,000 30000 = 4

### Surplus or profit margin

### example

### net income

x 100 = %

total income

700,000

x 100 = 8.75%

- Positive surplus generated and reserves increased
- By activity?
- Public benefit

x 100 = 6.67%

### Earned income

#### earned income

### unearned income

example

*90,000* 360,000 = 0.25:1

- Diversified earned income
  - Trading
  - Events
  - Investments
  - Performance related grants
  - Service level agreements
- Unearned Income
  - Donations
  - Grants
  - More unpredictable?

### Project expense ratio

total project expenditure x 100 = % total expenditure

How efficient in fulfilling mission





### Unit cost and full cost recovery

### programme / project cost

#### number of units delivered

- Say 600 project hours
- 100 beneficiaries
- 2,400 hours

Cost per beneficiary = £280

Subject to reduce with higher output or increase with lower output

Example

**Direct costs** 

Employees

Material £3,000

£18,000

£15,000

(direct = £180 per beneficiary)

Indirect(overheads) = £40,000

600

2,400 = 25% = £10,000

Total costs £28,000

### Current ratio

#### current assets

#### current liabilities

Example

500,000 350,000 = 1.42



= increasing margin of safety



= question ability to meet commitments

Readily convertible to cash?

• Stock?

Exclude restricted funds

Consider separately

High proportion of restricted funds – more important to track

### Free Reserves

Total Funds
Fixed assets
Designated funds
Free Reserves

- Policy what is sufficient for charity's needs
- Basis? last year/budget?
- Regular review against actual



# THE SPEAKERS

### **Laurie Trounce**

Partner – Corporate and Charities







https://www.linkedin.com/in/laurie-trounce-729a0958

**Chambers and Partners (2024)** - "Laurie is empathetic and has the ability to sense and understand the emotions of clients in very difficult situations."

"Laurie provides us with an outstanding service. She is quick to respond, very thorough in her explanations, and demonstrates a very high level of understanding of the challenges we face."



# **Culture wars across the sector**

- National Trust reassess colonial history of properties
- RNLI hits out at 'migrant taxi service' accusations



# **CC** response and sector responses

- Orlando Fraser (Chair of the Charity Commission): 'Woke' criticisms of UK charities are unfair
- Importance of charities using their voice
- Charity Commission and Electoral Commission chairs share advice for charities engaging in public debate - Charity Commission (blog.gov.uk)
- Campaigning and political activity guidance for charities GOV.UK (www.gov.uk)



Guidance

Campaigning and political activity guidance for charities

Updated 7 November 2023

# CULTURE WARS

# **Cultural disputes in charities**

- Increasingly complex disputes between staff and / or with trustees
- Charity Commission issued an official warning to an Oxford University College
- Cats Protection's interim CEO stood down due to concerns regarding welfare of the chair's 18 cats
- RNLI apologised for recent instances of sexism and bullying
- Charity Commission compliance case in respect of domestic abuse charity
- Impacts of this type of dispute



# Approaching cultural challenges

- Differences in generational perspectives and COVID
   19
- Real costs to charities
- What can you do?



#### Use of social media

- Why is social media important for charities?
- Charity Commission Consultation January March 2023
- Release of 'Charities and social media guidance' 18
   September 2023
- Charities and social media GOV.UK (www.gov.uk)



# Managing social media – Top tips

- Are you clear how the charity is using social media?
- Do you have a social media policy?
- How do you manage risks associated with posting and sharing content? CC opens case into RSPB after social media post called ministers 'liars'
- Do you engage in campaigning or political activity on social media?
- Do you use social media for fundraising activities?
- Is training available?
- Is your charity taking steps to stay safe online?
- How do you respond to incidents?
- How to report a serious incident in your charity -GOV.UK (www.gov.uk)

# SOCIAL MEDIA



LIARS!

@RishiSunak @michaelgove @theresecoffey you said you wouldn't weaken environmental protections.

And yet that's just what you are doing.

You lie, and you lie, and you lie again.

And we've had enough.



12:22 pm · 30 Aug 2023 · 10.9M Views

# THANK YOU!



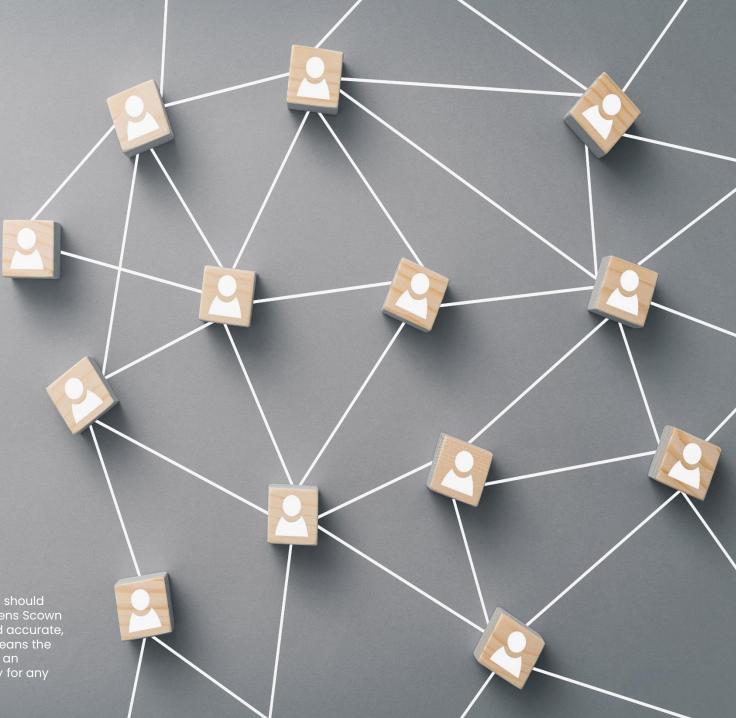


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# Coffee break

# Technical Update

### Charity Commission Guidance

- Updates for Charities Act 2022
  - CC8 Internal Financial Controls
  - CC14 Investing Charity Money

- Quiz for Trustees to Test Knowledge
  - https://beingacharitytrustee.campaign.gov.uk/take-the-trustee-quiz/

# Trustee Quiz Charity trustees, are you in the know? Test your knowledge!

Guidance

Internal financial controls for charities

Updated 26 April 2023



### Key changes

- Complete redesign of the guidance
- Fraud and cybercrime
- Digital payment systems
- Corruption and bribery as specific operational risks
- Internal audit
- Controls checklist

- Guidance is broken down in sections:
  - Internal financial controls for banking
  - Internal financial controls for income
  - Internal financial controls for expenditure
  - Internal financial controls for payments to related parties
  - Internal financial controls for assets and investments
  - Internal financial controls for loans
  - Internal financial controls for hospitality, including gifts
- Who is responsible for internal financial controls?
  - Delegate detailed work
  - All Trustees

Recap - All charities need financial controls, regardless of size.

- Financial controls should cover:
  - all aspects of how your charity handles its resources
  - GDPR
- Size/activity/location
- Training
- Reporting suspected abuse/raise concerns
- Override of controls
- Regularly review



- Online banking
  - Dual authorisations





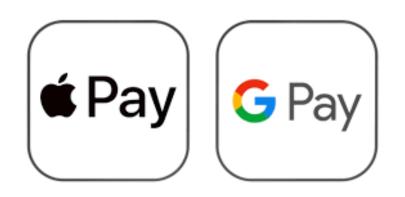


- Open letter Chief Executive of CC
  - Closed or suspended suddenly for long periods of time
  - Reduction in bespoke banking services
  - Poor customer service
  - Administrative delays
  - Finding that online banking is not designed to match the way charities operate
    - Large unsecured cash reserves
    - Own bank accounts

- Cryptoassets
  - Cryptocurrencies/NFTs
  - digital representations of value or rights that use blockchain technology
- Before accepting
  - Understand risks
    - volatility of their value
    - fraud or theft by hackers
    - lack of protection compared to traditional currencies
    - difficulty in tracing donors
    - limitations
      - few retailers accept as payment
- Expertise to manage risks
- Adopt a policy
  - Accepting/refusing/using/decisions about converting



- Mobile payment systems
  - E.g. Google Pay/Apple Pay
  - You should have the same controls in place



### CC14: Investing Charity Money

### Recap - Principal duty is to further the charity's purposes

- Investment decisions to further those purposes.
- Principles of good decision-making
- Comply with investment powers
  - governing document/law
- Keep your investment approach under regular review

- Charity's best interests
  - what will best help your charity to carry out its purposes, both now and for the future.

### CC14: Investing Charity Money

#### Guidance

### Investing charity money: a guide for trustees

Updated 1 August 2023

#### **Key Changes**

- Clarifies discretion of trustees
  - Delegation
- Removed ethical, responsible, mixed motive and programme related
  - Replaced with Social Investments
- More detail on setting investment policies
- Highlights a record of how investment decisions are reached should be kept



## CC14: Investing Charity Money

- Financial Investment
  - Generating income
  - Increasing the value of an investment (capital growth)
    - Risk
    - Conflicts e.g. Heath/environment
    - ESG
- Social investment
  - achieving your charity's purposes and
  - making a financial return
- programme-related and mixed-motive investments,
  - Charities' SORP FRS 102
  - accounting treatment
- balance the interests of your charity

## My Charity Commission Account

- Online service
- Trustees/Charity Contact/Professional Advisors
- Services:
  - updating charity details
  - submitting annual returns
  - making changes
    - to governing document
    - charity name
    - year end



**Charity Commission guidance** 

## Charity Commission performance





Published: July 2023

Overall, how would you rate the Charity Commission's customer service? Base: (1,003)

### Tax Updates



- Gift Aid
  - Simplified year end letters for charities using the de-minimus retail gift aid option
  - Cryptoassets not considered currency or money
    - not a qualifying charitable donation.
    - must be converted to money <u>before</u> donations are eligible for gift aid.
  - waiving of a refund or loan repayment can be considered a donation
    - clear agreement to cancel a loan/not accept a refund
- Restriction of Tax Reliefs to Non-UK charities
  - Ensuring UK taxpayer money should support UK charities and CASCs.

#### Consultation: Charities Tax Compliance

- More than £5.5 billion in charitable reliefs in 2020 to 2021
  - Gift Aid at £1.3 billion
  - Business rates relief nearly £2.4 billion
- Tackle non-compliance
- Protect the integrity of the charity sector



Consultation scope – 4 main areas

# Consultation: Tainted Charity Donations

 Preventing donors from obtaining a financial advantage from a donation

- Purpose test Three conditions must all be met:
  - donation and arrangements are connected
  - purpose of entering is for the donor to receive a financial advantage
  - donation isn't made by a qualifying charity-owned company or relevant housing provider linked with the charity to which the donation is made
- Tainted = Donor loses tax relief

# Consultation: Tainted Charity Donations

- Examples
  - donor makes a significant donation to a charity, solely so that both the donor and charity can claim relief on the donation.
    - reinvested into the donor controlled company
- remove and replace with a new rule that is fit for purpose Considering limits
- removing the requirement to demonstrate that made to benefit the donor
- Replacing 'financial advantage' with 'financial assistance' or 'financial benefit

# Consultation: Charitable Investment Rules

- Preventing abuse
- Investment income in most forms are not taxable
  - Automatically approved as exempt
- Cases have been seen:
  - purchase a foreign property which is used as a holiday home by its trustees no charity benefit
    - Purchase of land is an automatically accepted as an approved investment – hard for HMRC to legally challenge from a tax perspective
- Option to update: Amend rules to ensure that all approved investments and loans made by charities need to be for the benefit of the charity and not the avoidance of tax

# Consultation: Non Charitable Expenditure

- HMRC believe :
  - possible for the donor to receive relief for the donation,
  - charity to not pay tax
  - charity to then spend the donation on something other than its charitable purpose.
- Non charitable expenditure is incurred the automatic tax exemption is lost on the equivalent amount of income – becomes potentially taxable
- Could escape a charge to tax as certain income cannot become taxable

# Consultation: Sanctioning Charities

Improve compliance with filing tax returns and paying liabilities

- Consider:
  - withholding payments of Gift Aid
  - dis-applying other tax reliefs





#### Paradise Wildlife Park Limited v HMRC [2023]

- built a lion enclosure, a shop and an outside dinosaur exhibition
  - Zero-rated the construction services
  - building intended for use solely for a Relevant Charitable Purpose
- HMRC assessment
  - Standard rated
  - Carrying on a business, in which the new constructions were used
- Charity conceded: shop should have been standard-rated
- Appealed assessment for the lion enclosure and dinosaur exhibit



- Was there a business?
  - Educational/conservation
- Are the areas of construction used in the business?
  - Aim to cover the operating costs plus a margin for future improvements
  - Similar services are supplied by third parties on a commercial basis
  - make the park a more attractive place to visit
- Zero Rate = Solely for non-business purposes

FTT Rejected Appeal

#### Yorkshire Agricultural Society v HMRC [2023]

- Treated admission income for show as VATable at the standard rate
- Voluntary disclosure of overdeclared output and overclaimed input VAT tax in respect of the 2016 show
  - show's entry charges should have been treated as VAT exempt under the fundraising exemption. claiming a repayment of £202,000
- Treated the 2017 show as exempt from VAT
- HMRC refused claim for the VAT 2016 show
- Raised assessment for 2017

- VAT exemption for the supply of goods and services by a charity in connection with an event:
  - That is organised for charitable purposes by a charity or jointly by more than one charity
  - whose primary purpose is the raising of money, and
  - that is promoted as being primarily for the raising of money
- FTT Ruled in Charity's Favour
  - HMRC's December 2021 assessment was out of time
  - supply of admission to the show was an exempt supply for VAT purposes

# VAT – Recap Business/Non business

Charitable Activities can be a business activity for VAT

- Consider each activity separately
  - Stage 1: Does the activity result in a supply of goods or services for consideration?
    - requires legal relationship between the supplier and the recipient.
  - Stage 2: The supply is made for the purpose of obtaining income
    - even if the charge is below cost.
- Direct /sufficient link = economic
- Overall wider charitable objectives can no longer trump a "business" motive behind a specific activity



# THE SPEAKERS

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Chambers and Partners (2024) – Recommended lawyer



#### **Session objectives**

#### You will:

- be up to date with the latest position on the implementation of the Charities Act 2022
- understand some of the cultural and governance issues across the sector
- be clearer about the importance managing your charity's social media
- take away some practical tips to consider in the context of your charity

#### **Charities Act 2022**

- What is the purpose of the changes?
  - amending the Charities Act 2011
- What changes have been brought into effect already?
  - Clarify when property can be applied cyprès – failed fundraising appeals
  - Clarify rules on permanent endowment including social investment
  - Reform land disposal and mortgaging regime
  - Commission can direct a charity to stop using a working name
  - Pay trustees for delivery of services only, goods only or services and associated goods



#### **Charities Act 2022**

- The CIO Regulations and Model Constitution amendments
- What's still on the way?
- Provisions expected early 2024:
  - Additional powers for Charity Commission to ratify trustee appointment or election;
  - Additional land disposal provisions and changes to statements / certificates for both disposal and mortgages
  - Changes to receipt of legacies following charity mergers
  - Remuneration of charity trustees

Provisions relating to ex gratia payments are under further consideration prior to commencement

Charities Act 2022: implementation plan - GOV.UK (www.gov.uk)

Sign up to our charities newsletter <u>Contact Consent - Stephens</u> <u>Scown (stephens-scown.co.uk)</u>







# REFUGEE AID FROM TAUNTON

Federica Smith-Roberts



## Our Mission and Ethos

- Displaced people; home and abroad
  - Deprivation locally
- Reduce impact on environment of consumerism

















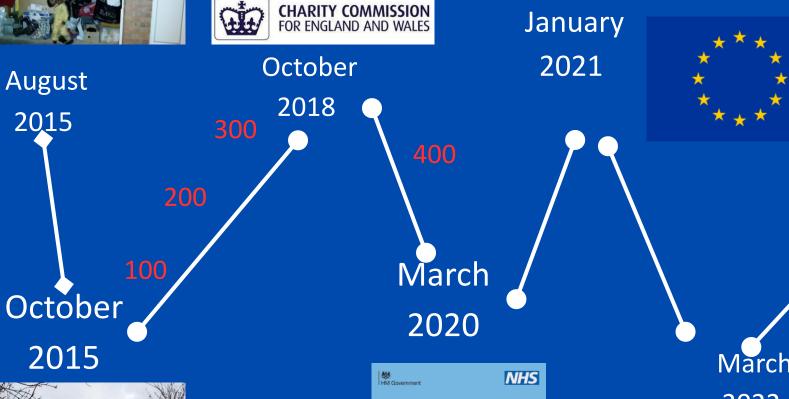








# Our journey





November

2023 580

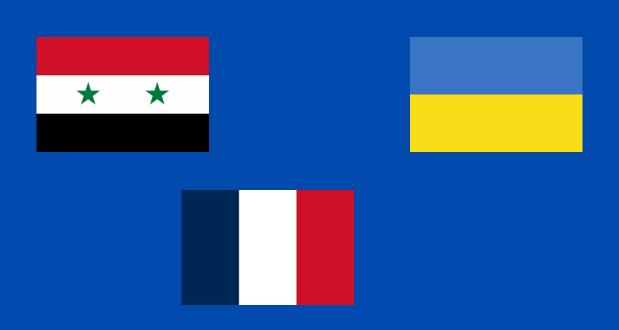




March 2022

500

# Adaptability







# Partnership

























# **Environmental Impact**











#### **Voluntering Ethos**















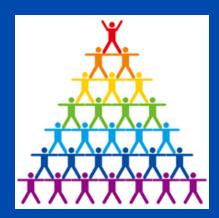


# KAVS & The Future











# Q&A Opportunity

# Lunch & Close