

# EMPOWERING GOOD

Legal guidance for charitable success





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# + WE CARE, BECAUSE YOU DO

The impact our charities make is invaluable, supporting the most needy and vulnerable in our society.

Charity law, governance and regulations are complicated and we understand how daunting this can feel - especially on top of the everyday challenges that your organisation faces. Don't let this be a barrier to doing what you do best. Our charity specialists are here to help you navigate the legal landscape so that you can focus on your vital work.

## You're in safe hands

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**With experts in all relevant areas of the law and extensive experience working with national and regional charities, you can be confident in our ability to support your charitable purpose whilst ensuring that you're well protected.**

We will get to understand your charity and its needs, objectives and issues inside and out and work with your other professional advisers to provide clear and joined-up advice. You'll receive proactive updates and advice and we'll be there to assist you whenever you need us.

You will get the best possible value for your charity's hard-earned money in an increasingly commercial environment, saving it for what's really important. You can choose from multiple pricing options including hourly rate and absolute fixed fees to suit your needs, with no hidden fees.



**Harriet Thornton**  
Partner, Head of Real Estate  
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The firm and team members are extremely contactable and responsive. I have always received excellent and justified advice in a timely fashion.

## + YOUR REGULATORY REQUIREMENTS

Your principal duty is to further your charity's purposes. This means that you must make your investment decisions to further those purposes and must at all times make decisions in the best interests of your charity and in accordance with the charity's governing document.

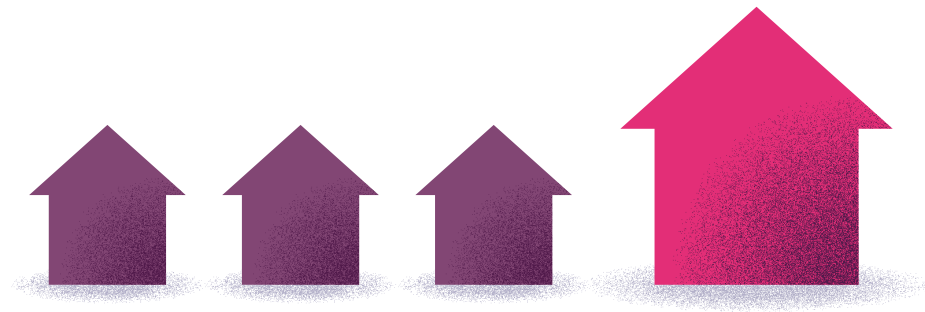
Fulfilling your regulatory requirements can be challenging but we're here to take the hassle out of it so you can get on with the day-to-day running of your charity.

We have a comprehensive understanding of the relevant regulations, trustee duties and issues that charities can run into and will work closely with you and other parties to help you achieve your aims and ensure regulatory compliance. Where additional consent is required, we can manage any Charity Commission applications on your behalf for maximum efficiency and chance of success.

### Charities we support

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## + YOUR PROPERTY

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### Mergers

Merging with another organisation can bring a host of property management issues. Misunderstandings about ownership, the need to deal with a variety of landlords, difficulties in providing the necessary documentation and mismatched processes and systems can make for a challenging process at a time when swift action is often needed.

We know how overwhelming this can feel and we're here to help. No challenge is too big for our experienced team, and we'll provide practical advice and solutions together with hands-on support to progress the deal within agreed timescales.

### Acquisitions

There's a lot to think about when buying property. You will need to check whether there are any restrictions on its use to ensure that it is suitable for its intended use and, if necessary, seek amendments or a release from those restrictions. You'll need to know where the boundaries are, understand any liabilities and deal with any title issues, all whilst complying with your overarching obligation of acting in the best interests of the charity.

When acting on your acquisition, we'll advise you on all these areas to help you understand your

liabilities and make informed decisions. Although it's not required by law, it is usually a good idea to have the property valued depending on its condition, and we can discuss the benefits of this with you.

### Sales

The Charities Act requires charities to obtain independent valuation advice from a suitably qualified professional when disposing of land. Although the rules are more flexible than they once were, this remains a resource-intensive process that few trustees wish to spend their valuable time on.

Moreover, if your property has been listed as an asset of community value, there will be additional factors to consider. We can advise you on the process that you will need to follow to dispose of it.

We have an in-depth knowledge of all the Charities Act requirements and the possible issues that can arise. We can act on your behalf to streamline the process, reduce the administrative burden on the charity trustees and obtain maximum value for charity land.

### Leases

If you're taking on a new lease, you will need to understand and where necessary, amend any

Roughly 80% of our commercial property work comes from existing clients who have referred us to others within their organisations and we receive many further referrals from third parties, which choose us because they want the job done efficiently and to a high standard.

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restrictions on usage to ensure that the charity will be able to use the premises for the purposes it requires.

You will also need to understand the liabilities that the charity will be taking on, in addition to payment of rent and service charge, as landlords will usually seek to pass their liabilities onto tenants. One issue that often arises is the limitation of a charity's repairing liability under its lease, and we can advise you on how to mitigate your charity's exposure to expensive repairs.

It is important that you comply with the relevant provisions of the Charities Act when granting a new lease over your charity's premises or subletting a part of it. We can advise you on the process that you need to follow to comply with these provisions.

Our experienced team can assist with all aspects of dealing with leases and will explain the charity's obligations and liabilities under its lease clearly and concisely.

## Property legacies

Property left to your charity in a will, no matter how generous and well-intentioned, can often give rise to time-consuming challenges. The donor's intentions may not fit with your charity's objectives, work in practice or align with the requirements set out in the law.

We can help you deal with the donation, considering your charity's needs, advising on your liabilities and suggesting additional measures where needed such as a survey or valuation. In certain circumstances – for example, if you've been left a dilapidated building that is not useful or valuable and comes with potential liabilities – it may not be in the charity's best interests to take the property.

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**I have to say that, after working with many teams of solicitors during my 50 year surveying career, the service provided by LCF is right up with the best – not only in terms of quality advice but also in the manner of working – prompt responses and always personable.**

# + CORPORATE STRUCTURE & GOVERNANCE

**Whether you're setting up a new charity or making strategic changes to an existing one, careful consideration must be given to its structure to ensure its sustainability and if applicable, its profitability.**

We will provide clear and commercially-minded guidance to help you get the best out of your charity and further its cause, working alongside your other professional advisers.

If you're just starting out, we can help you achieve registered charity status with the Charity Commission, enabling you to register for Gift Aid and helping you to be recognised as a body that is controlled by an official organisation.

If you're looking for greater stability, we will guide you through the process of incorporating your charity, which can provide many of the benefits of being a company such as limiting liabilities for your trustees without some of the burdens.

If your charity trades to make a profit, we can help you ensure that your trading arms are properly structured, protected and compliant so that they're financially secure within the framework of the rules.

We can also help you protect your commercial interests by providing specialist guidance on commercial contracts, data protection and intellectual property to help you subsist, minimise risk and raise money in a commercial environment.

We will give considered thought on how you trade, structures in relation to tax and limitations on profit. Where applicable we can set up VAT trading groups, working alongside specialist accountants and tax advisers to allow you to claim relief.

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**Wide range of talented individuals. Always introduce the best qualified and most appropriate person for any task. Very prompt and friendly response to all communication and contacts.**





## + MANAGING YOUR TEAM

Charities face the same challenges as all other employers when it comes to employment law: concerns around employee relations, performance management, disciplinaries, grievances, sickness absence, holiday pay, flexible working and family friendly rights, to name but a few.

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**Redundancies are sadly particularly common in the sector due to the way projects are funded. Depending on the circumstances, staff you let go may be entitled to a redundancy payment or could even claim unfair dismissal.**

Some charities can also experience TUPE transfers as a result of tendering, and these need to be handled with care to protect your organisation's interests.

If you have volunteers working for your charity you'll need to understand their employment status, which will determine their rights and the benefits they are entitled to.

We've worked with many charities dealing with issues such as these and have the knowledge and expertise to help you manage them effectively and minimise any negative impacts, such as costly employment tribunal claims.

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**They are able to give proactive and reactive advice that is in line with our culture and therefore it is always a great solution for us.**



## + INVESTING CHARITY MONEY

As a trustee, your role is to further your charity's purposes. This means making the right investment decisions, which must in turn align with your legal duties.

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**We have worked with a wide range of charities in various capacities, with members of our team taking positions as clerks and legal advisers as well as voluntary chair and board of trustee roles, and can help take the worry out of your decision making.**

We can act as a professional trustee for your charity, providing a legal sounding board alongside your other trustees and financial advisers to help you make sound decisions about your people, finances, business development and more. If that's not practicable, we're still here to advise on specific queries as and when you need us.

We can also assist with the administrative running of your charity, from drafting resolutions and reviewing your assets and endowments to winding up a charitable trust and retrieving your assets, and help with any queries raised by the Charity Commission.

We are always up to date with the regulations so whether we're assessing your investment portfolio, reviewing your investments or answering a question about compliance or the interpretation of your trust deed, you can have full confidence in our advice.

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**LCF are very professional and have a very good reputation in West Yorkshire. They are open with fees and send regular updates to clients so that there are no surprises. They are also personable and so build great trusting relationships with clients.**

# + RESOLVING CONFLICT

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## Disputed legacies

It's common for complications to arise when a gift is left to your charity in a will. With emotions running high bereaved family members, who may feel inadequately provided for and/or believe the deceased lacked mental capacity at the time of making the will, may contest its validity which can lead to lengthy and costly court cases.

We have dealt with many such matters and can analyse the determining factors, such as the donor's mental capacity at the time of writing the will, their motivation for leaving the legacy and their obligations towards their family or dependents, to understand the strength of the claim. Depending on its prospects, we will help you make an informed decision as to whether it's worth defending against.

In some instances, the executors may hold up the process by procrastinating or being uncooperative. Where this is the case, we can make an application to court on your behalf to help you proceed the matter.

## Property disputes

Owning and leasing property can bring a multitude of problems such as landlord and tenant disputes, dilapidations, conflicts over repairs and rights of way, and disagreements over lease renewals.

We know that any sort of property dispute can be complicated and stressful and we always strive to resolve situations as quickly, pragmatically and cost effectively as possible to achieve value for money whilst meeting your additional responsibilities under the Charities Act.

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**The property litigation team at LCF is hugely experienced and highly successful, very committed to their clients and extremely knowledgeable.**



**BRADFORD | LEEDS | HARROGATE | ILKLEY**

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