

LATEST NEWS FROM THE LEGAL AND OPERATIONS TEAM – JULY 2021

AMENDING BUGB APPROVED GOVERNING DOCUMENTS TO PROVIDE FOR VIRTUAL CHURCH MEETINGS

In November and December 2020 our [Legal and Operations Updates](#) included detailed information about some optional new and amended clauses that had been written by our solicitors to provide for online and hybrid church meetings. At the time we explained that these clauses needed to be approved by the Charity Commission before they could be included in our Approved Governing Documents. That approval was received on 21 June 2021. The Charity Commission agreed the wording that we published at the end of last year without amending it.

Our [C04 Approved Governing Document](#) leaflet has been updated to include the new clauses, as has [C05 Using the Approved Governing Document](#). Both of these leaflets relate to unincorporated churches (not CIOs).

The new clauses have also been added to the BUGB CIO Approved Governing Document which is available on request from our solicitors for churches that are considering incorporating as a CIO. Please email Esther Campsall esther.campsall@anthonycollins.com. To accompany this, we have updated our leaflet [C12 Using the Charitable Incorporated Organisation Precedent Document](#).

Amending an existing constitution will require a decision of a Special Church Members' Meeting in accordance with the amendment provisions in your current document. Churches that are registered with the Charity Commission will then need to tell them about the changes. You can use [this](#) page.

If your church is a CIO you must send a signed copy of the resolution along with a PDF of your CIO's amended constitution to the Commission within 15 working days of the date on which the resolution was passed. For a CIO, the changes won't take effect until they appear in the register of charities.

For unincorporated churches the changes take effect as soon as they are agreed at a Special Church Meeting.

DATA PROTECTION

Transfers of personal data between the UK and the EU/EEA may continue without any additional safeguards, following the European Commission's long anticipated adequacy decisions on data protection in the UK. This means that Baptist churches do not need to make any new arrangements for transfers of personal data between the UK and the EU/EEA. Note that transfers of personal data to countries outside the UK/EU/EEA must continue to be assessed for appropriate safeguards such as Standard Contractual Clauses (SCCs). You can find out more about this at the ICO website [here](#).

Any church receiving a Data Subject Access Request may contact the Legal & Operations Team for advice. Reviewing and redacting documents is not always straightforward and churches should carefully consider which tool they use to carry out the redacting, so that the personal data of third parties is kept confidential. We have heard recently that 'pdfFiller' software may not be secure and should be avoided.

All data protection resources for churches are available at www.baptist.org.uk/gdpr and you can contact the data protection team using dataprotection@baptist.org.uk.

REGISTERED CHARITIES – NEW LIMITS TO CHARITY COMMISSION FILING EXTENSIONS

Churches that are registered with the Charity Commission usually have ten months from the end of their financial year in which to file their annual return and accounts. During the pandemic the

Commission has offered extensions to these filing deadlines when these are needed for Covid related reasons. They now say:

Wherever possible, we would ask you to file your annual return, report and accounts on time. However, where the situation impacts on your ability to do this, we have given a filing extension to any otherwise compliant charity that has applied to us for one.

As restrictions are gradually eased, we have reviewed our approach to filing extensions and we will be contacting all charities with a filing extension that was in place by 30 June 2021. These charities will need to meet their filing commitments by 30 September 2021.

From 1 July 2021 to 30 September 2021, if you have an imminent filing date and you are unable to meet your filing obligation for a COVID-19 related reason, you can still apply for a new filing extension. We will allow a fixed 3-month extension from the date of your application.

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

PROTECT DUTY CONSULTATION

The Baptist Union of Great Britain and the Baptist Union Corporation have sent a corporate response to the Government's Protect Duty Consultation. Our response focused on the following issues, which we hope local churches would echo:

Scope of the Protect Duty

We understand that as places of worship are publicly accessible venues the owners and occupiers of places of worship are to have a responsibility to take appropriate measures to counter the risk of terrorist attack. We are already well used to mitigation measures against risks of fire, for example, or establishing safer procedures for working with children and adults at risk.

Whilst we agree that some measures would be appropriate for all churches to undertake so that they understand the risk and their responsibilities towards those using their premises, either for worship or other community activities, we are concerned that an overwhelming burden is not imposed on those with limited ability to be able to implement changes.

Requiring churches to carry out a risk assessment for their individual situation and to take proportionate and appropriate precautions (which themselves would not be overly defined or prescriptive) would seem appropriate; as would some level of engagement with the Action Counters Terrorism (ACT) e-Learning course.

Criteria for Application

The Consultation paper suggests various criteria which could be used to decide what mitigations against terrorist attack should be taken by a venue. Each method suggested has drawbacks in the case of places of worship, but we are particularly concerned at the suggestion that **capacity** could be used as a criteria. Many churches have a building with a capacity far greater than their current membership, and capacity is not a good indicator of a church's available resources.

Compliance

Security measures at places of worship must be consistent with the fact that Baptist churches want to be welcoming to all members of the community. Heavy handed inspection or the threat of fines for non-compliance are likely to discourage churches from undertaking socially useful activities, or may even cause some churches to close, leading to a loss of community facilities and engagement.

ONLINE CIO TRAINING EVENT

The BUGB Legal and Operations Team and Anthony Collins LLP will be hosting another online training session on Charitable Incorporated Organisations (CIOs) later this year, on Zoom. The training is open to all BUGB member churches, with a maximum of two delegates per church. The training will run from 10am until 1pm on Wednesday 20 October. Further information and an online booking facility will be available on the Baptists Together website nearer the time.

A webinar giving an introduction to CIOs is also available on the Baptists Together website [here](#)

Please direct any follow-up questions to legal.ops@baptist.org.uk