

BULLETIN JUNE/ July 2010



This is a bulletin which I send out regularly to around 10,000 clients, contacts, friends, friends of friend's so forth, to keep them in touch with what's going on in the world of charities. Tip: if, like me, you have a low attention span, scroll down to the...And finally, which hopefully won't disappoint?

Daryl Martin

MAIL DISASTER:

Since I got back from a recent trip abroad, several people have chased me on e-mails I haven't responded to. Whilst away, I downloaded e-mails through local connections in different places (hence my Arctic Circle blogs), and somehow not all the messages actually got through to me; leaving the sender to think I am terribly rude for not responding. Tony, our IT Director says: "delivery of email messages is almost guaranteed; however, sometimes (for reasons that are beyond the scope of this bulletin) email can get lost in cyberspace, but this is very rare". So be warned; if you are travelling and collecting your e-mails through other people's servers, you might be missing a few! If you e-mailed me in June and haven't got a response, please send again.

NANCY NIGHTMARES:

One of my daughters is running the Management Company that looks after the flats in her block. She is on a big learning curve. Her latest discovery is that if one flat in the block is tenanted, and there are a lot of issues, that can render parts of the block void; even the amount of rent that is charged can have a bearing, and if the flat is left unoccupied a certain amount of time, this can affect the rent for all the flat owners. If you have any part of your building rented out whether by periodic or fixed term tenancy, tenancy at will or even a simple license, make sure that you have a clear understanding of your rights and obligations and liabilities. Make sure also that you haven't given security of tenure when you don't intend to. Any disputes or misunderstandings can be a lawyers dream. We are not specialists in this area, but can give general advice. (My [May bulletin](#) covers insurance from a different angle)

CHARITY COMMISSION:

Daryl's Blog

Updated: 10/07/2010

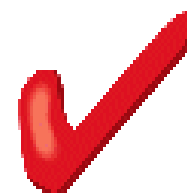


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(ask for Rachel) or email

support@iel.org.uk to find out how we can help.

So many organisations in the public sector, they will be hit hard in the current round of cuts. Earlier this year they announced that 60 jobs will go this year taking the total lost in 6 years to 180. Coupled with a £900,000 cut in funding, this means that it will struggle to maintain services at the current level. Overall it has been doing a good job in many ways, but it will be harder to give individual attention to charity that needs help, or needs looking at. If you need help or guidance, avail yourself of the many excellent publications they provide free of charge. If you need more than that, it might be worth [talking to us](#) in case we can help.

CHARITY OFFERED £100 BY CC AFTER BEING TOLD WRONGLY TO BE SHUT DOWN:

The CC can pay out up to £5000 when a customer service failure leads to inconvenience or distress. They investigated a complaint from a charity and found some failings including an erroneous order for it to be wound up in 2 weeks. The chair of the charity said, 'after they tortured us for 2 years they want to balance it with £100'. What I noticed from the last published accounts of the charity is that they certainly weren't SORP compliant. The size of the charity meant they didn't need to be, but it's often a sign that other things might be amiss. £100 might be a sign of the financial stringency the CC finds itself in, or it might be a fair reflection of the damage done to the charity. Lesson: make sure your accountant knows about charities.

SHOULD PLACES OF WORSHIP BE REGISTERED?

Lots of scope for misunderstanding here! Most faiths can register a place of worship through the Registrar's office of the local authority and they are 'excepted' from the need to register with the CC. However, this exception is very narrow and once the annual income goes over £5,000 there is probably a need to register. [Send us details](#) of your situation and we will give you some helpful advice. (Thanks Russell Cooke for this reminder)

LEGACY CHALLENGES:

Publicity arising from the recent RSPCA case highlighted problems when a legacy of a charity is overturned by family members. The trustees can often be between a rock and a hard place when there is a challenge, damned if they fight and possibly in breach of duty if they don't. Costs can be astronomical and adverse publicity can do damage. Generally, if there is a dispute, my advice is threefold: take advice, negotiate, and then go for mediation. My advice to someone recently, who made a will leaving his money to people other than his close relatives, was to mitigate the risk of challenge by having his thoughts recorded to provide an appropriate explanation. Before leaving this subject let me remind the reader that gratia payments of any sort will usually require prior permission from the CC. (Again thanks to Russell Cooke)

YMCA CHAIR BEING SUED FOR A PENSION DEFICIT:

Reported on this case recently. The chair of a YMCA in South Wales was being sued over a disputed £18,000 pension liability. The latest on this is that the charity, having run up several thousands in legal fees, accepts they can't win, and now expect to have to shut down and make the staff redundant. Apparently, there are several similar cases pending. We are currently getting record numbers of



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incorporated charities asking for our guidance on incorporation; I'm also carrying out many more visits around this subject. [Contact us](#) if you would like more information.

MARYL'S BLOG:

Getting into my stride on blogging: It can be great fun. The current crop includes reference to Avatar, how to say sorry nicely, anger management and how to show really well. Planning one on mediation and another will be a review of a book which will save you lots of time and money. Now and again I seem to hit some hot spots, but I try not to get personal. Often readers write and tell me who I am writing about. They are always wrong. Usually I write about me, but if the cap fits

REGISTERED IN SCOTLAND?

Recent trustee and company secretary training sessions have thrown up some points in diary systems where an English charity is registered in Scotland. Whilst Scottish charities can roam free in England without any reference to the CC, an English charity registered in Scotland has to send its report and accounts to OSCR every year and also advise them of certain changes to its constitution and registered office. Make sure this is in your diary system. If you amend your governing document, make sure you meet OSCR requirements; otherwise you might have to do it all over again.

AM I HITTING THE SPOT?

I sit here, hunched over my typewriter, faithful dog at my feet etc, etc; I sometimes wonder whether I am addressing the right issues. If you have any questions, please [send them to me](#) and I will attempt a half sensible answer in a future bulletin. (I'll try and get you a personal response in the meantime)

FOR SALE:

I am part owner of a company which supplies training to Christian counsellors, counselling supervisors etc. I'm looking for someone with a passion for this kind of training (plus a bit of cash) to take it on and develop it. It is, I believe, the biggest provider of this service in the UK, but it needs TLC that I can't provide. With government regulation planned for this area it could be a good opportunity for the right person. [Contact me](#) for a prospectus.

AND FINALLY... (being the main or only thing a lot of people read)

When I did something really bad like lying, my Dad would put me to bed and threaten to make me go without any dinner. It never worked. After a while he would come into my bedroom and say, 'put your clothes on and come down to dinner. I don't know why I have to eat that dinner and not you'. (Arthur Marx)

Every time my Dad and I got into an argument, we made up over a nice cold beer. I think that's one of the reasons I was taken into care when I was 7. (Lee Harvey)

When I have a kid, I want to buy a twin stroller and put him in one side and then say, 'you had a brother but he was very bad ...' (Steven Wright)



Company Secretary Service:

A number of Charities have already signed up to this new service. [Contact us](#) for details.



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can do one of 2 things: I can be President of the United States or I can control
ce. I cannot possibly do both. (Theodore Roosevelt)

ery father who has walked barefoot into his child's bedroom late at night hates
go. (Tony Kornheiser)

stly, a tribute to mothers everywhere: for whom I have the utmost admiration.
ook the day off to take care of my son. First we did finger painting, then we
ayed snakes and ladders, then we read a story, then we watched a DVD. Then
e played snakes and ladders again, then we sang nursery rhymes, then we
ayed football. By that time it was almost 9.00am.'

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