



Legal Compliance

.... Give therefore to Caesar the things that are Caesar's, and to God the things that are God's (Matthew 22.21).

If you look up a dictionary, the word 'compliance' will be defined somewhat drily as the situation where an individual or a group obeys a set of rules or regulations determined by the law or any governing body. Nowadays, congregations are subject to what seem to be - and indeed are - ever increasing numbers of regulatory rules.



At least in part, this is due to the wider range of activities and projects congregations are getting involved in. This is of course a good thing, but the result is that office bearers have to be aware of the rules and work together to put in place appropriate policies and procedures to avoid or at least minimise the chance of the congregation finding itself on the wrong end of the law. Office bearers as charity trustees have a collective responsibility to make sure this is done. Knowing the basics and putting proper procedures and records in place should not only reduce the chance of a breach occurring but will also enable you to show that you are compliant.

Getting it right

Compliance matters, because we should all be trying to get it right. Why would anyone want to use a church café, if they read about a case where poor food hygiene by another congregation has resulted in people being taken seriously ill, or even dying? Would you want to attend a church where there is a danger of falling masonry or where lax attitudes to data security means you may be the subject of identity theft?

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The list of things that office bearers have to be aware of and comply with will vary from congregation to congregation depending on the range of activities making up the life of the congregation. The list will always include the legal rules connected with charity law, data protection, health and safety, safeguarding and food safety. These rules are complex, with the real risk of some form of penalty for



breach. It is tempting to complain about the 'compliance burden' but you should remember that these statutory rules have been put in place by Parliament for a reason, namely to protect the public in some way against physical or financial harm.

It all seems daunting and charity trustees often indicate that they find the notion of compliance very worrying. It is therefore important to remember that, as an office bearer, you are not expected to have a detailed knowledge of the legislation. You simply need to have an awareness of it and to ensure, via monitoring and checks, that at least one of your fellow office bearers is taking responsibility for compliance in each area relevant to your congregation.

Getting it wrong

Compliance breaches can have many consequences. No one wants to face criminal charges for breaking the law. However, in extreme cases, for example a Health and Safety breach involving someone's death, prosecution could be the result. A conviction could result in a period of imprisonment or a fine. Other types of breaches may attract civil law penalties, generally an order to pay a sum of money or undertake certain actions to avoid the situation happening again. This may also be accompanied by 'naming and shaming'. The Information Commissioner's Office for example regularly publishes details on its website of the enforcement action it has taken, even where this has not involved a financial penalty. So, even if the media does not publish the story, the risk of reputational loss is still a likely consequence. Getting and dealing with complaints and claims is stressful and time consuming and is a huge distraction from office bearers' role to advance the Kingdom of God.

Other legal obligations

As an office bearer, you need to be satisfied that your congregation is also meeting its contractual and financial responsibilities. This might include the conditions contained in leases relating to property which the congregation is letting out or has taken on lease or conditions attaching to a gift or legacy. You need to comply with the terms of other contracts (e.g. for photocopiers, leased vehicles, etc.). On the financial side, as well as getting accounts and reports in proper form lodged with the charity regulator, gift aid claims need to be correctly administered. If the congregation employs staff, PAYE and National Insurance, auto enrolment for pensions, contracts of employment will all be important areas to get right.

Further reading and resources

Various circulars on the main areas of compliance risk for congregations -

www.churchofscotland.org.uk/resources/subjects/law_circulars

The Health and Safety Executive - www.hse.gov.uk

The Information Commissioner - www.ico.org.uk/

The Compliance section of the 'Tools for Success' Guide by the University of London -

www.cass.city.ac.uk/_media/internals/easy-edit-suite/wym?a=132025