



CVS Rochdale **Policy Briefing**

Consultation on Proposals for Charity Law Regulation

Regulations: School Body that are currently treated as Exempt Charities.

These are the governing bodies of foundation, foundation special, voluntary aided and voluntary controlled schools, foundation bodies, and institutions associated with such bodies. These shall be referred together as foundation and voluntary (F&V) schools for the sake of ease. OTS has policy responsibility for charity law and regulation in England and Wales.

The Cabinet Office are implementing the Charities Act 2006 ("the 2006 Act") which introduces a series of measures to improve the regulatory framework of charities. As they are not regulated by the Charity Commission, the 2006 Act requires exempt charities to be regulated for their compliance with charity law. Wherever possible, they have identified suitable principal regulators who will promote compliance by charity trustees. Exempt charities for whom no principal regulator is identified will lose their exempt status and be required to register with the Charity Commission.

F&V schools lost their exempt charity status in January 2009 but transitional protections have since ensured that they continue to be treated as though they were exempt charities. It is currently proposed that exempt charity status will be re-conferred on F&V schools in England, with the Secretary of State for Children, Schools and Families appointed as their principal regulator. A similar position is being discussed in relation to F&V schools in Wales, with the Welsh Assembly Government as their principal regulator. The details of these arrangements are still under discussion. The principal regulator route is preferred for F&V schools because it minimises their administrative burden and avoids dual regulation by the Charity Commission and their existing regulator.

The Cabinet Office is inviting views on proposals for charity law regulation of F&V schools in England and Wales. They have asked if you could comment on the following questions:

- 1) Do you agree with the proposal to re-confer exempt charity status on F&V schools in England and Wales?
- 2) Is the Secretary of State for Children, Schools and Families a suitable principal regulator for F&V schools in England? Is there an alternative body that would be a more suitable principal regulator?
- 3) Is the Welsh Assembly Government a suitable principal regulator for F&V Schools in Wales? Is there an alternative body that would be a more suitable principal regulator?
- 4) Do you have any other comments on proposals for charity law oversight of F&V schools?

Please send your responses to the questions above by 30 June 2010 to charities.act@cabinet-office.x.gsi.gov.uk.

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Alternatively, you can write to us at the following address:
Charity Law and Regulation Team, Office of the Third Sector
2nd Floor, Admiralty Arch (South), The Mall, London SW1A 1WH
Please contact the charity law policy team on 020 7276 6028 if you have any questions.
After the closing date, we will publish a summary of responses and next steps.
We look forward to hearing your views.



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