

REMEMBRANCE

100 

100 YEARS | 100 DAYS | 2 MINUTES

remembrance100.co.uk

The Methodist Church 

PROPERTY MATTERS

ISSUE 21 – September 2018

O God, our help in ages past,
our hope for years to come,
our shelter from the stormy blast,
and our eternal home.

Under the shadow of thy throne
thy saints have dwelt secure;
sufficient is Thine arm alone,
and our defence is sure.

Before the hills in order stood
or earth received her frame,
from everlasting Thou art God,
to endless years the same.

A thousand ages in thy sight
are like an evening gone,
short as the watch that ends the night
before the rising sun.

The busy tribes of flesh and blood,
with all their cares and fears,
are carried downwards by the flood,
and lost in following years.

Time, like an ever-rolling stream,
bears all its sons away;
they fly forgotten, as a dream
dies at the opening day.

O God, our help in ages past,
our hope for years to come,
be thou our guard while life shall last,
and our eternal home.

Issac Watts as adapted by John Wesley 1738

© 2018 Dean and Chapter of Westminster



Sponsored by

METHODIST  **INSURANCE**

This document is being sent to the following roles within the Connexion who are registered on the connexional database: district Chairs, superintendent ministers, district property secretaries, circuit property secretaries, church property secretaries, district treasurers, circuit treasurers and church treasurers.

PROPERTY MATTERS

Issue 21 – September 2018

INDEX

Introduction	Page 3
Connexional Team update:	
Online suite of applications update	Page 4
Statistics for Mission	Page 4
Property consents	Page 5
Property returns	Page 6
Contact us	Page 6
Legal matters	Page 6
Connexional grants	Page 8
Conservation	Page 8
Legal Matters – TMCP:	
New TMCP Focus Note: Residential Tenancies and VPR	Page 13
Property guardians: help or hindrance?	Page 14
Data Protection Toolkit	Page 15
Development and Works	Page 18
Panel solicitors	Page 18
Year End Statements – Trustee Information System (TIS)	Page 21
Methodist Insurance:	
SmartWater	Page 22
Dates for your diary	Page 23

Front page photograph: It is 100 years since the end of World War 1. At the west end of the nave of Westminster Abbey is the grave of the Unknown Warrior, whose body was buried here on 11 November 1920. The grave, which contains soil from France, is covered by a slab of black Belgian marble from a quarry near Namur. The first hymn sung at the ceremony was John Wesley's version of 'O God, our help in ages past'.

Image © 2018 Dean and Chapter of Westminster

Introduction

Greetings to you all in this new connexional year.

It is a truth that the calling of the Methodist Church is to respond to the gospel of God's love in Christ, and to live out its discipleship in worship and mission.

It does this through:



Worship

The Church exists to increase awareness of God's presence and to celebrate God's love.

Learning and caring

The Church exists to help people to grow and learn as Christians, through mutual support and care.



Service

The Church exists to be a good neighbour to people in need and to challenge injustice.

Evangelism

The Church exists to make more followers of Jesus Christ.



A discussion paper was presented during the 2018 Methodist Conference. Churches, circuits and districts can use this to develop thinking about the challenges faced by the Methodist Church, and find potential ways forward.

[Reaffirming Our Calling: the future call of the Methodist Church](#)

Best wishes

Richard Farmery, Facilities and Property Coordinator

Tel: 0207 467 5190. Email: fpc@methodistchurch.org.uk

Connexional Team update

Online suite of applications update

> STATISTICS FOR MISSION

Statistical data collection 2018

Following a decision made at the 2018 Methodist Conference, the statistical data collected this autumn will focus on basic membership and attendance statistics. The following tabs will therefore not appear on the website this year:

- circuit initiatives
- circuit statistics (lay employees and funerals)
- church lay employees
- church groups and activities.

Also, instead of weekly, age-specific attendance figures, you will only be required to enter one figure for an estimated average attendance at a typical worship service during the previous year. This means that the total number of figures to be entered for each Methodist society will be reduced to eight (nine for local ecumenical partnerships).

The 'web profiles' section of the statistics site, which holds standing (ie non-annual) information has also undergone some streamlining. This includes improvements to the following:

- reporting a society's change of status (became a class, merged, ceased to meet)
- displaying of and reporting changes to ministers' details
- church/circuit/district office holders' tabs.

Don't forget that this part of the website can be updated at any time. In particular, we would encourage churches and circuits to check whether the website address field in the church/circuit profile tab has been completed, as this is also displayed on the Methodist website.

More detailed guidance will be published in time for the site opening in mid-September. See www.methodist.org.uk/about-us/statistics-for-mission/online-data-entry

Frequently asked questions

Take a look at www.methodist.org.uk/about-us/statistics-for-mission/faqs and let us know via statisticsformission@methodistchurch.org.uk if there is anything you would like to see added.

Thank you

We would like to say thank you to Alan Piggot, the Statistics and Mapping Officer, who has now concluded his work for the Connexional Team. His enthusiasm for statistics and gift for reading between the numbers have been hugely appreciated over the years.

As you may already be aware, we try and bring major updates to the Property Consents site approximately every six months, and the next update is coming up shortly! In it, we have focused on improving its usability, through better communication and streamlining of what is asked of Managing Trustees in particular. Some of the highlights include: making the replacement project process simpler, adding email notifications to let you know when TMCP has processed a payment and making it easier to update particular fields after connexional approval has been given. A summary of updates is below:

- removal of lease confirmation date
- update certain fields after connexional approval
- streamlined replacement project process
- additional email alerts, such as surveyors report checked, authorised payment requests, and newly created property
- identifying who created and/or last updated a project
- automatically marking projects older than 10 years as 'expired'
- additional filter to find projects labelled as 'expired'
- improved reporting for district property secretaries and circuit users
- buttons 'greyed out' instead of hidden, to make technical support easier.

Document uploads

When a project is placed on the Property Consents site, there is a tab marked 'Documents'. This can be used to upload any documents that you feel may be useful for a person giving consent to see. You should note that the person will not receive an automatic notification, so if you want them to view a specific document, you should send them an email saying the document is available for viewing on the site. Uploading a document also has the advantage that you will always know where a copy is stored. This may save you a frantic search if it is required at short notice.

Consents enablers

We are looking to set up a network of consents enablers. This will consist of people in each region or district who are whizzes at using the Property Consents system, with the aim of providing better support to local users. These enablers will be given training to enable them to provide basic support to other trustees, in addition to the continuing support provided by the team in London.

The first training session for enablers was held on 14 August. Details for further training sessions will appear in due course.

If you are interested in becoming a consents enabler, please contact Tom Lee at consents@methodistchurch.org.uk

> PROPERTY RETURNS

The Property Returns site has undergone a major revision, including a change of name from Property Returns to **Annual Returns**. The new name reflects the nature of the returns better (ie they are for the society as a whole, not just property). We have also massively reduced the number of questions being asked to a society. Depending on the type of church, the reduction in questions is between 15% and 50% of all questions asked. We hope that this will make the task of completing these returns less onerous.

To help improve the usability of the system, we have also separated out the 'potential issues' column, which had been causing confusion in the past. Now we will have two columns: one for information purposes (ie where documents might be kept), and one for alerts and for issues such as not having appropriate safeguarding policies in place. We have also made it clearer to identify whether a field is read-only, required or optional.

Finally, we have improved the comments facility on the sign-off tab. This section is for communication between trustees and their districts, but was often being used to try to inform the Connexional Team of changes. It will now be more explicit that this comments box is for communication between trustees and their circuits/districts, and that any comments for the Connexional Team should instead be emailed to returns@methodistchurch.org.uk.

> CONTACT US

Help and guidance documents for all applications of the online portal can be accessed and downloaded via www.methodist.org.uk/onlinesuite.

If you have any questions regarding the functions of the online portal, please use the email address that best fits your request. General queries (such as anything to do with user permissions or passwords) may be sent to any address.

- Property consents: consents@methodistchurch.org.uk
- Annual returns: returns@methodistchurch.org.uk
- Statistics for Mission: statisticsformission@methodistchurch.org.uk
- General queries: any of the above

Legal matters

New rules for automatic disqualification of trustees and senior managers

On 1 August 2018, the rules on [automatic disqualification](#) for charity trustees changed to impose tighter restrictions on who can manage, run or lead a charity.

The new automatic disqualification rules widen the reasons for which an individual is disqualified from acting as a trustee to include certain unspent convictions for terrorism or money laundering, as well as being on the sex offenders register. Additionally, larger charities need to be aware that the rules now apply to senior managers, although this is not relevant to local churches, circuits or districts.

Offences and circumstances leading to automatic disqualification

Unspent convictions for:

- an offence involving dishonesty or deception
- specified terrorism offences
- a specified money laundering offence
- specified bribery offences
- the offence of contravening a Charity Commission Order or Direction
- offences of misconduct in public office, perjury, or perverting the course of justice
- aiding, attempting or abetting the above offences.

Other legal disqualifying reasons include:

- being on the sex offenders register
- unspent sanction for contempt of court
- disobeying a commission order
- being a designated person (under specific anti-terrorist legislation)
- being a person who has been removed from a 'relevant office' (from the office of charity trustee, officer, agent or employee of a charity by an Order of the Commission under s79 of the Charities Act 2011, or earlier relevant legislation, or by a High Court Order, on the grounds of any misconduct or mismanagement in the administration of the charity)
- director disqualification
- insolvency.

Waivers

Individuals who are disqualified under the new rules must obtain a waiver of their disqualification from the Charity Commission in order to continue or be a trustee. The Charity Commission will make a decision based on whether waiving the disqualification is in the best interests of the charity, amongst other factors. The Charity Commission's website contains guidance on how waiver decisions are made; see <http://bit.ly/2QnKBJ4> for details.

Acting as a trustee whilst disqualified is a criminal offence. Methodist charities must therefore ensure that all trustees are eligible to hold their role, and should put procedures in place for identifying trustees who may fall within the scope of these rules. All new and existing members of Church Councils, Circuit Meetings and District Policy Committees must apply for a waiver immediately if they are automatically disqualified under the new rules.

Practical steps to take:

- pre-appointment checks on trustees and senior managers (if relevant)
- individuals who find themselves disqualified under the new rules must be asked to cease their role (unless they obtain a waiver)
- declaration forms to be signed by both prospective and current trustees declaring that they are not disqualified from acting under the new rules. The Charity Commission has produced a sample: www.bit.ly/ccdisqualification

Andrew Thorpe-Apps, Governance Adviser

Tel: 0207 467 5211. Email: thorpe-appsa@methodistchurch.org.uk

Connexional grants

Start dates for projects requesting property grants

Start dates are required for all property projects requiring a connexional grant. It is essential that realistic start dates are set, as the Connexional Grants Committee (CGC) will take project timescales into account when reviewing grant applications. One of the eligibility criteria for a grant application is that the work must not have started before the CGC has decided whether or not to award a grant.

As a rule of thumb, for projects which only require CGC funding to meet their target, the start date should be at least three months after the grant deadline (early March and early October each year). For projects that are also dependent on other funding sources, the start date should probably be six months or more after the grants deadline. This gives the CGC a better understanding that fundraising expectations are realistic and of the priority of the project. For the absence of doubt, start date means the date when building starts.

Applicants should also be careful not to commission formal tenders before they have received a decision from the CGC.

Julian Bond, Connexional Grants Team Leader

Tel: 0207 467 5178. Email: bondj@methodistchurch.org.uk

Conservation

Making changes to our listed buildings

Firstly, we would like to start our update with a note outlining our view on making alterations to listed buildings. This is because despite our efforts to dispel the myth that our listed church buildings cannot be altered, this view appears to remain – and, alarmingly, is held by many in various leadership teams of local churches. However, it is simply incorrect.

Indeed, change is possible in listed buildings. In fact, it is often essential to ensure the continuation of use of our older and more traditional buildings. Our buildings are rarely unchanged, as is clearly demonstrated by the evidence of alteration presented at all or most of our local churches – including those high-grade listed buildings. This evolution is a very important part of our historic narrative and articulates to those using and visiting our buildings the different liturgy, style and fashions adopted throughout our history. It is therefore vital that we continue this process of change, to ensure the building continues to meet the needs of those worshipping within them.

A building is listed when it is of special architectural or historic interest in a national context, and can be listed Grade I, II* or II (A, B or C in Scotland). Listed buildings do have extra legal protection within the planning system, albeit through the various ecclesiastical exemption orders. Approval is administered through our own internal system of control, which is both robust and transparent. Listing is not a preservation order, preventing change. It does not freeze a building in time; it simply means that approval must be applied for in order to make any changes that might affect the building's special interest.

When making decisions on listed building approvals, we must have special regard to the desirability of preserving a building or its setting or any features of special architectural or historic interest it possesses (also referred to as its 'significance'). In essence, 'significance' is the sum of the heritage interests, and so the special architectural and historic interest in a listed building or conservation area is part (or all) of its significance.

'Conservation' is the process of maintaining and managing change to a heritage asset in a way that sustains (and where appropriate, enhances) its significance. So 'conservation' and 'preservation' are concerned with the management of change in a way that sustains the interest or values in a place: its special interest or significance. However, conservation has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

Thus, in order to manage this change, we have to understand fully the role that the significance of the building (or the part subject to change) plays in the significance of the context of the building or area as a whole. This is why all applications for listed building approval must be accompanied by a 'statement of significance', as this demonstrates to us and the consultees (see Section 98 of the Standing Orders) that the local church – or its professional advisor – has fully considered the significance of those areas affected by the proposal and the impact the alterations will have on the special interest of the building. This exercise identifies those items of high significance, where alteration should be avoided or further justified via a 'statement of need'.

Of course, there are some cases where change is either not possible or more difficult to agree, but these are particularly rare; even our Grade I buildings can accommodate significant change. Take for example the New Room, Bristol (built in 1739, rebuilt in 1748 and restored in 1929). Known as the first Methodist chapel in the world, it recently completed a multi-million-pound extension to accommodate a new visitor and learning centre.



Interior of the New Room relatively unchanged



Broadmead exterior and the interior of Horsefair Courtyard Extension (Copyright Church and Heritage Building Magazine, 2018)

There is no question that the application was a lengthy one, with a number of meetings and compromises for both the local church and the consultees, but a competent professional advisor helped the negotiations and as you can see the end result is very satisfying and proves that even the highest graded chapels can accommodate significant change.

Recently, and in response to the changing needs of the society at the Wesley Centre, Chester (1812 and Grade II), we agreed a listed building approval for the wholesale removal of their ground floor fixed seating. 'Project Regenerate' was designed and implemented, modernising and re-ordering the interior. Again, an experienced and accredited architect was pivotal to this project's success.



'Before' and 'after' photographs of the interior of the Wesley Centre, Chester ('before' is courtesy of Donald Insall Architects; 'after' is courtesy of Church and Heritage Building magazine, 2018)

We hope this article has gone some way towards dispelling the myth that listed buildings cannot be changed and must be preserved at all cost. Further examples and evidence of this can be found in our Annual Report 2016/2017 (soon to be uploaded to our section of the Methodist Church website, see link below).

On the contrary, therefore, we work hard to manage the process of change, and are mindful of the needs of the Church and the mission objectives set out in 'Our Calling'. It is possible to adapt even our most historic and traditional buildings to ensure they, and the societies within them, continue to respond to the gospel of God's love in Christ and to live out its discipleship in worship and mission.

www.methodist.org.uk/for-ministers-and-office-holders/property/handbook/conservation/

Advice and guidance notes

1. Historic England

Below is a link to the recent advice and guidance notes produced by Historic England. There is a wide range of heritage related topics, including: 'Conservation of war memorials', 'Postmodern architecture', 'Vacant historic buildings', 'Heritage crime prevention measures' and 'Heritage efficiency in historic buildings'.

<https://historicengland.org.uk/advice/latest-guidance/#Section1Text>

2. Historic Scotland

Technical advice notes and other publications from Historic Scotland can be found here:

<https://shop.historic-scotland.gov.uk/conservation>

3. Cadw

Guidance notes from Cadw can be found by following this link:

<http://cadw.gov.wales/historicenvironment/publications/?lang=en>

Updates and initiatives

1. Historic England launches hunt for the nation's secret, forgotten or unknown memorials

Historic England is asking the public to share their knowledge of England's secret, unknown and forgotten memorials. Historic England wants photographs and information about lesser-known memorials, and those that are well loved by small groups or communities but unknown nationally. It is also looking for rituals and activities attached to memorials. The public's stories and pictures will be recorded to form part of an exhibition in the autumn.

<https://historicengland.org.uk/whats-new/news/hunt-for-unknown-forgotten-memorials>

2. Empowering Design Practices

'Empowering Design Practices' is a five-year collaborative research project exploring how community-led design can help empower those who look after historic places of worship to create more open, vibrant and sustainable places that respect and enhance their heritage.

The project is funded by the Arts and Humanities Research Council. Areas of investigation include:

Discovering: To understand the practice of community-led design in this context, they are examining the current landscape of historic places of worship and communities leading change within them. They are

also investigating what values inspire and hinder the wider use of historic places of worship and what benefits and impacts community-led design practices can bring.

Developing: The project is building on existing practices and developing new practices that support communities to lead projects to transform their historic places of worship. They use a variety of design and other creative research methods to investigate how inclusive design processes can support a diverse spectrum of people, organisations and places.

Sharing: Empowering Design Practices aims to build national capacity for community-led design practice by developing open educational resources and training for design students, communities, as well as the professionals and support bodies who work with them.

The project began in October 2014 and will end in October 2019. For examples of the projects and the resources being produced, please click on the following link:

<http://empoweringdesignpractices.weebly.com/design-stories-learning-from-past-projects.html>

Grants/funding

1. Maintenance Grant

The National Churches Trust's Maintenance Grant Programme has been designed to help churches, chapels and meeting houses act on small, urgent repairs issues, perhaps identified in a recent QIR or condition report. It can award grants of £500 to £3,000 towards projects under £10,000 including VAT. www.nationalchurchestrust.org/our-grants/maintenance-grants

2. Veolia Environmental Trust funding

Not-for-profit organisations in England and Wales have until the end of May 2019 to submit their application for funding for environmental or community-based projects located within five miles of a Veolia Environmental Services facility. www.veoliatrust.org/

3. Listed Places of Worship Grant Scheme extended until 2020

www.lpwscheme.org.uk/index-2.html

The government has confirmed its commitment to the Listed Places of Worship Grant Scheme, which will continue until 2020 with no changes to the funding criteria or the general application process.

Provided by the Department for Digital, Culture, Media and Sport (DCMS), the scheme makes grants towards the VAT incurred in maintaining and repairing listed buildings which are primarily used for public worship, or which are listed places of worship owned by or vested in a number of specified organisations which look after redundant places of worship. The scheme has an annual budget of up to £42 million. Applicants can submit one claim with a value of between £500 and £1,000 (excluding the VAT paid) in any 12-month period. In addition, any number of claims for eligible work to the value of £1,000 or more (excluding VAT) may be made.

The fund:

- applies only to repairs, maintenance and alteration works to listed buildings that are used principally as places of worship and listed places of worship owned by or vested in a number of specified organisations which look after redundant places of worship
- applies to listed places of worship throughout the UK which are included on the public registers of listed buildings kept for England, Scotland, Wales and Northern Ireland
- applies to listed places of worship of all religions and faith groups

- only accepts applications made in arrears
- only accepts claims where invoices are submitted within 12 months of the invoice date.

There are no changes to the eligibility criteria or application process. Applications are accepted at any time until March 2020.

Awards and competitions

Historic England Angel Awards 2018

These celebrate the efforts of people taking action to champion local heritage. The awards were founded by Andrew Lloyd Webber and are co-funded by the Andrew Lloyd Webber Foundation. You can find the award criteria and terms and conditions here: https://historicengland.org.uk/get-involved/angel-awards/?utm_medium=email&utm_source=newsletter&utm_campaign=angels

Joanne Balmforth, Conservation Officer

Tel: 0161 235 6739. Email: conservation@methodistchurch.org.uk

Legal Matters – TMCP

New TMCP Focus Note: Residential Tenancies and VPR

Managing Trustees may have thought about using a vacant manse to help house refugees and/or heard about the Methodist Council's policy on tenancies under the Syrian Vulnerable Person Resettlement Programme (VPR) specifically. The Residential Tenancy (Syrian Vulnerable Person Resettlement Programme (VPR)) Focus Note is now available on TMCP's website to provide detailed guidance on these particular types of tenancies. You can find it at <http://bit.ly/TMCPVPR>

This Focus Note will be helpful to Managing Trustees considering tenancies under the VPR programme and tenancies to refugees in general as it sets out Methodist policy on letting residential property at an undervalue and looks at initial points for Managing Trustees to think about. It then explains the procedural steps to be taken to satisfy the requirements under charity law as well as Methodist law and policy focusing on where these differ from standard residential tenancies.

Managing Trustees can help tenancies under the VPR Programme (and to refugees in general) progress smoothly by:

- letting TMCP know about the proposed letting as soon as possible (ie when the Managing Trustees first decide to put a property forward to house refugees)
- using the extensive guidance that is available on the [Residential Tenancies](#) page on our website
- following the steps set out in the Residential Tenancy (Syrian Vulnerable Person Resettlement Programme (VPR)) Focus Note
- keeping TMCP informed of the intended date for the family to move in.

Please [contact TMCP Legal](#) if you have any questions on the Residential Tenancy (Syrian Vulnerable Person Resettlement Programme (VPR)) Focus Note or residential tenancies generally.

Property guardians: help or hindrance?

TMCP is hearing how Managing Trustees are increasingly being approached by providers offering a 'property guardian service'. Under this service, the provider agrees to secure an unoccupied property so it cannot be used by squatters, to prevent illegal entry and to help deter vandalism. As many Managing Trustees will understand, empty properties are difficult to keep secure; vandalism, theft and squatters are an immediate issue. If Managing Trustees do find themselves in a position where a property or properties will remain empty for a period of time, they should consider the guidance produced by Methodist Insurance as a starting point. This guidance sets out the steps Managing Trustees should take when they are responsible for managing empty property:

www.methodistinsurance.co.uk/images/mic%20unoccupied%20churches.pdf

If the Managing Trustees are still considering a property guardian service, then it can provide a way of keeping the property secure. This is often achieved by the provider arranging for a third party to occupy the property on the Managing Trustees' behalf. However, Managing Trustees should be cautious about entering into such arrangements; TMCP recommends that they seek legal advice if they are considering entering into any such arrangement. The reason for this is that some providers can inadvertently allow third parties to claim rights over properties, which will not be what the Managing Trustees intended. As well as taking legal advice, Managing Trustees should also carefully consider some of the other potential issues, including:

1. Does residential occupation and use by the third party breach any existing restrictions on the title (for example, is the property subject to restrictive covenants preventing its use as a residence)?
2. Does the property comply with all necessary legislation for use as a residence, such as fire safety requirements? Does the property have a current gas safety certificate? Are all appliances safe? Have the appliances been PAT tested? Does the property have working smoke alarms and carbon monoxide detectors?
3. Are the Managing Trustees aware of the implications of the Protection from Eviction Act 1977 upon any guardianship arrangements?
4. Does the potential guardianship arrangement create a House in Multiple Occupation? Has consideration been given to the additional licensing and planning requirements that will apply?

In March 2017, a case was heard by the Bristol County Court, which decided that an occupier who had been permitted to occupy under a guardianship arrangement was actually a tenant with the same rights as a tenant granted an Assured Shorthold Tenancy. This was not the intention of the property owner but the court's view was that the terms of the document the individual had signed did not reflect the reality of the situation. The court looked at what was actually happening and concluded that the occupier was effectively a tenant under an Assured Shorthold Tenancy agreement.

Managing Trustees should be clear that courts will look behind the written documents and consider the actual arrangements that are in place. Before entering into property guardianship arrangements, Managing Trustees should take advice (as mentioned above) and check the terms of any documentation the provider will be asking occupiers to sign. Managing Trustees will also want to ensure the provider is under clear obligation to make sure that the risk of any occupier being found to be a tenant are minimised. This could perhaps be achieved by requiring the occupier to move frequently (either to another room in the property or ideally to another property), or by not allowing the occupier to permit other third parties to stay in the property or any part of it. For this purpose, it is not sufficient just to inspect properties and keep keys to individual rooms.

- TMCP will be happy to review any proposed property guardianship service contract and would assist Managing Trustees in clarifying potential issues, so they can obtain clear legal advice on any issues before such contracts are signed. For further information please contact legal@tmcp.methodist.org.uk

Disclaimer

Please note that this document is to provide guidance and assistance to Managing Trustees and their professional advisers. This guidance note is general in nature, may not reflect all recent legal developments and may not apply to the specific facts and circumstances of any particular matter.

Also, note that nothing within the documents and guidance notes provided by TMCP, nor any receipt or use of such information, should be construed or relied on as advertising or soliciting to provide any legal services. Nor does it create any solicitor-client relationship or provide any legal representation, advice or opinion whatsoever on behalf of TMCP or its employees.

Accordingly, neither TMCP nor its employees accept any responsibility for use of this document or action taken as a result of information provided in it. Please remember that Managing Trustees need to take advice that is specific to the situation at hand. This document is not legal advice and is no substitute for such advice from Managing Trustees' own legal advisers.

Data Protection Toolkit

The new General Data Protection Regulation (GDPR) came into force on 25 May 2018. Far from being a 'game changer', GDPR updates and consolidates the existing legal obligations on organisations such as the Methodist Church, to bring them into the twenty-first century. The Methodist Church cares about the people whose data it holds, and recognises the importance of this information to its work. GDPR provides a great opportunity to review exactly what personal information the Church holds, how it uses it and what steps we as a Church need to take to protect each other's privacy.



As a connexional Church, we are all working together to do what we can to protect privacy and keep information safe. If as a volunteer or employee in the Methodist Church you use or have access to personal information, you are responsible for ensuring that such information is handled in accordance with data protection legislation.

TMCP and the Connexional Team (as the two Data Controllers) worked together through the Data Protection Working Party to finalise a toolkit of resources (the **Data Protection Toolkit**) to help you to be GDPR ready.

The Working Party carried out a risk assessment to identify which GDPR requirements the Methodist Church needed to address as a priority before 25 May, and what could be addressed in the immediate aftermath.

The risk assessment highlighted the policies that needed to be put in place by 25 May and the actions that Managing Trustees needed to take, including:

- record keeping
- informing people about the use of their personal information (the Privacy Notice)

- obtaining valid consent under GDPR when required.

As the Data Protection Toolkit was created specifically for Managing Trustees, a new resource type is being created on TMCP's website with the intention that certain parts of the toolkit will only be available to Managing Trustees. TMCP will circulate details of the password needed to access these resources in due course (there will be no need for Managing Trustees to create individual accounts or think up their own passwords).

To accompany the risk assessment, a schedule of further policies, guidance and templates will be produced after 25 May. These include specific policies such as a CCTV policy, a 'bring your own devices' policy and a website privacy notice. We will continue to update you about new documents and guidance via TMCP's news hub.

What is the toolkit?

The Data Protection Toolkit is the collection of policies and templates that the Working Party identified as needing to be in place by 25 May 2018.

What's in the toolkit?

Policies

- **Data protection policy:** An overarching 'policy' or 'rulebook' that those handling personal data within local churches, circuits and districts need to follow. It clarifies what everybody's responsibilities are. Read this policy carefully so that you know what your responsibilities are and understand the Methodist Church's position with regard to privacy. It also sets out the responsibilities of the Data Controllers, and tells you where to go for help.
- **Privacy notice:** Sometimes referred to as a 'privacy policy', this document tells people what local churches, circuits and districts do with their information and how it is kept safe. You need to make sure data subjects (individuals) have access to the notice when you collect data from them. Once available, you will be able to download the privacy notice from the TMCP website, display a copy publicly on your noticeboard and ensure you provide individuals with links to it as necessary by email and from your local church, circuit and district websites.
- **Data security policy:** Practical guidelines on keeping data safe.
- **Subject access request policy:** A step-by-step guide on how to deal with requests from individuals in relation to their data rights focusing on subject access requests (eg requests for the information you hold about them).
- **Breach policy:** Practical guidelines on how to respond to the loss or unauthorised disclosure of personal information. The key points are set out in a flowchart as part of the toolkit with further guidelines provided post 25 May 2018.



Guidelines and schedules

- **Guidelines on lawful bases for processing personal data:** These are contained in the lawful bases guidance note.
- **Retention schedule:** Use the categorised list to identify how long personal information should be kept.

Template notices, registers and forms

- **Mapping form:** An essential part of the toolkit, and your first step in working out what data you have and what your responsibilities are.
- **Legal bases register:** Record which lawful bases you are relying on to use each category of information you use at your local church, circuit or district.
- **Template fair processing notice:** Template wording to give to people when you collect data from them (or receive their data from others) pointing them towards the more detailed privacy notice.
- **Breach register:** Used to record all instances of breach however large or small, ie whether or not you need to notify the individual concerned.
- **Consent form:** If you need to rely on consent, perhaps because you are sharing personal information about church members with third parties (eg making directories available on websites), you must use the consent form.
- **Consent record:** If you need to rely on consent, you must record how and when consent was given and what was said using this record.

Guidance

Information on how to use the tools in the kit is available on the Data Protection pages of TMCP's website. See www.tmc.org.uk/about/data-protection

Data protection: Safeguarding lawful basis update

This article relates to the issues that have been raised with the Data Protection Working Party ("Working Party") regarding the privacy notices for safeguarding roles across the Church ("Safeguarding Privacy Notices"). The Working Party has reviewed the Safeguarding Privacy Notices and concluded that legitimate interest can be relied upon when processing the personal data of DBS verifiers, members of monitoring and support groups and those attending safeguarding training. The Safeguarding Privacy Notices have been updated accordingly and will be available on the Methodist Church website.

Managing Trustees should note that the amended Safeguarding Privacy Notices are now consistent with the Managing Trustees' Privacy Notice on TMCP's website.

There had been queries on what action is required where Safeguarding Privacy Notices seeking consent have been sent out already.

The Working Party recommends that those forms which have been completed and returned are destroyed and the amended Safeguarding Privacy Notices relying on legitimate interest are sent out with a note. It is now clear that there can be no option to withdraw consent whilst someone is willing to hold an office or role which is the key reason for needing to be able to rely on legitimate interest in respect of these roles.

Copies of the updated Safeguarding Privacy Notices have been sent to District Chairs and district safeguarding officers.

Developments and Works

The Developments and Works page is now available on TMCP's website. Please use the link below for practical guidance on issues that Managing Trustees will want to consider before commencing any works from installing new windows and modern kitchen facilities to sales of part of a church site involving a redevelopment of the land/buildings retained, or complete demolitions and rebuilds: www.tmcp.org.uk/property/developments-and-works

The information provided on this page is there to assist Managing Trustees and their professional advisers. It explains the requirements of Methodist law, policy and best practice together with the obligations under both property and charity law with which Managing Trustees must comply when undertaking works and developments.

Whether works are minor or major in terms of size and complexity, risks, budgets and timescales involved, there are common themes dictating how the works need to be conducted. The premises and funds being used are all 'charity property'. This means that as charity trustees, Managing Trustees have a duty to act with prudence and ensure that the charity's assets are put to the best possible use.

Panel solicitors

Introduction

From time to time, local churches, circuits and districts find themselves needing legal advice on a wide range of issues – from the sale of manses to car parking queries to redevelopments, and that is just on property-related matters. Managing Trustees may also need advice on employment issues with lay employees, the governance of trading subsidiaries and how this affects the Church as a charity, as well as legal disputes with a neighbour or contractor.

TMCP and the Connexional Team have carefully selected five firms of solicitors to be on the first panel for the Methodist Church who can provide advice across the Methodist Connexion in England and Wales.

At this time, we are looking to secure firms suitable for the panel who can advise in Scotland, the Isle of Man and the Channel Islands. The situation is under review and Managing Trustees in those jurisdictions will be contacted if and when the position changes. In the meantime, please continue to use your regular legal advisers.

Expertise

All the firms appointed to the panel have the proven skill, expertise and technical knowledge to provide excellent legal advice to Managing Trustee bodies. The firms have extensive experience in working with charities and other Christian denominations so their solicitors understand the challenges that Managing Trustees are faced with on a day-to-day basis. While the firms are nationally recognised for the work they undertake, they retain a friendly and approachable ethos, compatible with the values of the Methodist Church.

The panel members have all received training from TMCP and the Connexional Team on Methodist law and policy as well the practical requirements and expectations of the Methodist Church. Ongoing monitoring of the panel firms will be undertaken regularly so TMCP and the Connexional Team can be satisfied that Managing Trustees are receiving consistent and competent legal advice which is cost effective and will lead to transaction times being reduced. The panel will work very closely with TMCP Legal in all transactions, meaning Managing Trustees can rest easy in the knowledge that their instructed legal adviser and TMCP will

together make sure that the Methodist Church is protected and matters will be dealt with in a professional and timely manner.

To find out more of the background to the panel and the rigorous tender process that was undertaken as well as general information on the five firms, please read the panel promotional booklet, which is available at www.tmc.org.uk/property/panel-solicitors

Please also ensure that a copy of the panel promotional booklet is shared within local churches, circuits and districts.

Added value

After identifying some potential deficiencies and inconsistencies in the quality of legal advice given to Managing Trustees across the Methodist Connexion, the delays and large legal bills that have sometimes resulted, TMCP and the Connexional Team believe that the panel should bring huge benefits to the Methodist Church. Some of the key benefits will be:

- Improved communication and regular reporting on cases between the panel and TMCP so there are no last-minute issues that could cause delay and where appropriate, fixed/reduced legal fees will be charged for more complex transactions.
- Managing Trustees will be offered 30 minutes of free legal advice on new matters or when ad hoc queries arise, and targeted training events will be offered by the panel firms on issues such as trustee responsibilities. Further, regular legal updates will be provided directly from the panel firms and through the TMCP website. TMCP will ensure through monitoring that there is regular sharing of information on best practice, where lessons have been learnt, and how transactions or communication could be improved so that the service to Managing Trustees continues to improve through regular review meetings with TMCP on targets and performance.
- Managing Trustees will be speaking to someone who understands the requirements of TMCP and the Methodist Church's legislation and policies. The panel will understand that Managing Trustees do not regularly deal in legal matters and will therefore ensure that clear, comprehensive and understandable advice is given as well as providing continuous support throughout the transaction.

Key areas of law

TMCP and the Connexional Team have identified minimum key areas of law that the panel firms would advise upon that affect Managing Trustees regularly. These areas are:

- All aspects of property transactions from manse sales and purchases to large-scale development of church sites.
- All commercial aspects of the charities work, including general commercial contracts, as well as service delivery contracts and issues around non-primary purpose trading.
- All aspects of charity law, including matters pertaining to the duties of charity trustees.
- All aspects of compliance including fundraising, serious incidents with reputational risk, health and safety and data protection. However, specialist advice will be provided for the most part by TMCP as Controller and the Connexional Team.
- VAT and direct tax advice.

- Advice in relation to employment law, including the Equality Act, TUPE and volunteers (the advice would relate to individuals employed by the charities, and not Methodist ministers who are not employees).
- Where required, specialist advice in relation to legacies, including contentious estates (guidance will be provided for the most part in-house by TMCP Legal).
- Civil litigation and safeguarding matters.
- Advice, where required, on sensitive issues with possible reputational implications for the charities, including all matters relating to defamation and libel and social media.
- Advice on ecumenical work including sharing agreements and local ecumenical Partnerships (specialist guidance is also provided in these areas in-house by the Conference Office and TMCP).
- Advice in relation to schools, in particular about conversion to academies.
- Any other miscellaneous legal matters that could arise, including litigation.

For more in-depth information about each of the firms on the panel and the services they offer, Managing Trustees can click on the logos below, which will take you to a page dedicated to each firm. Please note that the firms are listed in alphabetical order, not in any order of preference. By clicking on the logos below, you will find the contact details for the lead person overseeing Methodist transactions at each firm, and the locations of their offices.

You can also obtain a PDF copy of our panel solicitors contact sheet using this link: www.tmcp.org.uk/kcfinder-uploads/files/panel-contact-sheet.pdf

MILLS & REEVE Anthony Collins
solicitors



Sintons
Law

Year End Statements – Trustee Information System (TIS)

Circuit users, please remember to add any new treasurers as users on the TIS and to delete any previous treasurers who no longer need access to the statements. We want to help you to ensure that the correct people access and print off their trust statements directly.

Please contact TMCP Finance using the following link if you have any further questions:

www.tmcp.org.uk/contact

Methodist Insurance



SmartWater – protecting your church and making sure you comply with your insurance policy

Using SmartWater, or a Methodist Insurance-approved alternative, is a condition of your insurance policy. Without it, your insurance will not protect you against metal theft or any subsequent damage.

SmartWater must be applied to any external metal and items of value, then the kit must be registered with SmartWater directly for you to comply with your insurance policy conditions. SmartWater signage must also be displayed in a prominent position on the outside of the building.

What is SmartWater?

SmartWater is a forensic traceable liquid that is used to mark items of value, making them uniquely identifiable. In the unfortunate event that you experience a theft, any stolen property marked with SmartWater can be traced back to your church, providing the police with vital evidence to assist in a criminal prosecution.

SmartWater is well known to criminals. By displaying the SmartWater logo, you are sending out a powerful warning that may deter potential thieves.

Protecting your church

Suffering a theft of metal can be costly. Aside from the metal being stolen, damage can be caused to the fabric of the building during the course of the theft. Internal furnishings are also at risk of being impaired as a result of rainwater leaks that can occur before the theft is discovered.

It is important to make sure that you abide by the current conditions in your church's insurance policy, so that in the unfortunate event that your church suffers a theft, you have protection in place.

Complying with your policy

You must apply SmartWater, or a Methodist Insurance-approved alternative, to external metal and items of value. You also need to register your kit with SmartWater and display signage. If you are unsure whether you have done this, you can call SmartWater on 01952 204 102 to check.

Methodist Insurance policyholders can purchase additional SmartWater supplies direct from SmartWater at a discounted rate. SmartWater can also supply signage such as posters, plastic signs and stickers. For more information, please call them direct or email church@smartwater.com

Further guidance

In addition to SmartWater, there are plenty of steps you can take to protect external metal. Our metal theft risk assessment checklist is designed to help you safeguard the metal at your church, covering essentials such as how to stay vigilant and engage the local community, and reducing the possibility of access to the roof.

You can find a copy of the checklist, along with our guidance notes on metal theft, at www.methodistinsurance.co.uk/metaltheft. We also have a short video with tips to deter metal thieves from attacking your church. For more advice on protecting your church against metal theft, please don't hesitate to call our team on 0345 606 1331.

Dates for your diary

Growing the Rural Church

Wednesday 31 October, The Welcome Centre, Coventry

A day conference exploring how rural churches can use their buildings creatively to support ministry and better serve their communities. Speakers include the Rt Revd Dr Helen-Ann Hartley, Bishop of Ripon and the Revd Claire Maxim, incoming CEO of Germinate: The Arthur Rank Centre. See www.exeter.anglican.org for details.



District Property Secretaries' autumn meeting

Wednesday 7 November, Solihull

The autumn meeting for all District Property Secretaries will be held at Solihull Methodist Church, Blossomfield Road, Solihull, B91 1LG on Wednesday 7 November. For details, contact Richard Farmery on 0207 467 5190, or via email at farmeryr@methodistchurch.org.uk

Call for new bell ringers to mark 100 years since the end of WWI

Church bells across the UK remained restricted throughout the course of the war and only rang freely once Armistice was declared on 11 November 1918. On that day, the ringing of church bells erupted spontaneously across the country, as an outpouring of relief that four years of war had come to an end. To honour that moment and the 1,400 bell ringers who died in the war, 1,400 new bell ringers will be recruited to take part in the commemorations on 11 November 2018.

You can find out more here: www.bellringing.org/ringingremembers/

Powering God's Northern Powerhouse

Saturday 1 December, Wakefield Cathedral

A conference on sustainable church heating and lighting for churches from across the northern dioceses. This event is run by HRBA in partnership with Leeds Diocese. For details, see www.churchcare.co.uk/events/1093-northern-powerhouse

This document is being sent to the following roles within the Connexion who are registered on the connexional database:

- ✓ District Chairs
- ✓ Superintendent ministers
- ✓ District property secretaries
- ✓ Circuit property secretaries
- ✓ Church property secretaries
- ✓ District treasurers
- ✓ Circuit treasurers
- ✓ Church treasurers

If you are aware of other people who may not have access to the Internet, email or a computer, could you please provide them with a copy of this document.

If you know of people who would like to subscribe to the *Property Matters* email newsletter, please forward this copy and ask them to visit www.methodist.org.uk/signup

The **Methodist** Church 

**Methodist Church House
25 Marylebone Road
London NW1 5JR**

**020 7486 5502 [enquiries]
www.methodist.org.uk
Registered charity no. 1132208**

Contact us

For further information contact your local insurance consultant and surveyor or call us on

0345 606 1331

Monday to Friday 8am to 6pm (excluding Bank Holidays).
We may monitor or record calls to improve our service.

You can email us at

enquiries@micmail.com

Or visit

www.methodistinsurance.co.uk

Supporting the Methodist Connexion

Methodist Insurance has been protecting the property of the Methodist Church since 1872. We are a Public Limited Company owned by shareholders and independent of the Methodist Church. The company operates like a mutual by returning most of our profits back to our community in the form of a significant financial contribution to the Methodist Connexion. www.methodistinsurance.co.uk/about-us

- **Church, circuit and district insurance**
- **Charity insurance**
- **Home insurance**
- **Community group insurance**

Methodist Insurance PLC, St Ann's House, St Ann's Place, Manchester M2 7LP
enquiries@micmail.com 0345 606 1331 www.methodistinsurance.co.uk

Methodist Insurance PLC (MIC) Reg. No. 6369. Registered in England at Beaufort House, Brunswick Road, Gloucester, GL1 1JZ.

Methodist Insurance PLC is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority.

METHODIST  **INSURANCE**