

Guideline Leaflet L17: Legal and Operations Team – Regulatory Information

This leaflet has been prepared by the Legal & Operations Team of the Baptist Union of Great Britain ('BUGB') to provide our churches and "clients" with important regulatory information about us and the services which we provide. The Solicitors in the Legal & Operations Team of the Baptist Union of Great Britain are regulated by the Solicitors Regulation Authority.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

L17: Legal and Operations Team – Regulatory Information

REGULATION BY THE SOLICITORS REGULATION AUTHORITY

This leaflet has been prepared by the Legal & Operations Team of the Baptist Union of Great Britain ('BUGB') to provide our churches and "clients" with important regulatory information about us and the services which we provide.

The Solicitors employed by BUGB are individually regulated by the Solicitors Regulation Authority ('SRA') in their personal capacity. These Solicitors are subject to the Solicitors' Code of Conduct, a copy of which can be found at:

<https://beta.sra.org.uk/code-conduct-solicitors-rels-and-rfls>

All legal work that we do as part of the BUGB Legal & Operations team is conducted by a Solicitor (a person authorised to practise by the Solicitors Regulation Authority) or a person acting under the supervision of a Solicitor. Therefore the Code of Conduct will affect the whole of the BUGB Legal & Operations team who are involved in the provision of legal services.

SRA regulation gives our "clients" certain protections, including prescribing a set of standards that we must comply with together with a requirement for professional indemnity cover to be maintained in relation to the work we do for you.

The SRA also operates a compensation fund from which Solicitor clients may be able to recover losses in certain circumstances. From 1 January 2020, member church charities may be able to claim from the compensation fund depending on certain factors including the annual turnover of the charity. Further details can be found at:

<https://www.sra.org.uk/sra/decision-making/guidance/consumer-payments-compensation-fund.page>

BUGB's Solicitors are practising within the jurisdiction of England and Wales only.

The legal services that the BUGB Legal & Operations team provide are regulated by the Solicitors Regulation Authority. However, please note that some of the services undertaken by the Legal and Operations Team are not legal services. Such services are neither in the nature of legal services nor are they carried out by a Solicitor or other lawyer. These non-legal services are not regulated by the Solicitors Regulation Authority, the SRA's code of conduct does not apply to them and there is no entitlement to apply to the SRA compensation fund in respect of this work. Such services involve work in connection with the Baptist Union Loan Fund, the Baptist Union database and the Listed Buildings Advisory Committee.

All the legal services are provided on behalf of our employer the BUGB but the BUGB itself is not authorised or regulated to provide legal services.

FOR WHOM AND WHEN WE CAN ACT AND LIMITATIONS OF THE SERVICE WE PROVIDE

We only act for BUGB itself along with churches that are members of BUGB, certain trust corporations (the Baptist Union Corporation Ltd ('BUC'), the Yorkshire Baptist Association ('YBA') and The East Midland Baptist Trust Company Ltd ('EMBTC')) and other Baptist Regional Associations in membership with the BUGB. We do not act for individual Deacons or church members in a church.

However, if your church is not a member of BUGB but either the BUC, YBA or EMBTC is your church's Property Trustee, please do still contact us in relation to property matters. This is because, even though your church may not be in membership with the BUGB, we can still act for your Property Trustee in such circumstances and they may well authorise us to share all or part of our advice to them with

you. (It will, of course, be for the church to decide whether it wishes to be independently advised by its own Solicitors in such matters).

Please note that our services do not include undertaking any litigation (Court or Tribunal proceedings) for or on behalf of a client. If you require further advice in such matters, you will need to instruct your own independent Solicitors.

Sometimes, we may act for more than one client on a matter as long as there is no conflict of interest. An example of when we might do so is in a property advice related matter where the BUC is the Property Trustee for a BUGB member church. In such cases it may be appropriate for us to act for both the church and the BUC.

Churches who are members of the Baptist Union of Great Britain but who use private Property Trustees or a Trust Corporation other than the Baptist Union Corporation Ltd are requested to address any property queries to the relevant Trust Corporation or private Trustees.

The legal services that are available for BUGB members are free at the point of delivery. However, circumstances may arise where you will have to pay a third party for their services, for example, if we advise you to instruct a Surveyor to write a report or if it becomes appropriate for your church to instruct external Solicitors on a matter.

Please note that the Baptist Union of Great Britain only provides a general legal advice service. It does not provide the type of ongoing representation or assistance that you may be able to obtain from an external Solicitor and for which you would usually pay an hourly rate. Certain matters will be (or may become) beyond the scope of the service we offer. In such cases, we will inform you on a case by case basis of the need to instruct an external Solicitor. Examples of where an external Solicitor may be required can include (but are not limited to):

Matters that are likely to generate protracted ongoing exchanges of correspondence with third parties;

Matters of such a complex and/or specialist nature that we feel your interests would be better served by instructing an external specialist Solicitor;

Matters where we feel that the amount of time that would need to be spent would have a disproportionately prejudicial effect on our ability to deliver the general legal advice service that we offer to others. In determining this we would have regard to the amount of work that has already been undertaken on the matter (if any));

Matters where we have advised you but you still require more in-depth research or ongoing assistance.

If we feel that we need to recommend that you instruct external Solicitors in relation to a matter which we believe is not (or is no longer) appropriate for us to deal with within the scope of our general initial advice service we will let you know. We will give you reasonable notice but, sometimes, circumstances may require that only short notice can be given, eg where external factors result in a need for urgent external expertise. We may then decline to act for you further in that matter. If that is so we will let you know on a case by case basis and discuss your options for proceeding with the matter as well as informing you of any key dates (eg Land Registry deadlines). Depending on the circumstances we may send the relevant details of the matter to external Solicitors.

If you instruct an external firm of Solicitors in relation to a matter, we will not (or no longer) act for you on matters within the remit of the external Solicitors.

You should be aware that, depending on the nature of the matter, external Solicitors will have to be instructed jointly by you and your Property Trustee, (eg the Baptist Union Corporation Ltd or another Baptist Trust Company). If external Solicitors are jointly instructed in this way we may still work closely

with you in relation to the resolution of the matter but we will usually do so solely on behalf of the Property Trustee. This means that we will be co-clients of the instructed external Solicitors. In such circumstances we will no longer be acting for you in a Solicitor-client sense.

In addition to the circumstances stated above we will only stop acting for you in relation to a matter for a good reason and on reasonable notice, for example, where there is a conflict of interest, the relationship of trust and confidence breaks down or we are unable to obtain clear instructions from you.

We are unable to undertake any immigration work.

RESPONSIBILITY FOR WORK

In each case, a member of the Legal & Operations Team will undertake the work for you, however, sometimes more complex matters may involve more than one member of the team and cover will be provided for team members who are away from the office.

It can be assumed that the person with whom you are in contact about your matter is the person who will be dealing with your matter unless you are told otherwise.

The person with the ultimate responsibility for the overall supervision of your work will be Caroline Sanderson, the Legal Services Manager (Solicitor).

CONFIDENTIALITY AND DISCLOSURE

Because the Legal & Operations Team are employees of BUGB, we may need to share any information we receive from you with other Specialist Teams within BUGB.

We may also need to share information we receive from you with the BUC (which is BUGB's associated trust corporation) or, where appropriate, the YBA or EMBTC and or another relevant Baptist Regional Association. Any work we do for you is carried out strictly on the understanding that you consent to any information that we receive from you being shared with other specialist teams within the Baptist Union of Great Britain, the Baptist Union Corporation Limited, (or the East Midland Baptist Trust Company Limited or the Yorkshire Baptist Association if they are your Property Trustee) and a relevant Baptist Regional Association. If you do not consent to this, we cannot help you and you may need to seek advice from an independent solicitor or other appropriate professional. We will try to seek your express consent on a case by case basis.

Subject to your consent, we will respect the confidentiality of the information that we receive from you and, unless it is necessary to give effect to your instructions, we will not disclose it unless we are required to do so by law or regulatory reasons. Where information is shared by us, this will be on the basis that it is kept confidential and not disclosed unless the law or regulatory reasons require this.

As our legal service is being provided for and on behalf of the BUGB by employees of BUGB, we must give priority to the interests of BUGB. As a result, if we hold confidential information for BUGB that is relevant to your matter we will not disclose this information to you. We cannot provide a legal service to you on any other basis and therefore you may wish to instruct an independent Solicitor. If we feel that the nature of the information that we must withhold from you is such that we could not discharge our duty to act for you properly on a matter, we may have to decline to act for you.

We are unable to disclose confidential information that we hold for another client to you without their consent.

Consequently, there may be occasions where we hold confidential information for another client that is relevant to your instruction but which, for reasons of confidentiality, we will be unable to disclose to you. Because of the size of our team and the nature of the work we do it may not be possible to set up safeguards to prevent the person dealing with your matter from coming into contact with another client's confidential information. Where this issue arises, we will look at each matter on a case by case basis. Possible outcomes may involve: an agreement to share information by the relevant parties; us

having to decline to act or us having to seek your specific consent from the relevant parties to a limited disclosure of information or non-disclosure of information.

We can only provide a legal service to you on the bases outlined above.

COMPLAINTS

Our aim is to provide you with a high standard of service at all times and we hope that you will be happy with the service you receive. If you have any concerns or queries about the work we do for you please, in the first instance, take these up with the person dealing with your matter. If that does not resolve your concern satisfactorily, or you would prefer to speak to someone else then please contact the Legal Services Manager.

You have the right to make a formal complaint- The BUGB has a procedure for handling complaints and a complaint can be made to the General Secretary of the BUGB. Full details about the complaints procedure including what information should be provided can be found at:

http://www.baptist.org.uk/Groups/269026/Complaints_Procedure.aspx

If you feel that we have not dealt with a complaint about our legal services satisfactorily, you have the right to contact the Legal Ombudsman. The Legal Ombudsman is an independent and impartial scheme set up to help resolve legal service disputes.

A complaint should usually only be made to the Legal Ombudsman once you have first used our formal complaints procedure or it has not been resolved to your satisfaction for eight weeks after being notified to us.

Ordinarily, your complaint must be referred to the Legal Ombudsman no later than six years from the act or omission that you are complaining about (or three years from when you should reasonably have known there was a cause for complaint) and the act or omission (or when you should reasonably have known there was cause for complaint) must have been after 5 October 2010.

For further information you should contact the Legal Ombudsman who can be contacted by telephone on: 0300 555 0333 or by e mail at: enquiries@legalombudsman.org.uk or by post at the following address: PO Box 6806, Wolverhampton WV1 9WJ. The website is <https://www.legalombudsman.org.uk/>

If the complaints procedure has been exhausted and we cannot settle the complaint alternative complaints bodies exist which are competent to deal with complaints about legal services should both you and our firm wish to use such a scheme. In such circumstances we would provide you with the name and website address of a provider and we will let you know whether we agree to use such a scheme.

In certain circumstances you may have a right to complain to the Solicitors Regulation Authority about our professional conduct. Further information can be found on their website: <https://beta.sra.org.uk/>

If your complaint relates to how personal data may have been processed you may have a right of complaint to the Information Commissioner's Office. Further details can be found here: <https://ico.org.uk/>

We should clarify that you may only complain to the legal services Ombudsman or the Solicitors Regulation Authority about any service that is provided by a Solicitor or a person acting under a Solicitor's supervision and not about BUGB itself.

DATA PROTECTION

Your personal data will be used for the purposes of giving advice on your matter and general administration together with the purposes set out on our Privacy Statement. We will store and process

all personal data in accordance with our Data Protection Policy. By asking us to do any work for you, you agree to our Privacy Statement as published on our website at:

http://www.baptist.org.uk/Articles/369731/BUGB_PRIVACY_STATEMENT.aspx

AUDIT

Your file may be subject to review by external organisations for the purposes of auditing. If you wish that your matter be excluded from this, please write to us to let us know.

INDEMNITY COVER AND LIMITATION OF LIABILITY

The Baptist Union of Great Britain's Legal Team has in place professional indemnity cover up to £5,000,000 in a single claim. Our insurer is Willis Ltd of 51 Lime Street London EC3M 7DQ (Tel 020 3124 6000).

Because our team is acting at times for and on behalf of the Baptist Union of Great Britain in the provision of services to you, we seek to limit the personal liability of our employees. By using our service, you agree that any claim of any kind arising out of or in connection of the services (or any other advice provided by us to you of whatever nature) shall be brought only against the Baptist Union of Great Britain (an unincorporated association) and no claims will be brought personally against any of our employees involved in the provision of services to you.

Nothing we have said in this document affects your statutory rights.

BUGB is an unincorporated association and registered charity with number 1125912 whose address is PO Box 44 Baptist House 129 Broadway Didcot Oxon OX11 8RT. From 1 January 2020 BUGB will be operating as a Charitable Incorporated Organisation with registered charity number 1181392.

Association Trust Company	Contact
Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association BMS Birmingham 24 Weoley Park Road Selly Oak Birmingham B29 6QX Telephone: 0121 472 4986
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

Support Services Team, Baptist Union of Great Britain, Baptist House, PO Box 44,
129 Broadway, Didcot OX11 8RT
Tel: 01235 517700 Fax: 01235 517715 Email: legal.ops@baptist.org.uk
Website: www.baptist.org.uk Registered CIO with Charity Number: 1181392
Date Reviewed: November 2019 Date of Issue: November 2019