

FortyTwo Talks:

Legal challenges facing local animal charities

Paul Fuller and Sophie Millns

Paul Fuller: Hello and a very warm welcome to *FortyTwo Talks*, the podcast which takes a deep dive into the legal world led by the experienced members of 42BR Barristers.

My name is Paul Fuller and I'm a barrister here at 42BR with a predominantly Business, Property and Chancery practice, and I'm also a member of 42BR's Animal Welfare Team.

In my spare time as well, I sit on the board of trustees of my local branch of the RSPCA, and today I'm joined by Sophie Millns, who's also a trustee of the branch.

Sophie, thanks for coming on.

Sophie Millns: Thanks Paul, it's nice to be here.

Paul Fuller: Today we will be departing slightly from the structure our listeners might usually enjoy.

Whereas ordinarily members of chambers would explore a particular area of law with reference to case law and recent developments, this episode is going to be a little lighter on the law.

Rather we're going to be focusing on potential opportunities for legal practitioners to support local animal welfare causes, whilst also hopefully generating business.

So, Sophie for listeners who may not be familiar with how the RSPCA branches work, can you give a broad overview of our branch, The RSPCA Isle of Thanet?

Sophie Millns: Yes of course. So, the Isle of Thanet branch covers the Thanet area in Kent, and that's places like Ramsgate, Broadstairs and Margate, all of the local community.

We operate a really busy animal centre, which takes in animals that have been abandoned, neglected or where owners can't care for them anymore.

We have 19 cat pods, currently including kittens with their mums, we've got 41 cats in there. We can house up to 24 rabbits in our rabbit village, and we have 23 rabbits and guinea pigs as of today's date. We can house up to 6 dogs in our kennels, and all the animals are vaccinated, microchipped and neutered before they get rehomed, any medical treatment is also completed, so things like flea and worming, blood tests, any scans or wound management.

In the branch itself we've got around 20 staff members within the animal centre and our shops. We've currently got 51 volunteers in the animal centre alone, which is huge. We provide volunteering opportunities for those with special needs and support workers on a fixed day and long term placements, and in terms of the kind of community outreach side that we organise, we do various fairs, for example Christmas fair, we had a really successful Easter fair a couple of months ago, and we donate excess animal food to food banks.

We also do a lot of talks and presentations at schools and other community groups; inviting schools, scouts, girl guides etc into the centre for tours and information.

In terms of our funding, we have four charity shops locally with two more soon to open, and those shops are a huge part of how we keep the animal centre running. We also provide services helping people with pet neutering for example, if they're on low income and we support responsible pet ownership more generally.

Paul Fuller: Well, thank you that's very thorough, Sophie, and if it wasn't already obvious, it's worth emphasising, I suppose, that that's a really substantial operation.

Sophie Millns: Absolutely it is. It's a massive operation. We're looking after thousands of animals on a yearly basis, supporting pet owners in a local community of over 150,000 people and we're also looking at supporting the local wildlife in an area which has the largest chalk cliff coastline in the UK, two special conservation areas, a special protection area and a wetland of international importance.

It takes significant resource, coordination and commitment from a pretty small team.

Paul Fuller: Quite, and one of the key points then that we're going to explore today is something that people, I certainly didn't realise until I got involved with the RSPCA, which is how RSPCA branches are structured.

Could you explain a bit more about that?

Sophie Millns: Yes sure, I was in the same boat myself and it is a bit confusing to get your head around. Although we operate under the RSPCA name and we do receive some support from the national RSPCA, local branches are actually independent, separately registered as charities, each with its own trustees and governance structure.

That basically means that we're responsible for our own decision making, our own finances and our own operations and crucially we are self-funded. So, all the money that is raised locally, stays locally and is used directly for animal welfare within our area.

Paul Fuller: And that's the really important point that we're trying to get across here I suppose, because people might assume, as did I, that if they donate to the RSPCA, then all branches are centrally funded, right?

Sophie Millns: Exactly, Paul. I was under the same impression as well, so it's been eye opening for me to learn that we are actually self-funded. In reality most branches rely heavily on their own fundraising; shops, donations and grants to survive.

Paul Fuller: Quite, and naturally as you and I have learnt then, running a charity like ours with limited resources can come with significant challenges.

What does that look like in practice?

Sophie Millns: So, the short answer is we have to do a lot with not very much. As trustees, we're ultimately responsible for the management of the charity, from governance to finance, compliance, staffing and everything in between. Trustees are also volunteers, it is not our day job.

Paul Fuller: Although sometimes it can feel like it.

All of that carries a significant legal responsibility as well, doesn't it?

Sophie Millns: Yes, it does, so trustees have duties to act in the best interest of the charity, to manage its resources responsibly and to comply with the legal obligations. But not every trustee has expertise

in every area, and that's where professional support becomes really important.

We need people with skills in law, HR, business, finance, fundraising and so on, either at a board level or supporting the board. We often need to avail ourselves of outside professional services.

Paul fuller: Quite, and I suppose that's a good point for me to come in, because even with relatively small charities like ours, we encounter a wide range of legal issues.

These could include employment and HR issues, I've had to deal with disciplinary matters, grievances, employment contracts and compliance with employment law.

As Sophie's touched upon, we're also fortunate enough to have the support of a large number of volunteers, which entails issues such as safeguarding.

We've got a great many property and landlord issues that arise pertaining to a large animal centre, which is situated on a large plot of land and our six-shop premises, which means dealing with leases, lease renewals, repairing obligations and compliance with statutory obligations.

We engage hundreds of suppliers, which entails everything from building works through to veterinary services, inevitably these will occasionally give rise to disputes and disagreements, which of course, also need to be managed, and as trustees we need to grapple with regulatory compliance as well, so that's matters such as charity law, fundraising rules or governance issues.

In my time as a trustee, I've been personally involved in drafting leases, dealing with planning law issues, dealing with staff grievances and

disciplinary, drafting contracts such as non-disclosure agreements and issues that I touched upon dealing with compliance with regulation such as environmental regulations.

Sophie Millns: And I think jumping in on that, it's fair to say that those issues can be quite complex, often far beyond what you'd expect for a small local charity.

Paul Fuller: Absolutely, and importantly if you don't deal with them properly of course, then they can carry serious consequences.

As trustees we're responsible for protecting our branch's assets and reputation and best interest generally, and that includes making sound legal decisions.

Not every branch of the RSPCA, or any local animal welfare charity for that matter, will have a practicing lawyer on their board, in fact this the exception rather than the rule, and in our case, even with a lawyer on the board, we've had to engage outside legal services, which I suppose really brings us to the key message of today's podcast, and that's aimed at firms of solicitors who might be listening because what we described doesn't just present a challenge, but we think it also presents an opportunity.

There are many ways which law firms and lawyers can support charities like ours, and this doesn't necessarily mean providing pro-bono advice, although that is obviously an option, but many local branches like ours do have financial resource to fund the assistance of professional advisors, accountants, HR advisors and lawyers, and this might include advising on property transactions for shops and animal centres, supporting employment law compliance, assisting with contracts and procurement, dealing with litigation or disputes and advising on governance and regulatory matters.

So, Sophie, with all of that in mind, what would you say branches like ours would most be looking for when seeking to engage legal services?

Sophie Millns: So, I think for us it's principally two things.

Firstly, availability and accessibility, because charities like ours just don't need one-off advice, they've got ongoing legal needs, as you've described with some of the stuff you've been involved in.

Secondly, a clear and manageable fee structure. As trustees we have an obligation not to incur costs unreasonably, so it's important that there's transparency when we do sign off an engagement that we can do so with confidence.

Paul Fuller: Exactly, and often once a relationship is established, that work can develop over time.

Sophie Millns: Yes, and I think from the charity's perspective, having that reliable professional support makes a massive difference, and it allows us to focus on what we're actually there to do, which is helping the animals.

From our perspective, partnerships with local businesses, including law firms for example, can be really transformative in how we operate.

Paul Fuller: Absolutely, so I suppose then to wrap all of this up, the message is that local animal welfare charities are doing vital work, of course in our local communities, but many such as ours, are independent, self-funding charities operating with limited resource, and this creates challenges, particularly in areas like law, governance and compliance but also creates opportunities for professionals, like our professional listeners, firms of solicitors and other legal practitioners, to get involved in a way that genuinely makes a

difference, whether that's as a trustee or a supporter or a retained advisor, there are many ways to help.

So if you're listening and you'd like to get involved then reach out to your local branches.

So, I think that's it from us, thanks Sophie so much for coming in and sharing your experiences.

Sophie Millns: Thanks Paul, it's been a pleasure.

Paul Fuller: And thank you everyone again for tuning into *FortyTwo Talks*, we hope you've enjoyed this podcast.

To listen to this or other episodes, please follow us on Spotify, Apple Podcasts, or wherever else you get your podcasts.

And if you're interested in the work that RSPCA Isle of Thanet do, then also look us up on Instagram or Facebook - RSPCA Isle of Thanet Branch.

Thank you very much for joining us, and we'll see you on the next one.

Goodbye.

Sophie Millns: Goodbye.