

Legal Advice for Almshouse Charities - A Guide for Trustees

Almshouse charities play a crucial role in providing affordable, community-based housing for those in need.

Typically, Almshouse charities are centuries old, hold significant property assets, and are supported by a number of trustees, employees and volunteers. As a result, they can be particularly complex organisations, making the need for specialist legal support all the more important.

At [Blandy & Blandy](#), we have extensive experience in providing Almshouse charities with a full range of legal services, advising on key areas including those outlined below.

Charity Law Advice

Our dedicated Charities & Education team regularly advises Almshouse charities on restructuring or ‘incorporating’ a charity. For example, a charity that is constituted as an unincorporated charity (such as an unincorporated charitable trust) into an incorporated structure (such as a Company Limited by Guarantee (CLG) or a Charitable Incorporated Organisation (CIO)).

For many Almshouse charities, incorporation is an important step in modernising governance, limiting trustee liability, and encouraging future trustee recruitment, but it requires careful handling.

This process typically involves:

- Reviewing governing documents and accounts (including historic schemes);
- Assessing the status of any permanent endowment and special trusts (which are common in Almshouse charities);
- Advising on the most appropriate structure and ensuring continued compliance with the charity’s purposes and terms of any trusts; and
- Preparing and submitting applications to Companies House and the Charity Commission (including any required consents).

Our Charities & Education team also advise on day-to-day governance, including:

- Updating governing documents to reflect modern regulatory requirements and best practice;
- Trustee duties and responsibilities; and
- Drafting and implementing internal policies and procedures.

Property Advice

Property is central to the operation of most Almshouse charities and is often held as permanent endowment.

Our Commercial Property team work closely alongside our Charities & Education team to transfer property as part of incorporation, ensuring that the charity’s assets remain properly protected and applied.

This usually includes:

- Investigating title and historic ownership (which can be complex for older Almshouse sites and when land is unregistered, particularly if the property has not been transferred each time the land holding trustees change);
- Dealing with secured lending arrangements (including grants, loans or mortgages affecting the property); and
- Ensuring compliance with Charity Commission requirements (particularly where land is subject to restrictions or held on specific trusts).

More broadly, our Commercial Property team also advise on:

- Registering the land into the name of the CIO or Company upon incorporation;
- Leases and third-party occupation rights (for example, where parts of a site are let commercially);
- Preparing various other documents as required (including Deeds of Covenant and Stamp Duty Land Tax (SDLT) returns);
- Dealing with the first registration of Almshouses;
- Property acquisitions and disposals (including obtaining necessary Charity Commission consents); and
- Ongoing management, maintenance and compliance issues.

Employment Advice

Almshouse charities often employ wardens, clerks, administrators and maintenance staff, alongside relying on volunteers.

As part of incorporation, employees will usually transfer from the unincorporated charity to the incorporated charity under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). This requires careful planning to ensure compliance and avoid potential claims.

Our Employment Law team advise on:

- TUPE processes (including information and consultation requirements and managing associated risks);
- Drafting and updating employment contracts and staff handbooks;
- Managing volunteers and ensuring appropriate distinction from employees; and
- Day-to-day HR issues (including performance management and regulatory compliance).

Our Employment Law team also support Almshouse charities in relation to grievances, disciplinarys and employment disputes where they arise.

Dispute Resolution Advice

Disputes involving Almshouse charities often have both legal and reputational sensitivities, particularly where residents or trustees are involved.

Our Dispute Resolution team advise on a range of issues, including:

- Occupation arrangements for residents (including Almshouse licences, ensuring they reflect the charitable nature of occupation and do not unintentionally form a tenancy agreement);
- Issues relating to the occupation or removal of residents (including enforcement of Almshouse rules);
- Property disputes (such as boundary issues, rights of way or nuisance claims);
- Trustee disputes (including regarding breach of duties and responsibilities);
- Contractual disagreements with suppliers, contractors or managing agents; and
- Advising charities in respect of legacies and any legacy disputes.

Our Dispute Resolution team focus on pragmatic, proportionate solutions, aiming to resolve disputes efficiently while protecting the charity's reputation and resources.

Get in Touch

Whilst Almshouse charities can be complex, with the right legal support they can continue to thrive and deliver their important purposes with confidence.

At [Blandy & Blandy](#), we offer a multi-disciplinary approach, ensuring that your Almshouse charity receives clear, practical and commercially minded advice at every stage.

For further information or legal advice, please visit www.blandy.co.uk or call 0118 951 6800.