Policies & Procedures

Third Sector Workbook 2

capacity builders
Improving support
for a stronger third sector

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with communities
in cumbria

The Third Sector Workbook Series

This publication is one of a series of workbooks that have been developed to help organisations to manage their activities and finances effectively.

The workbooks have been developed by a group of organisations working together.

These are:

- Action with Communities in Cumbria
- AWAZ (Cumbria)
- Cumbria Disability Network
- Cumbria Youth Alliance
- Young Cumbria

Their joint work has been funded by Capacity Builders (Improving Reach) and the Big Lottery Fund (BASIS).

Throughout the workbooks we have tried to use some terms consistently. The glossary below should help when you use them.

When we say …	We mean …
Third Sector	Community groups, charities, social enterprises.
Organisation	Your group, club, society, village hall committee, trust, charity, etc.
Stakeholders	All the people with an interest in your organisation including clients, users, members, staff, volunteers, trustees, committee members and funders.
Governing Document	The rules that set out what your organisation can do, who its members are and how it will be run e.g. constitution, articles of association, deed of trust.
Infrastructure Group	Organisations, including those involved in developing this workbook, which provide advice and support to other Third Sector organisations.
Management Group	Your managing committee, Board of trustees, directors – those people legally responsible for your organisation and its work.
Activities	Your projects, services, village hall facilities etc.

Note: The contents of this workbook are accurate only at the time of writing. Groups are advised to check with the latest good practice guidance from their local Infrastructure Group or by visiting the Charity Commission Website.

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A quick guide to writing policies and developing procedures

Gather Information
- Gather together as much information as you can: what do you want to do; who will benefit; where will activities take place; who will run the activities; will you employ staff; will you be reponsible for a building?

Establish your responsibilities
- Take a good look at the legislation you may have to comply with.
- Consider all the different responsibilities you may have e.g. filing your annual returns, health & safety.
- Decide what policies and procedures you need in place.

Examine best practice
- Look at the policies and procedures other organisations have adopted.
- Check to see if there are examples of policies and procedures you can adapt to suit your organisation.

Draw up policies and procedures
- Draft your policies.
- Develop procedures which will help you put your policies into practice.
- At a management group meeting, formally adopted your policies and procedures.

Implement your policies and procedures
- Check that all the trustees, staff and volunteers have read and understood the policies.
- Check that all the trustees, staff and volunteers have read and understood the procedures they need to follow
- Provide training where necessary.

Monitor and evaluate your policies and procedures
- Decide who will be responsible for updating policies and procedures - review them at least once a year.
- Develop a sytem for checking that procedures are being followed e.g. regular audits.
- Develop a system for reporting the results of audits so that procedures can be adapted if they aren't working or that training can be provided if the procedures aren't understood.

Contents

Part 1 - Information

1. Introduction to the workbook

This workbook has been produced to help your **organisation** develop policies and procedures regarding minimum legal requirements. It is a starting point for some of the issues you need to discuss with your **Management Group**. That does not mean everything you will ever need to know is included here, you will need to do more research so that you can develop the right processes for your organisation. Appendix 1 contains important legislation that you may need to be aware of and Appendix 2 contains contact details for organisations who can provide further advice and guidance.

Developing policies and procedures will help you be clear about:

- Your legal responsibilities.

- How you will deal with your **stakeholders**.

- How you will be accountable for the organisation.

- How you will put your policies into practice.

This will help you develop systems that enable the organisation to run smoothly.

Having read this workbook and completed the Action Sheets in Part 2 you will be well on your way to producing your policies and procedures.

Remember
When running an organisation, there are some legal requirements that you must meet. If you do not meet these requirements your Management Committee members might be personally liable if things go wrong.

2. What do we mean by policies and procedures

Your policies are the formal statements which explain to your stakeholders, how your organisation will deal with its responsibilities. They set out the principles and rules which influence all major decisions and actions.

Your procedures provide details of how you are going to put your policies into action.

2.1. Why do you need policies and procedures?

Your policies and procedures set out how your organisation operates. Being clear about the way you work helps you and your stakeholders understand:

- Your responsibilities.
- How you comply with legislation.
- How you put your ideas into practice.
- How you complete specific activities.

Funders often expect you to have policies in place and some won't provide funding unless you have specific ones in place. Public bodies are covered by legislation regarding equality. If they are providing funding e.g. Big Lottery, they will expect the organisations they fund to work to the same standard. Your policies and procedures can help demonstrate that your organisation is well managed.

2.2. What policies and procedures do you need?

The range of policies you will need depends on:

- The size and structure of your organisation e.g. whether you employ staff or rely on volunteers.
- The type of activities you run e.g. providing facilities in a village hall or running a youth club.

This workbook contains information which will help you to meet the minimum legal requirements for a range of organisations; you need to select the ones which are relevant.

Appendix 1 provides an outline of some of the legislation you need to be aware of.

You might like to complete Action Sheet 1 *Relevant Policies* (page 34) to help identify what policies you will need.

Remember
You don't have to write all your policies in one go. You should review your procedures regularly and make changes if things aren't working smoothly.

2.3. Who is involved in writing your policies and procedures?

Each member of your Management Group will bring their own expertise, so you may decide to give responsibility for producing individual policies to different people. They will need support, and you may want to form a sub group of two or three people to help them.

Your procedures need to be practical, so it is a good idea to discuss your ideas with the people who will be using them e.g. paid staff and volunteers. Involving others means that you can draw on their knowledge and experience. People also find it easier to follow procedures that they have helped to write.

Remember
Your policies explain your point of view regarding an issue; you procedures explain how you will put your policies into action. All your policies need to be formally adopted by the Management Group.

3. Gathering information

Before you sit down to write your policies, you need to gather together key information about your organisation and the context in which you are working. You need to understand which laws apply to you and what your legal requirements are.

Think about:

- Who you are working with and the issues that are likely to affect them e.g. young people (safeguarding issues).

- Who is involved in providing activities e.g. paid staff or volunteers (employment/volunteering issues).

- What the activities are e.g. rock climbing (safety/insurance issues).

- Where activities take place e.g. on own premises (insurance issues).

- When developing your policies you don't have to start from scratch. Looking at the way other organisations have written their policies is a good starting point. However, to ensure your policies properly reflect your particular needs they should be developed by you, so don't just copy the first policy you find. Examples of some generic policies are available from your **Infrastructure group**.

You don't have to write everything in one go. Write the policy first, and then develop a procedure, which explains how you will put the policy into action. If you are already running activities, look at what you are doing at the moment to see if it fits with your policy.

Remember
Any examples you use need to be adapted to suit your organisation; they are a starting point not the finished article.

4. Type of policies and procedures

4.1. Insurance

There are several basic types of insurances that most organisations will need to have. Some organisations will need specific insurance cover relating to the exact activities of the organisation.

This workbook contains information on the types of insurance that organisations usually need. However, it is a summary only; if you need further advice please contact your Infrastructure Group or an Insurance Broker.

4.1.1. Compulsory insurance

You are legally required to take out insurance if you: employ people; own/use a vehicle or work with lift hoists and dumb waiters.

Employer's liability – This is required by organisations who employ people. It covers liability arising from claims by workers for injury or disease in the course of their work. The certificate of insurance (usually issued annually) should be displayed on the premises (or made accessible in electronic form). It is best practice to keep records of the insurance for 40 years. "Workers" are anyone who has a contract or apprenticeship whether written, oral or implied. It does not usually cover volunteers, visitors, management committee or self employed people working for the organisation, although you can get specific policies to cover voluntary workers as well as paid staff.

Vehicle Insurance – This is required if your organisation owns a minibus or other vehicle. If your staff/volunteers use their own vehicles whilst carrying out the business of your organisation, then you should check that they have insured their vehicles for this purpose.

Lift hoists/dumb waiters – This is required if you work with lift hoists and dumb-waiters. This will normally be included with the safety certificate for the equipment concerned or through Public Liability Insurance.

4.1.2. Essential insurance

Although there is no legal duty to have the following insurances, it is regarded by regulatory bodies such as the Charity Commission as good practice to do so. These insurances protect assets and manage liabilities.

Public liability insurance – Covers your organisation against claims for accidental injury, loss or damage caused to anyone (third parties) and their property as a result of their contact with your organisation e.g. tripping on a slippery surface. You need to ensure that this covers all of the activities and services that you provide. You must also ensure that any other groups that use your premises have appropriate cover for their activities.

Building and contents insurance – Covers an organisation's premises and property against such things as fire, theft, and accidental damage, subject to certain precautions, e.g. regular inspections and maintenance programmes being undertaken. You need to ensure that the amount of cover on your Buildings Insurance policy is equal to rebuilding costs, including removal of debris, walls, fences, gates and any outbuildings. It is usually a good idea to ensure that you are covered for all risks, including accidental damage.

Include all your equipment in your contents cover, e.g. any portable equipment (laptops, projectors, cameras) and check that this is covered when in use off your premises. If you keep equipment off-site or if you deal with large amounts of cash you may need to make special arrangements. Consider the value of each item as any single item with an exceptionally high value may need to be specified.

At this point you might like to complete Action Sheet 2 *Buildings and contents insurance* (page 36) to help identify what policies you will need.

Trustees of charities that suffer loss due to inadequate insurance cover are personally liable for the shortfall, unless covered by trustees' indemnity insurance. Policies can also be taken out to cover loss due to fraud and theft by employees.

Remember
Always notify your insurer immediately if anything happens; never admit liability to a third party or try to negotiate a settlement yourself.

Other insurances to consider

Depending upon the scope of your activities you may also need to consider some other insurances.

Product liability – Provides cover for claims against unsafe products including food poisoning. This is worth considering if you do a lot of catering or run a café.

Trustee indemnity insurance – Designed to protect trustees where an honest mistake has resulted in a liability being incurred. If you are considering taking out this type of insurance you must make sure that you have the legal right to do so. Check that your Governing Document allows it and if you are a registered charity, permission is obtained from the Charity Commissioners. This insurance doesn't take away the responsibility of trustees to exercise proper control of the organisation and conscious mismanagement and criminal acts are not covered.

Professional indemnity – Covers wrongful advice and other professional services. This is relevant if your services include giving fairly formal information and advice, even if the service you offer is free. It covers an organisation's staff members or volunteers who give advice in the event that advice proves to be incorrect and leads to loss, injury, etc. If you are taking out this kind of insurance, you need to make sure that the insurer is made fully aware of all of your organisation's activities.

Event insurance – Covers things like: bad weather at outdoor events; loss of money or goods in transport; loss of any exhibits at a display. If any event is outside the scope of normal activities you may need to arrange additional cover, so speak to your insurance company. This insurance is relevant when you hold large scale events that involve fundraising or a large outlay of money. Before taking this out check to see if the foreseeable risks are covered by existing insurance policies. You may be able to extend an existing policy for a specific event rather than having to take out a new one. Speak to your insurer if you are in any doubt.

Remember
While you need to be adequately insured, you also need to avoid being over-insured and paying for cover that is not really relevant to your situation or for something that represents a very small risk.

4.2. Health and safety

You have a duty of care to your volunteers, staff, members of the public and contractors. Health and safety is a complex issue and it cannot all be covered here. This section aims to give you some of the basic information. For more information and guidance contact the Health and Safety Executive www.hse.gov.uk

You are legally required to have a written health and safety policy if you employ five or more people, and it is good practice for all organisations to have one.   The policy should contain a general statement on health and safety at work and the organisations arrangements for putting the policy into practice. It should also include specific procedures e.g. for fire, first aid, food hygiene and risks associated with specific activities carried out by the organisation.

Overall responsibility for health and safety should be delegated to one person on the Management Committee, although **everyone** involved in the organisation has a duty of care towards themselves and others.

The basic components of a health and safety policy are described below.

4.2.1. General statement

The general statement should sate that the organisation will:

- Provide adequate control of risks arising from work activities.
- Consult with employees on matters affecting their health and safety.
- Provide and maintain safe plant and equipment.
- Ensure safe handling and use of substances.
- Provide information, instruction and supervision for employees.
- Ensure all employees are competent to carry out the task they are employed to do and will provide training.
- Prevent accidents and cases of work related ill health.
- Maintain safe and healthy working conditions.
- Review and revise their health and safety policy at regular intervals.

4.2.2. General health and safety advice

In an office environment the following basic tips are useful (and should be picked up by your risk assessment):

- Don't leave wires from electrical equipment and computers trailing.
- Don't keep lots of paper for recycling piled up where it could be a fire risk.
- Ensure that you have appropriate desks and chairs for your computer workstations and have guidelines on the use of computers for staff, volunteers and service users.
- Ensure fire exits are clearly marked, kept unlocked and not obstructed in any way.
- Provide training on regularly encountered hazards e.g. lifting and carrying heavy objects.
- Ensure your office is maintained at an appropriate temperature.

4.2.3. Risk assessments

All organisations should assess any potential risks or hazards to staff, volunteers and members of the public. A risk assessment is an examination of what could cause harm to people, so that you can decide whether you have taken enough precautions to prevent injury or if you need to take further action. The law doesn't say that all risks have to be removed but you are expected to take reasonable precautions to reduce the likelihood of accidents happening and the severity of any injuries caused.

Completing a risk assessment will show that you have considered all possible hazards and put into place ways of avoiding accidents. It will also help you to focus on the risks that really matter in the course of your activities - the ones that can potentially cause serious harm.

Some risks are easy to deal with e.g. making sure there are no loose cables that people are likely to trip over, while others need more detailed procedures e.g. safeguarding issues.

The Health and Safety Executive suggests organisations follow five steps:

- Identify the hazard.
- Decide who might be harmed and how.
- Evaluate the risk and decide on precautions.
- Record your findings and implement them.
- Review your assessments and update them as necessary.

Further information is available at www.hse.gov.uk. At this point you might like to complete Action Sheet 3 *Risk assessment (Page 37).*

Your organisation may need to register with the environmental health department within the district council or the local Health and Safety Executive office, depending on the type of activity e.g. if you prepare, supply, store or sell food or if you are carrying out a dangerous process or putting on an event, e.g. a firework display.

Details of food hygiene legislation can be found at the Food Standards Agency www.food.gov.uk.

4.2.4. Recording accidents and incidents

By law, any workplace that has more that 10 employees must have an accident book. Whatever the size of your organisation; it is good practice to record any accidents that occur on your premises or in the course of your activities. This provides a record of any incidents, it can be reviewed and procedures adopted to prevent similar accidents in the future. It also holds information should an employee need time off work or make a claim for compensation.

Serious injuries must be reported to the Health and Safety Executive or the Environmental Health division of your local council, depending on who you are registered with. These are defined as:

- Death.

- Major injury (including assault) e.g. broken bone, hypothermia.

- An injury that means the person is off work for three days or more.

- Work related disease e.g. poisoning, hepatitis.

- Dangerous occurrences (near misses) e.g. explosions, collapse of lifting equipment.

A full list is available from the Health and Safety Executive at www.hse.gov.uk/riddor/guidance.htm

At this point you might like to complete Action Sheet 4 *Reporting accidents (Page 38)*

4.2.5. Equipment maintenance

You need to make sure that the equipment you have is safe to use. It is good practice to have clear instructions for members of the management committee, staff, volunteers and users on how to report maintenance or health and safety issues. You also need to be clear about what you will do when you become aware of any problems.

Make sure:

- All equipment is checked least every six months and that records are kept.

- Instructions are given to all staff, volunteers and users on the safe storage of equipment.

- Electrical equipment is inspected regularly and that records are kept.

4.2.6. First aid

Different organisation will need different first aid arrangements, according to their size and activities. If your organisation employs people it must have 'adequate and appropriate equipment, facilities and personnel to ensure their employees receive immediate attention if they are injured or taken ill at work'. What is 'adequate and appropriate' will depend on the hazards identified in the Risk Assessment (see section 4.2.2 Page 11).

As a minimum you must have an 'Appointed Person' - someone who is responsible for looking after first aid equipment and is available to take charge in an emergency. On a basis of the level

of risk and size of the organisation, you must decide how many first-aiders you need, and of what type. For more information on first aid contact the local British Red Cross Society www.redcross.org.uk or St John Ambulance www.sja.org.uk.

Make sure you have a first aid box; there are no rules to say what you must have in it; however the Health and Safety Executive suggests:

- 20 individually wrapped sterile plasters (assorted sizes and hypoallergenic) appropriate to the type of work.
- 2 sterile eye pads.
- 4 individually wrapped triangular bandages, preferably sterile.
- 6 safety pins.
- 2 large, individually wrapped, sterile, unmedicated wound dressings.
- 6 medium, individually wrapped, sterile, unmedicated wound dressings.
- A pair of disposable gloves.

As tablets and medicines have use by dates and people can have allergic reactions to various ingredients, the Health and Safety Executive recommend that these are not included in the first aid box. First aid boxes of various sizes are readily available; you may need to add to the content to reflect your needs. The contents should be checked on a regular basis. Make sure that everyone knows where the box is. Display a notice saying where it is, who the first aider or appointed person is and where they can be found. At this point you might like to complete Action Sheet 5 *First aid (Page 39).*

4.2.7. Lone working

Employees or volunteers may be at risk if they work on their own without direct supervision, especially if they are expected to visit individuals or groups that they do not know. Make sure that you carry out risk assessments and that everyone is aware of potential problems e.g. breaking down on an isolated road or working late at night.

You may want to introduce a 'buddy system' so that someone raises the alarm if the employee/volunteer fails to return at a given time. You should provide training and take extra precautions where there is a risk of violence from members of the public.

If you don't have an office or people regularly work from home you need to think about:

- How they will be managed e.g. through regular meetings.
- Their working hours and conditions.
- How you will communicate with them to make sure everyone is kept up to date with relevant information.
- What equipment they need and who will provide this.
- Carrying out a risk assessment on their premises.
- Insurance implications.

At this point you might like to complete Action Sheet 6 *Lone working (Page 40)*

4.2.8. Fire certificates

Organisations responsible for the management of premises are required to register with the Fire and Rescue Service and to undertake, record and regularly review a fire risk assessment of their premises. The Fire and Rescue Service have officers who are able to provide advice on your arrangements.

Conducting a fire risk assessment enables you to:

- Identify possible fire hazards.

- Reduce the risk from these hazards, to an acceptable level.

- Identify what action you need to take to ensure people on your premises are safe if a fire does break out.

The fire risk assessment outlines:

- The use of the premises.

- Areas of risk in relation to sources of fire.

- The people at risk.

- Precautions needed to reduce the risk.

- Your procedures.

Make sure that you have clear guidelines for your staff, volunteers and visitors for procedures in the event of a fire. Everyone should know where the nearest fire exit is, how the alarm will be raised (not all premises have a fire alarm), where to assemble, how the roll call will be done and who will do it. If you hold an event, you should make these procedures clear before you start.

Developing a fire safety plan for your premises which will identify the:

- Fire escape routes and signage.

- Any fire fighting equipment required.

- Fire alarm arrangements.

In addition, hold regular fire drills for staff and other users of the premises.

Procedures should also be in place for checking signs and exits, extinguishers, blankets, fire alarms and emergency lighting.

At this point you might like to complete Action Sheet 7 *Fire Risks (Page 40).*

4.2.9. Hazardous substances

Organisations have a duty of care to their employees under the Control of Substances Harmful to Health Regulations 2002 (COSHH) which require you to undertake an assessment of any substances, such as chemicals, that are used on your premises and which are "hazardous to health". Most Third Sector organisations will not use many of these, beyond cleaning agents, in which case you need to ensure those people who use them are aware of:

- How to store the substances.

- How to deal with any spillages.

- Any potential hazards to skin, hair, eyes etc.

- Relevant dilution rates.

For more information see the Health and Safety Executive website www.hse.gov.uk/coshh.

4.2.10.   Food hygiene

If your organisation prepares and serves food on your premises, whether it is for sale or not, then food safety regulations apply. These require people handling food to be trained and properly supervised. There are also specific requirements regarding clean work areas and equipment, suitable premises, suitable arrangements for food and waste. Rules and guidance should be made clear to staff and users, with clear procedures for reporting concerns.

If food is supplied on the premises on five or more days within five consecutive weeks, the premises must be registered with the local council. There is an exemption if the building is used

exclusively for charitable purposes and if only dry foods (tea, coffee, sugar, biscuits, etc) are stored in the building. For more guidance on this subject please contact your local council.

4.3. Equality policies

It is essential that your organisation adopts policies and procedures to ensure that everyone has the same opportunities to join in with your activities and/or be employed by your organisation. Some people may need extra assistance to do this, and you need to be clear about how that help will be provided. Equal opportunity is not about treating everybody the same, it is about ensuring that people's differences are recognised and taken into account.

When you are developing new activities or writing new policies and procedures, you must think of the implications and any negative effects they may have on particular groups or sectors of your community. You can do this by carrying out an Equality Impact Assessment. Guidance is available from the Cumbria Equality Resource Centre www.equalitycumbria.org. Further information is available from the Equality and Human Right Commission www.equalityhumanrights.com.

The new Equality Act came into effect in October 2010. This Act brought together the nine main equality laws and approximately one hundred smaller laws, to make it easier for everyone to understand what they must do to treat people fairly. It aims to combat discrimination.

While the laws are quite involved, the principles are fairly simple. It is illegal to treat people differently because of a person's:

- **Age** – how old they are.
- **Race** – colour, ethnic origin, national origin or nationality.
- **Disability** – a person is disabled if they have a physical or mental impairment which has a substantial and long term negative effect on their ability to carry out every day activities.
- **Gender** – male or female.
- **Gender reassignment** – a transsexual is a person who proposes to, starts or has completed a process to alter his or her gender.
- **Religion or belief** – a person's philosophical belief, this includes any religion or lack of religion.
- **Sexual orientation** – whether someone is orientated towards people of the same sex, the opposite sex or both sexes. This means lesbian, gay, heterosexual and bisexual people.
- **Marital status** – married people and people in a civil partnership.
- **Pregnancy and maternity** – pregnant women and those on statutory maternity leave.

These are known as 'protected characteristics'.

Employment laws make provision for jobs that genuinely require a person of a particular racial group or of a particular sex. This is known as a Genuine Occupational Qualification (GOQ). GOQ can apply whether all of the duties or only some of the duties require the employee to be from a specified group.

Discrimination can be any of the following:

- **Direct discrimination** – where someone is treated less favourably because of a protected characteristic.
- **Associative discrimination** – where someone is treated less favourably because they are associated with someone who has a protected characteristic.

- **Perceptive discrimination** – where someone is treated less favourably because others think they have a particular protected characteristic.

- **Indirect discrimination** – where a condition, rule, policy or a practice within the organisation applies to everyone but, particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown the organisation acted reasonably in managing its activities.

- **Harassment** – unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- **Third party harassment** – employers are potentially liable for the harassment of their staff by people who are not employees of the organisation e.g. other volunteers or service users or members of the general public. You will only be liable if you are aware that harassment has taken place on at least two occasions and you have not taken reasonable steps to prevent it happening again.

- **Victimisation** – where an employee is treated badly as a result of making or supporting a complaint or grievance under the Equality Act.

You should monitor who uses your activities to see if you have a good mix of people or whether some groups are underrepresented. If you think that some people with protected characteristics are not becoming involved in your organisation you can take steps to encourage their involvement e.g. you may advertise in publications likely to be read by the underrepresented group. You may also decide to approach existing groups used by different sections of the community, to see why they don't engage in your activities. You can then take steps to address any issues.

The Equality Act 2010 does allow associations (but not political parties) to restrict membership and the associated benefits to people with the same protected characteristic e.g. the same disability. However, membership cannot be restricted on the basis of skin colour. The group may have to justify the reasons behind the restrictions to show how it meets a legitimate objective (contained in the Governing Document) in a fair, balanced and reasonable way.

Further information is available from:

- The Government Equalities Office www.equalities.gov.uk

- Advisory, Conciliation and Arbitration Service www.acas.org.uk

- Equality and Human Rights Commission www.equalityhumanrights.com

- AWAZ (Cumbria) www.awazcumbria.org.

At this point you might like to complete Action Sheet 8 *Equality (Page 41).*

4.4. Safeguarding vulnerable people

If the people you work with are vulnerable, either because they are: children; young people; older people; or disabled, you will need to have safeguarding policies and procedures in place. Safeguarding is about protecting the vulnerable from harm and the employee/volunteer from misunderstandings or accusations.

Safeguarding should be a regular item on the agenda of your Management Group meetings with a designated person taking responsibility for:

- Distributing and implementing safeguarding procedures.

- Receiving and maintaining information from volunteers, vulnerable children and adults.

- Assessing information and taking appropriate action.

- Awareness of social service and police procedures for investigating abuse and making referrals.

Most adults working with vulnerable groups do so for good reasons, however a few are unsuitable to work with vulnerable people. It's therefore important to check that prospective employees and volunteers are suitable and competent. You can do this by:

- Matching all potential volunteer/employee's skills with the job they will be doing.
- Getting all potential volunteers/employees to complete a declaration regarding criminal records.
- Taking up references (at least two).
- Completing an enhanced disclosure check from the Criminal Record Bureau.
- Confirming status under the Vetting and Barring Scheme.
- Applying a probationary period and undertaking regular supervision sessions.
- Providing regular training.

You should have a Code of Conduct so that everyone knows:

- What type of behaviour is and isn't acceptable e.g. the type of language that can be used, levels of physical aggression that are acceptable.
- What type of dress is acceptable.
- What the boundaries are e.g. when it's ok to use text to contact young people.
- What constitutes abuse.
- Who can take photographs and how the images can be used.
- What is acceptable use of the internet.
- How to handle infatuations.
- What information must be kept confidential and when information should be passed on to other individuals and/or agencies.

It is important that people know how to spot signs of abuse and how to refer to other agencies where appropriate. Procedures are also required for handling any allegations made against staff or volunteers.

A lot of thought needs to go into developing safeguarding policies and procedures and training will be required. Please contact Young Cumbria for specialist support www.youngcumbria.org.uk

Further information on the Vetting and Barring scheme is also available from the Independent Safeguarding Authority www.isa-gov.org.uk

At this point you might like to complete Action Sheet 9 Safeguarding *(Page 42)*.

4.5. Volunteers

It is important that you value your volunteers and provide them with the support they need, so that they can help run your activities smoothly. Having clear guidelines about what you expect from your volunteers and what you will do for them, enables you to mange them effectively to get the best from them.

4.5.1. Volunteer recruitment

People volunteer for a number of reasons, bringing different skills and levels of commitment into your organisation. When you try to recruit volunteers you need to think carefully about how you describe the work you want them to do and what skills you are looking for. It is also useful to say how much time you expect volunteers to give and what expenses (if any) you intend to pay.

It's useful to describe the work your organisation does as a whole. You can then break down tasks into 'chunks' so that people can chose the type of volunteering work they want to do e.g. working with young people on a Friday night or helping with administration.

Drawing up volunteer role descriptions and person specifications can help put individuals in the right job, so don't be afraid of asking volunteers to complete a simple application form. This will also tie in with your safeguarding procedures if you work with vulnerable people. For more information see the *Working with Volunteers* workbook from this series.

You can advertise for volunteers on posters, in newspapers, on the local radio or by word of mouth. The Council for Voluntary Services also provides support to match volunteers with organisations.

Remember
When you advertise, be clear about what you want people to do and how much time you expect them to commit to.

4.5.2. Volunteer induction

Once you have recruited your volunteers you need to help them fit into your organisations. Their induction provides a formal opportunity to:

- Meet existing staff/volunteers.
- Meet the people who use your activities.
- Learn about the tasks they are being asked to complete.
- Understand your policies and procedures.
- Ask questions.

A good induction should help the volunteer feel part of the organisation and begin to develop a sense of commitment to it, so it is worth having induction procedures which say:

- Who will manage the volunteer (their point of contact).
- Who will explain the tasks to the volunteer.
- Who will explain what the organisation does and how it is managed.
- Who will explain the organisations policies and procedures.
- What level of behaviour is/isn't acceptable.
- How expenses can be claimed.
- Who will introduce the volunteer to existing staff/volunteers and beneficiaries.

4.5.3. Volunteer training, support and supervision

Volunteers should be provided with all the training they need to carry out their role. It may be appropriate to provide a training programme to develop the skills and qualities that are needed to carry out the work. You should provide training opportunities to all your volunteers in line with your equality policy.

It is important to provide regular support and supervision to identify or prevent any problems. The format and regularity will depend on the type of voluntary work people are involved in, but it

is useful to meet regularly. It may also be useful to keep brief records so that you can see how problems have been solved and identify any areas where further training is needed. Remember to tell the volunteer that you are keeping records and give them the opportunity to read and comment in writing, on what you have said.

For more information see the *Working with Volunteers* workbook from this series.

Advice on managing volunteers is also available from the National Centre for Volunteering 0845 305 6979 or www.volunteering.org.uk and/or the Cumbria Third Sector website www.cumbriacvs.org.uk.

At this point you might like to complete Action Sheet 10 *Volunteers (Page 43).*

4.6. Employing people

If you employ anyone – even just one person, you are required to comply with employment legislation.

This section looks at a range of issues from legal paperwork to effective supervision, providing a guide to good practice and to help you to balance this with the needs of the organisation. It also covers a number of specific areas that you might want to think about. **However**, **this is not an exhaustive guide to all legal requirements and should be only be used as a general introduction to some of the issues you may need to consider**.

A person becomes an employee when they enter into a contract of employment, which is defined as a contract of service or apprenticeship. Contracts can be verbal, but the terms and conditions of employment should be included within a written contract. A written statement of the terms of employment is a legal requirement after two months of employment. You may need to consult specialist legal advice to ensure your terms of employment meet current requirements and can't be misinterpreted.

Further information can also be obtained from, the Advisory, Conciliation and Arbitration Service (ACAS) 08457 474747 or www.acas.org.uk and/or Inland Revenue Employers Helpline – 08457 143143

Keep your personnel policies and procedures in a staff handbook, which can be accessed by all employees.

Remember
Having a paid employee can help an organisation considerably, but you need to be sure you have the skills and the time to manage them effectively.

4.6.1. Employee rights

When a person is employed they are entitled to:

- An itemised pay statement showing all deductions.
- Maternity leave.
- Time off for antenatal care.
- Equal pay.
- No discrimination.
- Time off for public duties.
- Time off for Trade Union activities.
- No victimisation for Trade Union activities.

- To be represented by a Trade Union at disciplinary/grievance hearings.
- A limit of on the average working week in accordance with the Working Time Regulations.
- Paid leave in accordance with legislation.
- Holidays.

When a person has been employed for more than one month they become entitled to:

- A minimum of one week's period of notice.
- Payment if suspended on medical grounds.
- Payment if laid off.

When a person has been employed for more than six months they become entitled to:

- Additional rights to unpaid maternity leave.
- Rights to paternity leave.
- Rights to apply for flexible working (where applicable).

When a person has been employed for more than a year they become entitled to:

- Unpaid parental leave.
- Protection against unfair dismissal.
- A written statement giving reasons for dismissal.

After two years employees become entitled to statutory redundancy pay.

These rights remain if the organisation merges with another or if its assets are transferred.

4.6.2. Registering with HM Revenue and Customs

If at least one of the following conditions applies, then you need to register as an employer with HM Revenue and Customs:

- An employee already has another job.
- An employee is receiving a state or occupational pension.
- You're paying an employee at or above the (Pay As You Earn) PAYE threshold.
- You're paying an employee at or above the National Insurance Lower Earnings Limit.
- You're providing an employee with employee benefits.

You can register up to four weeks in advance of your first pay day.

The current rates and thresholds that apply when you operate your payroll or provide expenses and benefits to your employees are available from HM Revenue and Customs at www.hmrc.gov.uk/paye/rates-thresholds.htm

Remember

Even if you only employ one person you have to register if any of the above conditions apply.

4.6.3. Pay scales and the minimum wage

It can be very helpful to set out the pay scales for differing jobs in your organisation in a formal framework that is approved by your Management Group. This will help to ensure that people in your organisation undertaking similar work are treated fairly, consistently and transparently.

You should also have a policy which states what expenses incurred in the course of their regular employment can be claimed, and in the case of mileage, what rate can be claimed. You also need to say how the claim is to be made and what evidence is required e.g. a receipt.

The National Minimum Wage Act 1998 (Regulations 1999, 2010) set minimum hourly rates that employers must pay their workers. These rates are changed in the Government's Budget. The Act covers almost all workers in the UK and is divided into three rates that apply to workers of different ages. The current rates can be viewed at the HM Revenue and Customs website www.hmrc.gov.uk

Complying with the National Minimum Wage Regulations is a legal requirement. Beyond this, however, you need to think about how you decide what an appropriate pay level is for each of member of staff that your organisation employs. It is good practice to look at the rates paid by other organisations employing staff doing similar work. You can pick this information up from job adverts or by talking to the managers of similar organisations. Just be careful that you are comparing like with like, the aim is to offer a rate that will attract and keep good employees. You need to have a fair pay structure or people will become dissatisfied and you won't get the best from them.

You also need to consider what the organisation can afford to pay; you need to account for the total cost, including the National Insurance contributions you make as an employer and any pension contributions.

Remember
You must pay the same rate to a women doing equal work with a man, in the same employment.

4.6.4. Absence - statutory sick pay and fit notes

You need to decide what you will do if a member of staff is off, e.g. who they should contact, what levels of pay they will receive. There are minimum levels of sick pay (Statutory Sick Pay) however, you can pay above this; details should be made clear in the contract of employment.

Employees may be entitled to Statutory Sick Pay (SSP) if their average weekly earnings are at or above the Lower Earnings Limit (£97 per week from 6 April 2010). SSP is paid when an employee is sick for 4 days in a row (including weekends, bank holidays and days that are not normally worked). You must pay SSP in the same way as wages, keeping records of payments and dates of sickness. If an employee is not covered by SSP the employer should issue him/her with Form SSP1, dealing with State Incapacity Benefit.

Fit notes have now replaced the sick note. The fit note is a new form that doctors give to employees when their health affects their ability to work. The note says if the employee is 'not fit for work' or 'may be fit for work'.

The doctor chooses the 'may be fit for work' option when they believe that the employee may be able to return to work with some help from you as the employer.

It may include some comments which will help you understand how the person has been affected and, if appropriate, ways to help the employee return to work.

This could include:

- A phased return to work.
- Altered hours – starting or leaving at different times.
- Amended duties – e.g. removing heavy lifting if you have had a back injury.
- Changes to your workplace – e.g. allowing you to work on the ground floor if you have problems going up and down stairs.

It is worth interviewing staff once they return to work, to see if there are any underlying problems which you can help solve e.g. providing specialist equipment.

4.6.5. Statutory maternity, paternity and adoption rights

You need to be aware of the legislation covering maternity, paternity and adoption rights. Some of the main points are highlighted below. Specific details, e.g. levels of pay change and up to date information can be found at the government website www.gov.uk

All pregnant employees are entitled to paid time off for ante-natal care and 52 weeks maternity leave. Those who have been employed for 26 weeks at the "Qualifying Week" are entitled to Statutory Maternity Pay (SMP) for 29 weeks. The contract of employment remains in force throughout the maternity leave. Employees have to follow the correct procedures and provide the necessary documentation to be eligible for statutory benefits.

If an employee is entitled to Statutory Maternity Pay, you should pay it in the same way as wages, keeping records of payments and dates. If the employee is not entitled to SMP she should be issued Form SMP1, dealing with state benefits for expectant mothers.

You need to carry out additional risk assessments to ensure that your employee is kept safe during her pregnancy. You may need to consider alternative work where there is a risk to the health of the pregnant woman or her child. If health and safety measures cannot be complied with, you may still need to pay your employee. You must not treat the employee in any way which is unfavourable on the grounds of pregnancy, childbirth or maternity leave.

When the employee returns to work you must ensure she returns to the job in which she was employed, or one of the same status. Her pay, conditions, and benefits must be protected. She also has the right to **request** flexible working arrangements e.g. reduced hours, job shares etc. All requests must be given proper consideration, if you cannot accommodate the request you need to explain why.

Employees who are the father of a child, or its mother's husband/partner, who expect to have responsibility for the child's upbringing and who meet the entitlement rules are entitled to 2 weeks Statutory Parental Leave (SPL). Additional Statutory Paternity Lave (ASPL) is available for parents with babies due on or after 3rd April 2011 where fathers/partners can elect to take some of the mothers maternity leave and pay (provided she returns to work).

Subject to meeting certain criteria, adoptive parents are also entitled to 52 weeks statutory adoption leave, with Statutory Adoption Pay (SAP) being paid for 39 weeks. Adoption leave is available to employees of either sex, to qualify the employee must:

- Be adopting a child aged up to 18 years.

- Have a minimum of 26 weeks continuous employment by the end of the week in which they have been notified that they have been matched with a child.

- Have notified the adoption agency that they agree to the child being placed with them on the date agreed.

4.6.6. Working hours

To make sure that everyone is working the hours agreed in their contract, you need to keep track of the number of hours actually being worked. You may decide to do this informally, or by asking employees to complete "time sheets". The contract of employment should set out what is expected e.g. is overtime paid at the usual rate or is there a time off in lieu (TOIL) arrangement? Make sure that your employees are happy with the workload they have, if you are asking too much (or too little) they may become de-motivated and leave.

You should also make provision for people taking time off to care for dependents, so they can make arrangements in an emergency.

The Working Time Regulations 1998 (Amended 2003) governs the number of hours an employee can work legally – currently 48 hours per week. Employees can only work longer hours if they sign an opt-out agreement. The regulations also cover rest periods, meal breaks and annual leave. There are additional protections for night workers and those under 18 years of age. These regulations do not apply to the self-employed, volunteers and people in certain industries such as transport or offshore work. Up to date information can be found at the government website www.gov.uk

4.6.7. Asylum and immigration

As an employer you have a legal duty to check that all new employees are entitled to work in the United Kingdom. The Immigration, Asylum and Nationality (Act) 2006 makes employers liable to civil penalties for employing illegal migrant workers. It allows employers to have an excuse against payment of a civil penalty. Employers may have this excuse if they have carried out specific checks on one or a combination of the following original documents of prospective employees:

- A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.

- A national passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

- A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the UK Border Agency to a national from a European Economic Area country or Switzerland.

- A permanent residence card issued by the Home Office or the UK Border Agency to the family member of a national from a European Economic Area country or Switzerland, who is resident in the UK.

- A biometric immigration document (identity card) issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A passport or other travel document endorsed to show that the holder is exempt from immigration control, can stay indefinitely in the UK has the right of abode in the UK or has no time limit on their stay.

To avoid claims of racial discrimination, it is important that all employees are asked to produce these documents, not just where there is a doubt about their employment status. Up to date information can be found at the Home Office UK Border Agency website www.ukba.homeoffice.gov.uk

4.6.8. Recruitment, job descriptions and personal specifications

Before employing anyone, you need to decide what you want the new employee to do and what skills you expect them to have.

A job description outlines the tasks, duties and responsibilities that the employee will have to do. Writing a job description:

- Gives you a starting point, so you can decide what the employee will actually do.

- Gives prospective employees an understanding of what you want them to do.

- Helps you decide the level of pay appropriate for the work.

- Helps you to avoid duplicating work being done by someone else.

- Helps avoid discrimination when selecting an applicant, by making you focus on the job and what skills are required to carry it out.

- Gives a guide for the induction process, so that all aspects of the job are explained when the employee starts work.

- Reminds you what your intentions were, when you review the employee's performance at their appraisal.

When you have decided what the job involves you need to look at the type of person you want to employ. A person specification describes the skills, characteristics, abilities and experience you are looking for, to enable the job described to be carried out. You need to decide what skills candidates must have for the job (essential qualities) e.g. Maths and English GCSE and what you would like them to have (desirable qualities) e.g. experience of working with children.

Writing a person specification:

- Helps you compare and match skills against a specific job so that you can select the person with the right skills and experience.

- Helps you to be objective in the recruitment process, so that it is free from discrimination.

- Helps you decide what skills are essential for the job and what the added extras are.

- Helps you decide what evidence there is to show that someone meets the criteria e.g. experience in similar jobs.

You can use the person specification to:

- Form the basis of your recruitment and selection process.

- Provide key points for the job advertisements you place.

- Establish criteria to screen applications, so you can draw up a short list of candidates to interview.

- Establish criteria for interviewing candidates.

When you have a job description and a person specification you need to advertise to attract candidates. The advert needs to paint a fair picture of the job, so use plain English and avoid jargon. Be clear about the most important aspects of the job. Include the:

- Job title.

- Salary.

- Location.

- Essential checks e.g. the need for CRB disclosure.

- Closing dates for applications.

You can advertise in job centres, local papers and on your own website (if you have one). Consider using a standard application form so that you get the same information from all the candidates.

When you go through the application forms check the candidate's skills and experience against the person specification. Short list the most appropriate candidates and invite them to an interview.

The interview is a chance for you to see if the applicant can do the job, if appropriate, you might want to include a practical test. The interview also gives the candidates the chance to hear more about your organisation, so they can decide if they want to work for you. It's a good idea to have more than one person conducting the interview, so that you get a balanced view. Decide what questions you are going to ask and how you are going to 'score' candidates, before the interview. Make sure you ask the same questions to each candidate. You must be fair and

impartial, you may have to justify why you chose one person above another so make notes during the interview.

When you have chosen someone, offer them the job 'subject to receipt of satisfactory references'. Make sure you ask for and receive suitable references before the person starts work. Once the chosen candidate has accepted the job, you can let the other candidates know they have been unsuccessful.

Remember
Don't discriminate during the recruitment process. Treat everyone fairly; provide extra assistance, if required, so that everyone who wants to work for you has the same opportunity.

4.6.9. Employee induction, training, support and supervision

Your induction procedures for new employees will be very similar to those for volunteers. In addition you will need to cover the details of the employment contract e.g. normal working hours, holiday entitlement etc.

You should make sure your employees have the support they need to carry out their job. Regular supervision meetings or appraisals help to indentify and prevent problems. These meetings may be especially important if you only have one employee, as they can help the person feel less isolated. As with volunteers it may also be useful to keep brief records, so that you can see how problems have been solved and identify any areas where further training is needed.

4.6.10. Disciplinary and grievance procedures

Sometime things go wrong. You need to have procedures in place so you know what to do if an employee breaks the rules or behaves badly, these are **disciplinary procedures**. Your employees also need to know what to do if they are unhappy with how they are being treated, these are **grievance procedures**.

The Employment Rights Act 1996 means that you have to have written disciplinary and grievance procedures, which every employee knows about and understands. They must be mentioned in the contract of employment. You must stick to these procedures, if you don't and you have to attend an Employment Tribunal, any case you have will be undermined.

The Advisory, Conciliation and Arbitration Service (ACAS) have produced a Code of Practice which is available at their website www.acas.org.uk. This code should be followed and form the basis of your procedures. If you don't follow 'the Code' you don't automatically become liable to proceedings, but employment tribunals will take it into account and may adjust any award by up to 25% for unreasonable failure (by either employer or employee) to comply.

An overview is included below:

Disciplinary procedures - when you realise there is a problem you should:

- Speak to the employee. A quiet word may be all that is needed. You may be able to find out what the problem is easily and take steps to help the employee e.g. training may be required.

- Take formal action.

    - o Establish the facts.
    - o Notify the employee in writing.
    - o Hold a meeting.
    - o Let the employee bring someone with them.
    - o Decide what action is needed

- Inform the employee of the action, which could be:
    - No penalty.
    - First written warning or
    - Final written warning.
    - Dismissal or another sanction.
- Give the employee a chance to appeal.

If the employee's behaviour does not improve you may need to repeat the process.

Grievance procedures - when an employee has a problem he/she should speak to his/her line manager. If the problem isn't resolved they should put their grievance in writing. You should then:

- Hold a meeting.

- Let the employee bring someone with them.

- Decide what action is needed.

- Give the employee a chance to appeal if they are still not happy.

Grievances need to be dealt with impartially, and where possible by someone who has not previously been involved e.g. another member of the management committee.

4.6.11. Redundancy

If you no longer need to employ someone, because the job disappears e.g. there isn't enough to do or enough funding, you may need to make them redundant.

You need to give at least one week's notice for each full year of continuous employment up to a maximum of 12 weeks. If the contract of employment sets out a longer period, then this should be given. An employee with two or more years service is entitled to statutory redundancy pay based on age and length of service, again you may have agreed a higher level in the contract of employment.

You should talk to your employees as soon as you think redundancies are likely, there are set timescales for consultation depending on the numbers involved. If you employ a lot of people, you also need to think about how you decide who will be made redundant. You need to use objective criteria to make sure you are treating everyone fairly.

More information is available from the Advisory, Conciliation and Arbitration Service (ACAS) www.acas.org.uk

At this point you might like to complete Action Sheet 11 *Employees (Page 44)*

4.7. Data protection

Your organisation will probably need to keep information about people e.g. member's names and addresses. You need to make sure you keep your records up to date and only keep relevant information.

The Data Protection Act 1998 aims to strike a balance between the rights of individuals and those with good reasons for using personal information. It applies to some paper records as well as computer records. It is based on eight principles:

- Personal data must be processed fairly and lawfully.

- Personal data must only be obtained for one or more specified and lawful purpose e.g. if job applications are kept on file for other future vacancies or passed to any other organisations, the applicant should know and have agreed to it.

- Personal data must be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

- Personal data must be accurate and kept up to date.

- Personal data shouldn't be kept for longer than is necessary.

- Personal data must be processed in accordance with the rights of data subjects under this Data Protection Act.

- Personal data must be kept safe and secure.

- Personal data mustn't be transferred to a country or territory outside the European Economic Area.

If you collect information about an identifiable living individual, or if you use, disclose, retain or destroy that information, you are likely to be processing personal data and you usually have to notify the Information Commissioner about this. Failure to notify is a criminal offence. Further information is available from the Information Commissioner's Office at www.ico.gov.uk

You should write a Data Protection Statement or Privacy Notice which gives:

- A short description of how you will use the data you hold e.g. to send people information about your activities.

- Who you will share the information with e.g. funders.

- How people can find out what information you hold about them. Individuals have the right to view their details and to be told why it is being used and who will see it. You can make a small charge for supplying this information but you have to comply with the request within 40 days.

- How to get inaccurate information removed or changed.

If it is obvious who is collecting the information and how it is being used it is enough to have a Privacy Notice available on request e.g. asking for names and addresses on a booking form.

Sometimes you have to keep records for a certain amount of time e.g. to meet rules set by funders, so you should also consider writing a Data Retention Policy, which state how long you hold different types of information for.

4.8. Finances

You need to keep track of your finances and produce annual accounts. Records can be kept in a manual 'cash book' or via a computerised accounts package. Use the most appropriate system for your organisation. You need to report your current financial position to your Management Group at each formal meeting, so they know what's going on and if you have enough money to pay for your activities. This information needs to be presented in a way that is easily understood and consistent, so it's worth following the same format at each meeting.

You also need to have procedures in place for handling cash e.g. rules about where cash is stored, who counts it and how quickly large sums are banked. You should have records to show who is authorised to sign cheques, there should be a minimum of two signatures on each cheque to prevent fraud.

Larger charities must include a reserves policy in their annual accounts. It is good practice to have a policy whatever the size of the organisation. This sets out how much money the Management Group feels it is appropriate to have 'saved' to cover future costs. The level of reserves depends on the organisation, its activities and circumstances. Further information is available from the Charity Commission website www.charitycommission.gov.uk

4.9. Business gifts

Sometimes your management committee, employees or volunteers may be given a thank you present. Small tokens are not usually a problem but accepting a larger gift may be. This gift

may be seen as bribery, if there is any suspicion that it has or will influence the way the person or organisation acts. The Bribery Act 2010, which is expected to come in force in July 2011, requires employers to have procedures in place to prevent bribery.

You should think about the type and value of any gifts received or offered by your organisation, including invitation to meals or parties. HM Revenue and Customs have rules regarding taxable benefits, from gifts to hospitality and attending events. Gifts also need to be appropriate, so be sensitive to cultural, religious and other values.

4.10. Whistle blowing

Individuals need to know what to do if they suspect wrongdoing or malpractice. The Public Disclosure Act 1998 protects employees and workers who raise issues, in good faith, provided they follow proper procedures.

There are three ways to raise issues:

- Internal Disclosure – tell someone in the organisation e.g. manager, management committee member.

- Disclosure to prescribed regulators – tell an outside body e.g. Health and Safety Executive or the Environment Agency.

- External disclosure – go to other people e.g. the press, the police or an MP. The person has to show the disclosure was reasonable and that other routes were impracticable e.g. the person suspected of wrongdoing would destroy the evidence.

Having a policy can help people discuss their worries and deal with potentially difficult situations with the minimum disruption. Employees should feel able to discuss problems internally, rather than having to go outside the organisation.

Further information is available from the **Public Concern at Work (PCaW)** website www.pcaw.co.uk

5. Implementing your policies

Once you have decided what policies and procedures you need and written them, they need adopting at a management committee meeting. Include this as an agenda item and make sure your minutes show what policies have been agreed. Sign and date a copy of each policy and file them in a safe place. Sometimes funders will ask to see a copy of a specific policy and having them in one place makes them easy to find.

Make sure all your management committee, employees and volunteers:

- Know what your policies and procedures are.
- Understand them.
- Know where to find them - so they can refer to them if they forget how something is supposed to be done.

Hopefully, your procedures reflect the way you do things anyway, but you may need to train individuals if you have introduced something new. People won't accept new ways of doing things if they are just told to 'read a policy', so it is worth spending time to explain what's changed and why it's important.

6. Monitoring and evaluating your policies

Legislation changes, so you need to keep reviewing and updating your policies. Amendments should be agreed by the management committee and noted in the minutes. Keep a signed, dated, amended copy in your files.

Make sure that your policies are applied fairly throughout your organisation and that your procedures are being followed correctly. You can't apply a policy to one person and not another, if you do you may be accused of discrimination. You may want to carry out audits e.g. check that risk assessments are being completed before events. Ask your staff and volunteers for their comments; they may know a better way of doing things.

If procedures aren't being followed ask why. Are they:

- Not understood? Training may be required.
- Not practical? The procedure may need changing.

Your policies and procedures are meant to help you comply with legislation and run your organisation. If they aren't working change something!

Sign up to your Infrastructure Groups newsletter, they often contain sections on changes to the law that you need to know about.

Remember
Review all you policies annually. If nothing has changed it won't take long, but it will make you review legislation so you don't miss anything important.

Appendix 1 – Legislation

Age Discrimination Act 2006 & Employment Equality (Age) Regulations 2006	Protects people from age discrimination. All aspects of employment (or prospective employment) are protected from age discrimination, including recruitment, employment terms and conditions, promotions, transfers, dismissals and training.
Bribery Act 2010	Requires employers to have adequate procedures in place to prevent bribery.
Control of Substances Hazardous to Health Regulations 2002	Requires organisations to undertake risk assessments in relation to exposure to substances which could be harmful to a person's health.
Children's Act 2004	Places a duty on services to ensure that every child has the support they need to: be healthy; stay safe; enjoy and achieve through learning; make a positive contribution to society and achieve economic well-being.
Data Protection Act 1998	Establishes a framework of rights and duties designed to safeguard personal data.
Disability Discrimination Acts 1995 (Amended 2005)	Gives disabled people rights in the areas of: employment; education and access to goods, facilities and services. Places a duty on employers to make 'reasonable adjustments' to premises or working practices to allow a disabled person to be employed. Requires public bodies to promote equality of opportunity for disabled people.
Disability Equality Duty	Covers everything public sector organisations do, including a duty to consider the impact their work has on disabled people and to tackle disability inequality.
Employers' Liability (Compulsory Insurance) Act 1969, Regulations 1998	Requires employers to have minimum levels of insurance to cover claims resulting from accidents at work or from illnesses due to work undertaken.
Employment Equality Regulations (Religion or Belief) 2003	Protects people from discrimination on the grounds of their religion or belief. All aspects of employment (or prospective employment) are protected including recruitment, employment terms and conditions, promotions, transfers, dismissals and training.
Employment Rights Act 1996 Employment Act 2002	Requires certain terms and conditions regarding employment to be set out in a single document e.g. rates of pay, hours of work, place of employment, term relating to sickness, pension arrangements, disciplinary/grievance rules.
Equality Act 2010 The Government is currently considering how the different provisions will be commenced so that the Act is implemented in an effective and proportionate way. The majority of the Act came into force in October 2010.	Provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all. Updates simplify and strengthen the previous legislation. Provides a modern, accessible framework of discrimination law which protects individuals from unfair treatment.

Equal Pay Act 1970 & Equal Pay Regulations 1983	Gives people the right to equality in the terms of their contract of employment. Entitles a woman doing equal work with a man in the same employment the right to equality in pay and terms and conditions.
Food Hygiene (England) Regulations 2006	Provides a legal duty to ensure that food served or sold to customers is safe to eat.
Health & Safety at Work Act 1974 & Workplace (Health, Safety and Welfare) Regulations 1992	Requires employers to adopt working practices which prevent people from being harmed by work or becoming ill.
National Minimum Wage Act 1998 (Regulations 1999 Amendment & 2010)	Requires employers to pay minimum hourly rates of pay, divided into three rates applicable to different ages.
Public Interest Disclosure Act 1998 & 2003 "Whistle Blowing Act"	Provides a general protection to workers under which they have the right not to be subjected to any detriment by the employer on the grounds of "whistle blowing" (providing that they made a "qualifying disclosure" which is also a "protected disclosure".)
Race Relations Act 1976 (Amended 2000, Regulations 2003)	Makes it unlawful to discriminate on grounds of race, colour, nationality or ethnic or national origin.
Rehabilitation of Offenders Act 1974	Enables cautions and convictions (except those resulting in prison sentences of over 30 months) to become 'spent' following a specified period of time which varies on circumstances. All cautions and convictions (even if spent) have to be disclosed if an individual applies for work in certain specified areas e.g. with children/vulnerable adults. These are listed on the Rehabilitation of Offenders Act (Exceptions) Order.
Road Traffic Act 1988	Requires motorists to have valid insurance in respect of liability for bodily injury or damage to a third party arising from the use of a motor vehicle on a road.
Safeguarding Vulnerable Groups Act 2006	Covers the way employers recruit people to work with vulnerable groups.
Sex Discrimination Act 1975 (Regulations 2005)	Makes it unlawful to discriminate on grounds of sex or marital status in recruitment, promotion and training.
Working Time Regulations 1998 (Amended 2003)	Covers the maximum hours employees can work during the week.

Important Note: This is intended as general guidance only. It must not be regarded as a definitive interpretation of any Act or Regulation. Anyone in doubt should seek legal advice.

Appendix 2 – Useful Contact Details

If you need advice to set up your group or support for your trustees there are a number of infrastructure bodies in Cumbria that are there to help.

This workbook has been developed by a partnership made up by:

- Action with Communities in Cumbria (www.cumbriaaction.org.uk)
- AWAZ (CIC) Cumbria (www.equalitycumbria.org)
- Cumbria Disability Network (www.equalitycumbria.org)
- Cumbria Youth Alliance (www.cya.org.uk)
- Young Cumbria (www.youngcumbria.org.uk)

Each is a potential source of help to your organisation.

You may also access advice and guidance from Cumbria CVS which provides trustee training through their Trustee Network. Cumbria CVS has a network of offices in the County and can be contacted via its website www.cumbriacvs.org.uk or by telephone on: 01768 800350

Other useful websites for advice and guidance include:

About Equal Opportunities provides a website containing over 90 articles on equality issues www.aboutequalopportunities.co.uk

Advisory, Conciliation and Arbitration Service (**ACAS)** provide employment up-to-date information, independent advice and training on a range of employment issues. Work with employers and employees to solve problems and improve performance www.acas.org.uk

Charity Commission provides up to date information on legal responsibilities and returns and it's a great place to keep up to date with changes in the law governing charities and their responsibilities for reporting, accounting, risk management, etc. www.charity-commission.gov.uk

Companies House provides online information concerning companies limited by share and limited by guarantee, including the documents required in reporting company activity such as the appointment of directors. www.companieshouse.gov.uk

Directgov provides online information regarding public services. www.gov.uk

Equality and Human Rights Commission promotes equality and human rights, by providing advice and guidance, working to implement an effective legislative framework and raising awareness of people's rights. www.equalityhumanrights.com

Fire and Rescue Service provides online resources for both fire-fighters and members of the public. www.fireservice.co.uk

Food Standards Agency exists to protect the public's health and consumer interests in relation to food. www.food.gov.uk

Government Equalities Office a policy Department which has responsibility within Government for equality strategy and legislation. www.equalities.gov.uk

Governance Works provides support to the boards of voluntary and community organisations to ensure they have the necessary understanding of governance and the skills to fulfill their roles www.governance-works.org

Health and Safety Executive provides information and support on health and safety issues including how to conduct risk assessments and the Control of Substances Harmful to Health www.hse.gov.uk

HM Revenue and Customs ensure the correct tax is paid at the right time, whether this relates to payment of taxes received by the department or entitlement to benefits paid www.hmrc.gov.uk

Independent Safeguarding Authority holds information on individuals working with children or vulnerable adults where they consider them to have caused harm or pose a risk of harm. Provide information on safeguarding issues www.isa-gov.org.uk

Information Commissioner's Office an independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals www.ico.gov.uk

NCVO offers information on every aspect of governance www.ncvo-vol.org.uk/governanceandleadership

Public Concern at Work (PCaW) an independent authority on public interest whistle blowing, offers advice to people with whistle blowing dilemmas and professional support to organisations www.pcaw.co.uk

UK Border Agency takes responsibility for securing the UK border and controlling migration in the UK. Considers applications for permission to enter or stay in the UK, and for citizenship and asylum www.ukba.homeoffice.gov.uk

Part 2 – Action Sheets

1. Relevant policies

See page 7

Action			
Review each of the following and tick when action is required:			
	Compulsory, Recommended, To consider	Potential Policy/Procedure/Insurance	Need to write/update policy, procedure, insurance
Engage with the general public	Recommended	Public Liability Insurance	
	Recommended	Health & Safety Policy/procedures	
	Recommended	Risk Assessment	
	Recommended	Recording Accidents	
	Recommended	Equality Policies/Procedures	
	Recommended	Data Protection Policy	
	Recommended	Document Retention Policy	
	Recommended	Business Gift Policy	
Vulnerable people	Recommended	Safeguarding Policies/Procedures	
Use vehicles	Compulsory	Vehicle Insurance (Check volunteer/staff personal cover is suitable if own transport is used)	
Employ people	Compulsory	Employers Liability Insurance	
	Compulsory if over 5 employees	Health & Safety Policy/procedures	
	Compulsory	Contract of Employment	
	Recommended	Personnel Handbook	
	Recommended	Job Descriptions/Person Specification	
	Recommended	Induction Procedures	

	Compulsory	Disciplinary & Grievance Procedures	
	Recommended	Risk Assessment	
	Compulsory if over 5 employees	Recording Accidents	
	Recommended	Equality Policies/Procedures	
	To consider	Whistle blowing Policy	
	To consider	Lone Worker Policy/Procedures	
Work with volunteers	Recommended	Public Liability Insurance	
	Recommended	Health & Safety Policy/procedures	
	Recommended	Personnel Handbook	
	Recommended	Job Descriptions/Person Specification	
	Recommended	Induction Procedures	
	Recommended	Supervision Procedures	
	Recommended	Risk Assessment	
	Recommended	Recording Accidents	
	Recommended	Equality Policies/Procedures	
	To consider	Whistle blowing Policy	
	To consider	Lone Worker Policy/Procedures	
Invest organisations funds (other than bank/building society accounts)	To consider	Trustee Indemnity	
Sell	To consider	Product Liability Insurance	

products/food on a regular basis	Compulsory if food is supplied on 5+ days within 5 consecutive weeks	Register with local Council (Exemptions apply)	
Provide information, advice and guidance	Recommended	Professional Indemnity Insurance	
Handle Finance	Recommended	Reserves Policy	
	Recommended	Cash Handling/Banking Procedures	
Hold events	To consider	Event Insurance	
	Recommended	Public Liability Insurance	
Take responsibility for a building	Recommended	Building & Contents Insurance	
	Compulsory if present	Lift hoist/dumb Waiter Insurance	
	Compulsory	Fire Certificate	

2. Buildings and contents insurance

See page 9

✎ Action - Make a note of	
Your lease conditions if you rent a building. Who is responsible for the buildings insurance?	
The reinstatement value of your building (the rebuilding cost not sale value). Does this need changing?	
The value of your contents insurance. Does this cover all the contents? Does it include Accidental Damage? Does it include portable equipment if used off the premises?	

Do other groups use your premises/equipment? Do they have their own insurance?	

3. Risk assessment

See page 11

✎ Action - Make a note of

The hazards you can identify as you walk around your workplace e.g. loose cables. Ask your colleagues/volunteers for their ideas:

Hazards that are associated with particular activities e.g. taking young people rock climbing. You may need to visit the site if your activity takes place at another site:

The groups of people that might be harmed. Who are they and how might they be hurt? Think about people with particular needs e.g. young children:

How serious the damage might be if an accident occurs:

The steps you have already taken to reduce the chance that the harm occurs or the seriousness of any harm:

The steps that need to be put into place to reduce the chance that the harm occurs or the seriousness of any harm. Include: the action that needs to be taken; the name of the person responsible for carrying out the action and the date it should be done by:

Your priorities. Deal with the hazards that have serious consequences first:

4. Reporting accidents

See page 12

✎ Action - Make a note of

Where you keep your organisation's accident book:

Is it accessible to all?

How often you review your accident book.

The contact details for the Health & Safety Executive or the Environmental Health division of your local council:

5. First aid

See page 12

✎ Action - Make a note of

Your current procedures:

The names of any qualified first aiders:

The names of any 'Appointed Persons' present during activities involving the general public:

The location of your first aid box:

Any actions you need to take:

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6. Lone working

See page 13

✏️ **Action - Make a note of**
The employees and/or volunteers who work on their own:
Any potential risks they face because they are on their own e.g. risk of violence from members of the public:
Line management arrangements e.g. who the staff member/volunteer reports to:
Any insurance implications:

7. Fire risks

See page 13

✏️ **Action - Make a note of**
Contact details for the fire service:
Is your organisation registered with the fire service?
Your fire risk assessment procedures:
Where is you current fire risk assessment held?
Where you keep your fire safety plan :

Is it up to date?
The date your fire safety equipment was last checked and certificated and when it will be checked next:
The guidelines you have for your staff, volunteers and visitors:
The date of your next electrical inspection:
Any actions you need to take:

8. Equality

See page 15

✎ Action - Make a note of

The date you last reviewed your Equality Policy:
Actions you need to take to ensure it complies with the Equality Act:
Who will be responsible for updating the policy:
The evaluation methods you use to monitor who uses your services:
Actions you need to take to involve underrepresented groups:

9. Safeguarding

See page 16

✎ **Action - Make a note of**
The date you last reviewed your Safeguarding Policy:
The names of CRB checked staff/volunteers: When does each CRB check need renewing?
The names of staff/volunteers cleared under the Vetting and Barring scheme:
Your safeguarding training schedule:

10. Volunteers

See page 17

Action – Check each item and make a note of any action	
Do you have?	**Action required**
Volunteer role descriptions	
Application forms for volunteers	
Reference request letters	
Induction procedures	
Regular appraisal meetings with volunteers	
Procedures for claiming expenses	

11. Employees

See pages 19 - 26

✎ Action – Check each item and make a note of any action	
Do you have?	**Action required**
Job descriptions	
Person specification for applicants	
Recruitment procedures	
Application forms	
Reference request letters	
Induction procedures	
Regular appraisal meetings	
HM Revenue and Customs registration	
A pay structure & knowledge of current minimum wage rates	
Absence procedures	
Systems to record the number of hours worked	
Disciplinary & grievance procedures	
Redundancy procedures	
A staff handbook	

Please note that the following workbooks are also available:

Third Sector Workbook 1 – Getting Going.

Third Sector Workbook 3 – Sustainable Funding.

Third Sector Workbook 4 – Robust Business Planning.

Third Sector Workbook 5 – Developing Your Budget.

Third Sector Workbook 6 – Marketing.

Third Sector Workbook 7 – Working with Volunteers.

If you require this information in another format, please contact 01768 840827 and we will do our best to meet your requirements.

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