



Governance Support Package

Produced in collaboration with SCVO



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People

People are the central resource for any voluntary organisation whether they are employees, interns, volunteers, or service providers. With the huge range of legislative requirements, it can often be a complex field for organisations to deal with. There are also a number of safeguarding considerations, please see the section on [broader organisational responsibilities](#) for these.

In addition to adhering to legislation in the United Kingdom it's important to respect national employment law in other countries where you are directly employing people.

Employing staff -recruitment and selection, contracts, disciplinary and grievance procedures, performance management

Employing staff requires keeping up to date with employment law and having the right policies and procedures in place. It can often be a complex field for organisations to deal with and it's important to get it right from the start. Check [guidance](#) on what you need to do as an employer before you take on staff. The Alliance offers [free legal advice to members via TrustLaw](#) a pro-bono service from the Thomson Reuters Foundation and SCVO member organisations can access their [free legal advice service](#).

Recruitment and selection

The recruitment and retention of staff can be crucial to the delivery of services or activities for your organisation. The recruitment and selection process can be a potential minefield of legislation and good practice, and if you get it wrong it can be time consuming and expensive. But there is help you can access, and templates available from [Business Gateway](#). Also check out the sources of advice at the end of this section for more information.

Recruitment should begin with your trustees [considering the duties that need to be covered](#), and the type of skills and experience required for the role. Think about how much your organisation can afford to pay, and have a look at what other organisations offer for similar roles on [Goodmoves](#) Scotland's charity and voluntary sector recruitment website.

Make sure that job adverts comply with [equalities legislation](#), don't discriminate against any potential applicants, and include acknowledgement of any funding your organisation has received for the post. Include the closing date for applications and the date you intend to interview applicants. Having a standard application form will ensure you receive the information you need and will make it easier to assess all applications fairly.

Consider all applications against the criteria set out in the person specification and make a short list of applicants to interview. To help keep the shortlisting impartial, involve more than one person, and use a scoring system. Do the same when interviewing and use an agreed set of questions for everyone. Once you have chosen who to offer the post to, make sure you make the [necessary checks](#) before formally offering them the job.

Contracts

You are legally required to give a [contract](#), or written statement of employment, to all paid staff who have been employed for at least a month. Having a [contract](#) in place helps to avoid any misunderstanding should things go wrong, and should include:

- 🕒 Name of employer and employee
- 🕒 Job title or brief description of the job
- 🕒 Start date
- 🕒 Salary/rate of pay* including how often and when
- 🕒 Hours and place of work
- 🕒 Holiday and sick pay entitlement
- 🕒 Notice period
- 🕒 Disciplinary and grievance procedures

The contract should be signed by the employee and reviewed on a regular basis.

* The [National Minimum Wage](#) is the minimum pay per hour almost all workers are entitled to by law. The [Living Wage](#) is an hourly rate which is set at a level which is based on the cost of living.

Disciplinary and grievance procedures

Your organisation should have agreed policies and procedures which staff are required to comply with. These should cover such issues as:

- 🕒 use of email, internet and social media
- 🕒 data protection
- 🕒 confidentiality
- 🕒 bullying and harassment
- 🕒 alcohol and drug use

Written copies should be given to employees with their contract as part of a staff handbook and covered as part of their induction training.

A clear disciplinary procedure is an important part of any staff handbook. It allows the employer to explain when improvement is required in an employee's conduct or performance and should set out clearly what constitutes gross misconduct in your organisation.

Similarly, an accessible grievance procedure is vital for employees who have a complaint about their work or workplace, or someone they work with.

The Advisory, Conciliatory and Arbitration Service (ACAS) [offers good practice advice](#) for dealing with discipline and grievances.

Volunteers - recruitment and selection, policy, payment

Volunteers may play an important role in your organisation. Make sure you know how to look after them and ensure that their volunteering is well managed and effective for everyone involved.

Recruitment and selection

Some organisations find it easier to recruit volunteers than others, but there is a lot of help available from your local volunteer centre and from [Volunteer Scotland](#) where you can access useful good practice guides and Scotland's biggest volunteer opportunity database which you can use to recruit volunteers.

When recruiting volunteers, it's important to have an interview process and to take up references. This is because volunteers may be in positions of responsibility, working with vulnerable people and dealing with the organisation's assets. If your organisation works with children or protected adults you may consider it appropriate to carry out [Protection of Vulnerable Groups \(PVG\)](#) checks on all volunteers. A good formal volunteer recruitment process can help impress upon a volunteer the importance of their role, and help them decide themselves whether they are suitable for the post.

Once recruited, it's vital to ensure that all volunteers are properly trained, supported and insured. Remember that it should be a reciprocal arrangement, and volunteers should benefit from their contributions in ways such as developing new skills sets or enhancing their CV. Providing support is not always straightforward, and sometimes volunteers will be working alone and dispersed. The times that they are available may not automatically coincide with the hours that staff work. Arranging support and supervision requires forethought and flexibility, and peer support can be important and useful to volunteers. Many people volunteer as a form of socialising and organising events that bring volunteers together can be useful for this.

Volunteer policy

As well as being responsible for paid staff, trustees are ultimately responsible for deploying volunteers effectively, so it's essential that you have a [volunteer policy](#) with a written statement of the aims and values of your organisation, and the role that volunteers have in it. Volunteers should know what they can expect from their volunteering, and what an organisation can expect from them.

Many voluntary organisations tend to assume that their volunteers have no legal rights, but this is a dangerous assumption to make. Depending on the degree of formality in the way in which volunteering is organised, volunteers can qualify for legal protection under employment law. Increasingly, volunteers are recruited under volunteering agreements that cover grievance and disciplinary procedures and equal opportunities. Whilst it is good practice to respect the contribution of volunteers in a formal way, you should be aware that the greater the degree of formality in the arrangement, the greater the chance of legal relations being created.

Nonetheless, it is still important to outline clearly, in writing:

- 🕒 the time commitment needed from the volunteer which should include the actual volunteering tasks and time for attending supervision and training
- 📄 a role description that gives a realistic picture of the tasks they will be expected to do
- 👤 the personal qualities and behaviour required
- 💰 your policy on expenses

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- 🕒 their investment in the organisation, scope for representation, etc.

If your organisation is sending volunteers overseas, your policy will need to cover additional things such as information about visas, insurance cover, healthcare provision and ethical photography etc.

Payment

Volunteering is an opportunity for people to give their time, energy and skills. No volunteers should be out-of-pocket as a result of their volunteering. Where someone incurs expenses as a direct result of their volunteering activities they should be reimbursed. This ensures that individuals are not excluded from volunteering on the basis of their income. Out of pocket expenses for volunteers may include:

- 🕒 travelling expenses
- 🕒 other subsistence costs – food and drink
- 🕒 any special clothing or tools
- 🕒 training
- 🕒 childcare

Organisations should ensure that they do not pay volunteers' expenses at a flat rate, regardless of the actual expenses incurred, as this greatly increases the chance that the relationship will fall within the scope of employment and discrimination law. Payment of out-of-pocket expenses to a reasonable level is legitimate and should not give rise to any tax liability, problems with benefits, or charity law.

Organisations should:

- 🕒 produce [detailed guidance](#) on claiming expenses for all volunteers
- 🕒 establish a system for reimbursing expenses which reflects the organisation's commitment to paying expenses as part of equal opportunities and enables volunteers to claim expenses without embarrassment
- 🕒 budget for volunteers' expenses.

Interns

There is no legal definition of an intern, however a good guideline is that interns should develop their professional skills and understanding of a profession by undertaking work of value for an employer.

Internships are short-term positions that offer mutual benefits to the host organisation and the intern. An internship provides a work-based learning opportunity for individuals who wish to develop hands-on experience in a certain occupational field. Internships should be clearly distinct from other opportunities that may be available in your organisation, such as work experience, apprenticeships or volunteering.

The Chartered Institute of Personnel and Development (CIPD) has produced a [useful guide to internships](#).

Additional sources of advice:

1. The [UK Government website](#) with a wide variety of advice notes on aspects of employment law including contracts; dismissal; health and safety; pensions; recruitment and benefits. There is no tailored individual advice line.
2. Scottish specific advice on employee's rights at work from [Citizen's Advice](#). This is generally written for employees rather than employers but is a useful resource.
3. The [Advisory, Conciliatory and Arbitration Service \(ACAS\)](#) provides online advice for many areas of employment law as well as a conciliation service. They also provide an automated advice service which can provide more tailored advice for your enquiry.
4. The [Chartered Institute of Personnel and Development \(CIPD\)](#) is the world's largest Chartered HR and development professional body. While membership based, they provide good online HR resources including some standard HR policies.
5. The [Health and Safety Executive in Scotland](#) and the related HSE UK website provide a number of advice notes on good, legal practice in ensuring employees' health and safety. They provide risk assessments for a variety of workplaces.
6. The [Equality and Human Rights Commission in Scotland](#) provides legal updates, advice and the standard Codes of Practice for equal pay, employment and services, as well as technical guidance on how they are applied.
7. The [Information Commissioner's Office](#) provides information on how to comply with data protection legislation.
8. [HMRC](#) provides information on tax, National Insurance, National Minimum Wage, etc.



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