

Section 6
Politics & Procedures, Insurance and working with Children and
Vulnerable Adults

6.1 Formally Adopt Policies

What are Policies?

A policy is a written statement of intent for carrying out your group's work. It provides basic guidelines for ensuring that a quality system, to cover all aspects of your activities, is in place.

Without written policy and procedure documents, the quality of your service will fall largely to the individual efforts and commitment of staff or volunteers, rather than an approach which has been considered, planned and agreed by your organisation as the framework within which your group will operate. Policies and procedures will provide a baseline of what is expected from individuals associated with your group and of how your activities will be delivered, taking into account any relevant legal requirements. They will also demonstrate to the community that your group is operating according to good governance.

Characteristics of good policies:

In writing your policy documents, it is important to think about the areas of your work and to write policies, in accordance with your group's needs, that will help you to run your organisation well. It is important also that your policies deal with the future of your group, rather than reacting to a current 'crisis', although an emergency situation often provides the motivation for drafting a policy document. Before you start to write a policy, it is important to consult your staff (if applicable), volunteers and service users and actively encourage feedback.

The overall goal for any policy document is for the design to be simple and straightforward in terms of language, consistent and easy to use. The language should be concise and factual – minimum is better. There should be no language that will be outdated quickly, for example people's names or dates, rather titles (e.g. Chair) should be used. Policy statements should address 'the rule' rather than how to implement the rule and they should be stored in an accessible place so that they are readily available to staff/volunteers and the general public. It would be advisable for your group to keep a separate policy file, where all your policies and procedures can be stored, so that you will be able to access them if they are needed to support a funding application or for the induction of new volunteers.

Components of policy documents:

1. Policy Title: the title should be carefully selected so that it clearly conveys the content of the policy. It should also show the date from which the policy takes effect.
2. Policy Statement: this should be a concise statement outlining the rationale for the policy.
3. Detailed Policy Statement: this is the main body of your policy document and, as such, it should be a complete statement of the policy content.
4. Applicability: this section outlines who the policy applies to and what the implications are if the policy is not adhered to.
5. Definitions: any terms used should be clearly defined in this paragraph.
6. Policy Responsibility: this section should outline the title of the individual who will assume responsibility for overseeing the implementation of the policy and who should be contacted if there are any difficulties.

7. References: this paragraph should outline all the information relating to any other policies which may be related to this one, particularly if there is a related procedures document.

Alongside policy documents, many groups find it useful to draft some procedures documents. While the policy documents state what should be done (the rules), procedures outline how the policy will be implemented. Good procedures are linked to policies and will clearly outline how the group's goals will be achieved.

Components of Procedures Documents:

1. Procedures Title:
2. Overview: this section will describe the objectives, functions and tasks that the procedure is designed to accomplish.
3. Details: this is the main body of the procedures document and should clearly outline a step by step checklist of what needs to be done. This section is, in effect, the 'how-to' information.
4. Areas of Responsibility: this paragraph should list the individuals/titles for those who will have day to day responsibility for the control and co-ordination of the procedure.
5. References: this section lists the policies that the procedures are linked to.
6. Resources: the final section should outline any further sources of information that are relevant to supporting the implementation of the procedures document – i.e. sources of specialized training or contact details for other networks.

Some policies and procedures that groups might want to consider developing, in relation to operating within a good practice framework, are listed below. We have also given a link to up to date guidelines:

- Governing document – A Constitution
- Child/Young People Protection Policy
- Vulnerable Adults Protection Policy
- Complaints Procedure
- Confidentiality Policy
- Equal Opportunities policy
- Financial Procedures
- Health and Safety Policy
- Personnel Policies
- Record Keeping and Information Sharing Policy
- Volunteers Policy
- Fraud Policy
- Working Alone Policy
- Environmental Policy
- Data Protection Policy
- Recruitment Policy
- Work Life Balance Policy

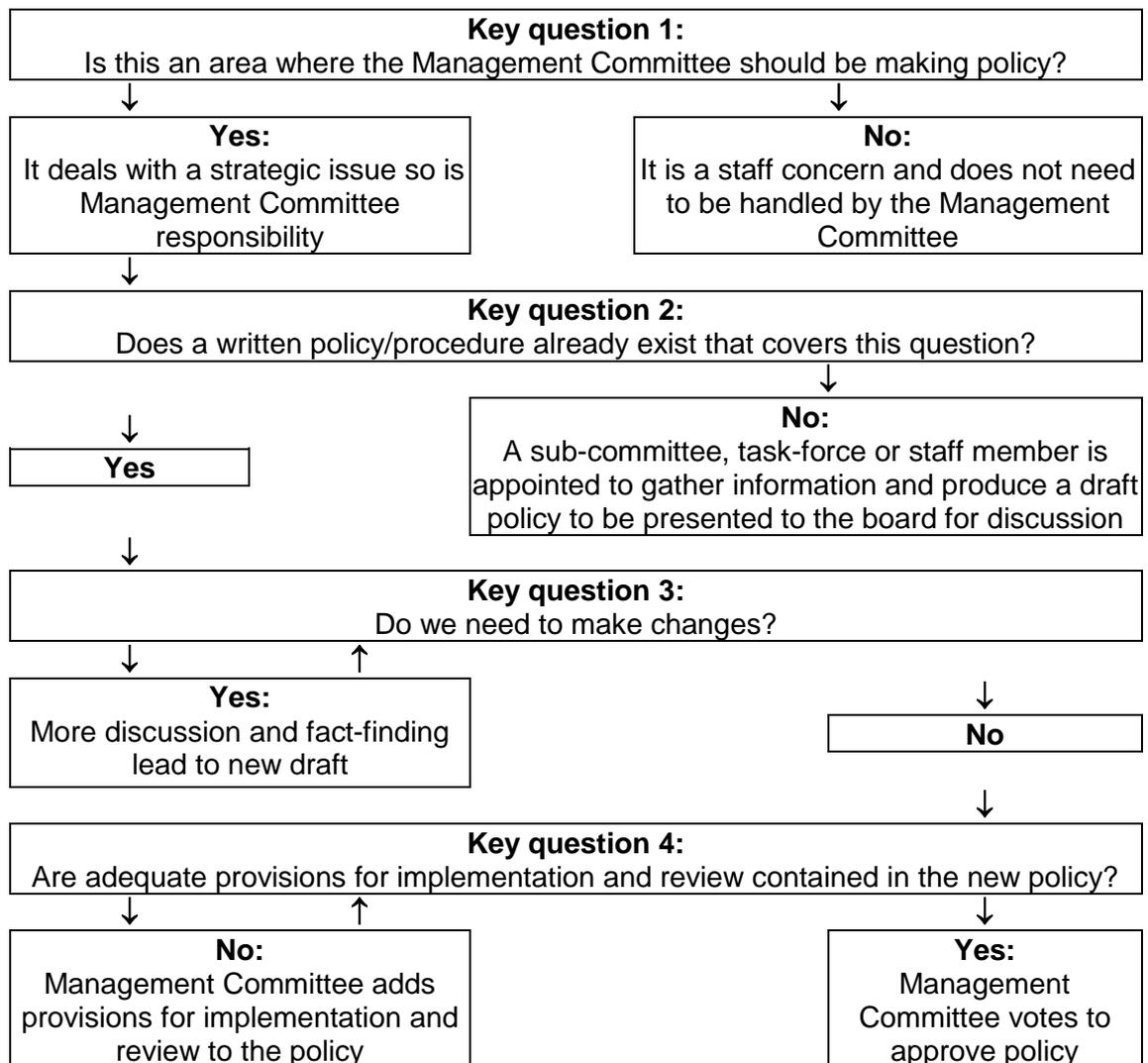
This is a guide only and it is not expected that every community association will need all of the policies and procedures listed above. Also, there may be others that are specific to your organisation's work. However, what is important to remember is that any policies and procedures developed must be able to be used as working documents, rather than sitting on a shelf.

Approving Policies

When your policy and procedures documents have been written, the management committee should approve all final drafts. These should all be signed and dated by at least two office bearers from the committee and they should be reviewed on a regular basis to take changing social and legislative contexts into consideration.

Flowchart:

The Management Committee's Role in Policy Development¹



Source: NCVO, "The Good Trustee Guide", 2003.

¹ Source: NCVO, "The Good Trustee Guide", 2003.

Stages in policy development²

The following steps summarise the key stages involved in developing policies:

1. Identify need

Policies can be developed:

- In anticipation of need (e.g. child protection policies should be in place once an organisation starts to work with children or young people); and
- In response to need (e.g. a policy on a government strategy may be developed once proposals are published).

The organisation needs to constantly assess its activities, responsibilities and the external environment in order to identify the need for policies and procedures. (More on what policies you need to develop).

2. Identify who will take lead responsibility

Delegate responsibility to an individual, working group, sub-committee or staff members, according to the expertise required.

3. Gather information

Do you have any legal responsibilities in this area? Is your understanding accurate and up to date? Have other organisations tackled the same issue? Are there existing templates or examples that you could draw on? Where will you go for guidance?

4. Draft policy

Ensure that the wording and length or complexity of the policy are appropriate to those who will be expected to implement it.

5. Consult with appropriate stakeholders

Policies are most effective if those affected are consulted are supportive and have the opportunity to consider and discuss the potential implications of the policy. Depending on whether you are developing internal or external policies, you may wish to consult, for example:

- Supporters;
- Staff and volunteers;
- Management Committee members; and
- Service users or beneficiaries.

6. Finalise / approve policy

Who will approve the policy? Is this a strategic issue that should be approved by the Management Committee or is the Committee confident that this can be dealt with effectively by staff? Bear in mind that, ultimately, the Management Committee is responsible for all policies and procedures within the organisation.

² <http://www.diycommitteeguide.org/article/how-develop-policies-and-procedures>

7. Consider whether procedures are required

Procedures are more likely to be required to support internal policies. Consider whether there is a need for clear guidance regarding how the policy will be implemented and by whom. (e.g. a policy regarding receiving complaints will require a set of procedures detailing how complaints will be handled). Who will be responsible for developing these procedures? When will this be done? What will be the processes for consultation, approval and implementation?

8. Implement

How will the policy be communicated and to whom? Is training required (for internal policies)? Should the organisation produce a press release (for external policies)?

9. Monitor, review, revise

What monitoring and reporting systems are in place to ensure that the policy is implemented and to assess usage and responses? On what basis and when will the policy be reviewed and revised (if necessary)?

The need for Policy Development

The need for policy development needs to be kept under constant review. Organisations need to consider both internal and external policies required by the organisation.

- complies with its legal responsibilities;
- is able to demonstrate effective management and accountability;
- provides clear guidelines for those involved in running activities; and
- establishes clearly its beliefs, positions or values, helping to ensure that these are supported through its activities.

Even when there are no staff and the Management Committee carry out the day-to-day work, there is still a need for written policies to govern the organisation's operations.

Remember, every policy decision made by the Management Committee should be designed to help the organisation realise its mission (core purpose) and help it to operate more effectively.

Groups can keep up to date with changes in the law, by referring to other sources such as NICVA's Staff Handbook³ (for an up to date example of staff terms and conditions) or to the Labour Relations Agency⁴ (comprehensive guidance and advice on good practice for employers in Northern Ireland).

This includes guidance is detailed in a series of 9 Sections as outlined below. There are also a series of appendices which detail current up to date guidance on employment issues as well as a series of draft policies.

³ <http://www.nicva.org/publications/nicva-staff-handbook> - NICVA

⁴ <http://www.lra.org.uk/> - Labour Relations Agency

Section 1: Employment⁵ – employment, recruitment, service, secondment and job share within which there are subsections relating to the following:

- Equal Opportunities Policy
- Guidelines for Volunteers
- Guidelines for Student Placements
- Training for People with Disabilities
- Induction
- Secondment Policy and Procedure and
- Job Sharing Policy and Procedure

Section 2: Superannuation⁶ - Salaries and pensions

Section 3: Work Life Balance Policy⁷ - Place and hours of work, annual leave and special leave within which there are subsections relating to the following:

- Staff Working Hours
- Time off for Dependents (Carers' Leave)
- Compassionate Leave
- Paternity, Parental and Adoption Leave
- Maternity Leave and Pay
- Sick Leave and Allowances
- Additional Special Leave
- Career Break Policy
- Flexible Working – The Right To Request

Section 4: Staff Development and Support⁸ - Supervision, appraisal and staff development within which there are subsections relating to the following

- Supervision
- Appraisal
- Staff Development and Training Policy
- Staff Training Application Form
- External Courses for NICVA Staff
- Staff External Training Application Form
- Staff Development/Training Evaluation Form

Section 5: Travel and Subsistence⁹ - Travel and subsistence allowances

Section 6: Conduct and Discipline¹⁰ - Harassment, grievance and discipline within which there are subsections relating to the following:

- Harassment in the Workplace
- Dignity at Work
- Grievance Procedure
- Disciplinary Procedure
- Examples of Offences Attracting Disciplinary Action

⁵ <http://www.nicva.org/sites/default/files/Section%201%20-%20Staff%20Handbook%20Nov%2007.pdf>

⁶ <http://www.nicva.org/sites/default/files/Section%202%20-%20Staff%20Handbook%20Nov%2009.pdf>

⁷ <http://www.nicva.org/sites/default/files/Section%203%20-%20Staff%20Handbook%20Nov%2007.pdf>

⁸ <http://www.nicva.org/sites/default/files/Section%204%20-%20Staff%20Handbook.pdf>

⁹ <http://www.nicva.org/sites/default/files/Section%205%20-%20Staff%20Handbook.pdf>

¹⁰ <http://www.nicva.org/sites/default/files/Section%206%20-%20Staff%20Handbook.pdf>

- Examples of Offences Which Can Lead to Summary Dismissal or Suspension Followed by Dismissal

Section 7: Termination of Employment¹¹ - Retirement, notice of termination of employment and redundancy within which there are subsections relating to the following:

- Redundancy Policy

Section 8: Health and Safety¹² - Health and safety at work, fire and evacuation procedure, policy on smoking, occurrence of alcohol and drugs problems, HIV infection and VDUs within which there are subsections relating to the following

- Health and Safety Policy
- Fire and Evacuation Procedure
- Smoking Policy
- Alcohol and Drugs Problems Policy
- HIV and AIDS Policy
- VDUs

Section 9: General Employment Issues¹³ - Confidentiality, personnel records, Trade Union membership and new technology within which there are subsections relating to the following:

- Road Safety
- Data Protection policy
- Computer policy
- Acceptable Use Of NICVA's Laptop/Mobile Devices
- Acceptable Use Of NICVA's ICT Facilities
- Environmental waste policy

Section 10: Miscellaneous¹⁴ – References, gifts and membership of boards and committees

¹¹ <http://www.nicva.org/sites/default/files/Section%207%20-%20Staff%20Handbook%202011.pdf>

¹² <http://www.nicva.org/sites/default/files/Section%208%20-%20Staff%20Handbook.pdf>

¹³ <http://www.nicva.org/sites/default/files/Section%209%20-%20Staff%20Handbook.pdf>

¹⁴ <http://www.nicva.org/sites/default/files/Section%2010%20-%20Staff%20Handbook.pdf>

6.2 Completing a risk assessment¹⁵

This section of the report is taken from NICVA Advice Note 13 – Risk Assessment – February 2010.

Risk Assessment

A risk assessment is a careful examination of what could potentially cause harm to people. It involves identifying the hazards present and then evaluating the extent of the risk they pose. By carrying out a risk assessment, it should be easier to assess whether or not enough precautions have been taken to reduce the potential risk and assess whether or not more controls are needed to prevent harm.

Five steps of risk assessment:

1. Identify Hazards

A HAZARD is anything that can cause harm, a RISK is the chance, high or low, that somebody will be harmed by the hazard.

Draw up a preliminary checklist of all significant hazards:

- Walk around the workplace, venue, grounds, etc, and look at what could reasonably be expected to cause harm.
- Ask employees, volunteers or users for their help in identifying hazards, bearing in mind that some hazards may seem familiar and some individuals may not be aware that they can cause harm.
- Look in the accident book as a guide to risks that individuals have already been exposed to

An example of a preliminary checklist for an office:

Hazards and Issues to consider:

Display screen equipment

- Level of use, comfort of staff, training

Electrical equipment

- Visual checks, routine maintenance

Fire

- Means of escape, fire alarm and fire fighting, housekeeping, storage, smoking

Slips, trips, falls

- Maintenance, housekeeping, training

Others

- Toilets, temperature, welfare.

Once you have identified the hazards, then you need to look at associated issues that need further consideration and think about the people who might be harmed.

¹⁵ <http://www.nicva.org/sites/default/files/Advice%20Note%2013%20RiskAssessment.PDF>

2. Identify people who may be harmed and how

It is not necessary to identify individuals by name, think about groups of people. Bear in mind that the following groups are especially at risk:

- Young New employees/volunteers
- Pregnant
- Inexperienced volunteers/employees
- Disabled
- Lone workers
- Contractors
- Maintenance workers
- Visitors
- The public

3. Analyse Risk

Now that you have identified all the significant hazards, consider how likely it is that each hazard could cause harm and determine the likelihood and severity of the risk.

Likelihood

- High – ‘certain or near certain’
- Low – ‘seldom’

Severity

- Major – ‘death, major injury, etc’
- Minor – ‘all other injuries, illness’

Likelihood: rating system

Some people tend to put too much emphasis on the likelihood of a risk; they should also consider the severity of the risk.

- Rating 1 = Low
- Rating 2 = Moderate
- Rating 3 = High

Severity

The biggest risk is NOT the hazard that may happen most frequently.

- Rating 1 = Minor
- Rating 2 = Serious
- Rating 3 = Major

Risk rating and priority

In the example of the paper cut the risk rating is 2 which is a low priority action as can be seen from the figures below.

- 1 = No action, low priority
- 2 = Low priority action
- 3 and 4 = Medium priority action
- 6 = High priority
- 9 = Urgent action

The only value of attributing a number is to help to assess the greatest risk.

Calculating risk

Multiply likelihood and severity. For example, the likelihood of office staff getting a paper cut is moderate but the severity of it would be minor, therefore in order to find the risk rating multiply 2 by 1 which gives you 2. If it is a high risk, then it is a high priority.

When assessing the likelihood remember to take into account any actions already in place to reduce risk, i.e. warning signs, protective covers, etc also the number of people exposed to the hazard.

The risk is the chance or likelihood what someone will be harmed to some extent by the hazard.

Numerical Risk Evaluation

Multiply the Likelihood and Severity.

Severity	Multiplied	Likelihood	Risk
Major -3	X	Highly Likely -3	= 9
Serious – 2	X	Likely -2	= 4
Minor -1	X	Unlikely -1	= 1

1 = No Action, Low Priority	2 = Low Priority Action
3 = Medium Priority Action	4 = Medium Priority Action
6 = High Priority	9 = Urgent Action

Evaluate risk

When evaluating the risk, consider existing precautions in place:

- Do they meet the standards set by legal requirements?
- Do they comply with industry/organisation standards?
- Do they reduce risk so far as is reasonably possible?
- Do controls work in practice, are the procedures being followed?
- Do they represent good practice?
- Do you provide sufficient information and/or training?

If the risk is not adequately controlled, then draw up an action list of further controls or precautions needed.

Risk control hierarchy

You should use the following hierarchy to eliminate/minimize risk e.g. if it is not possible to eliminate hazard at once, you should reduce the hazard and so on down the hierarchy

- Eliminate hazard at source
- Reduce hazard at source
- Remove person from hazard
- Contain hazard by enclosure

- Reduce employee exposure
- Change systems of work
- Personal protective equipment (PPE) - if you can't reduce the risk, protect against it.

Inform other individuals and/or organisations about any risks your work could cause them and precautions being taken.

4. Records

You are required by law to keep a written record of the risk assessment if you have five employees or more and tell employees about the findings. However, it is recommended that all risk assessments should be written down, not only for good practice but also as the insurance company will ask for it in the event of a claim against your group.

The written risk assessment should be suitable and sufficient if it shows that:

- A proper check was made.
- You asked who might be affected.
- You dealt with all the obvious significant hazards, taking into account the number of people who could be involved.
- The precautions are reasonable and the remaining risk is low.

5. Review

When reviewing the process, you need to consider:

- Does it work?
- Has it been effective?
- Is it up to date?
- Circumstances could change...

There could be a situation where one risk may conflict with another risk e.g. a health and safety precaution may override an equality consideration.

Need to decide/consider:

- Who will take action and when.
- How to inform employees, volunteers, etc.
- Effectiveness of control measures.
- Review for new hazards.

For Further Information, please contact:

NICVA Governance and Charity Advice Service
61 Duncairn Gardens
Belfast
BT15 2GB

All of NICVA's advice notes, as well as the most up to date information about the implementation of company and charity law, can be downloaded from www.nicva.org

NICVA's governance and charity advice staff can deliver specialised training on Assessing and Managing Risk.

Further Information and Reading

The Health and Safety Executive for NI

Tel: 028 9024 3239

Website: www.hseni.gov.uk

The Health and Safety Executive

Website: www.hse.gov.uk

Environmental Health Department, Local Council Offices

www.diycommitteeguide.org

6.3 Insurance Policies

Insurance Policies¹⁶

This information has been taken from NICVA Advice Note 12 - Insurance Information – August 2009

Unfortunately for many organisations, insurance only becomes an issue when something goes wrong. Seeking adequate insurance is a vital stepping stone in the setting up and development of an organisation. It is essential that all organisations protect their assets and liabilities by having adequate insurance cover. Insurance is an on-going issue and should be reviewed on a regular basis by the management committee.

The voluntary and community sector is diverse – not all organisations are the same. They carry out different activities with different degrees of risk. Organisations may therefore require different insurance policies. It is recommended when seeking insurance to ‘shop around’, obtaining alternative quotations from insurance companies. It is useful to consult with a qualified insurance broker to ensure that adequate and affordable insurance has been obtained. If an organisation fails to obtain appropriate insurance cover, then individuals within the organisation could be potentially liable.

Insurance brokers will advise and inform organisations what insurance is needed to cover their particular work activities. In an attempt to help groups obtain the necessary cover, NICVA in conjunction with Marsh UK has arranged to provide an insurance scheme tailored to the needs of the voluntary and community sector in Northern Ireland.

The scheme will automatically provide the following cover:

- Employers' liability
- Public liability to cover your liability to employees/volunteers/members of the public
- All risks insurance on office contents and equipment. This can be further extended to cover buildings
- Increased costs of working following loss/ damage at the premises
- Loss of cash.

The following insurances are also available at preferential rates – professional liability/ directors and officers/ trustees' liability / legal expenses/ travel/ minibus.

Some of the insurances you might need will include:

- Employer's liability insurance: All organisations which have employees are required to take out insurance. You must have your insurance certificate displayed in your office.
- Public liability insurance: This insurance policy covers injury, loss or damage to a person due to a project's negligence and accidents. The policy needs to

¹⁶ <http://www.boardmatchni.org.uk/wp-content/uploads/2012/08/Insurance-information.pdf>

cover all people involved in your work: e.g. workers, volunteers, clients and committee.

- Trustees Indemnity Insurance:
- Buildings Insurance: (depending on your lease) protects your building.
- Contents insurance: protects all your equipment.
- Vehicle insurance: protects drivers and vehicles.
- Events Insurance: Protects you when you are organising or running an event.

Arranging insurance can be difficult so make sure you take advice relating to your group's specific needs. In Northern Ireland, there are insurance companies which work specifically with smaller community organisations and which can offer specially negotiated competitively priced rates. It is also a good idea to get at least two quotes before making your decision.

It is good practice to assign an individual in the management committee or a member of staff to oversee the issue of insurance for the organisation and to be the main point of contact with the insurer/broker and to report back to the committee. This may avoid overlapping and confusion. The individual may be given additional responsibilities such as:

- Establishing the insurance requirements of the organisation.
- Ensuring that the committee makes a clear decision regarding the terms and extent of the organisation's proposed insurance cover.
- Purchasing the insurance for the organisation.
- Ensuring that the committee carries out regular reviews of the activities, services and equipment used in case further insurance cover is needed.
- Renewing existing policies before they expire.
- Informing the management committee/ managers of insurance issues.
- Taking responsibility for the risk management within the organisation.

Insurance should be put on the agenda for the Annual General Meeting and all individuals within the organisation should be aware of:

- Insurance policies and the insurer for each policy, if applicable.
- Details of the insurance costs, risks that are covered under the policies and confirmation of any payments by insurer.
- Activities or assets that are excluded from insurance cover.

The management committee, as well as staff and employees, is responsible for minimising the risk of liability. All need to ensure that they adhere to legislation that can affect their insurance (for example, health and safety requirements), operate working procedures which minimise risk, and issue clear instructions for the action to be taken in the event of an emergency.

Insurance Policies

“An insurance contract contains an agreement by the insurer to provide, in exchange for a set insurance premium, agreed upon benefits to a beneficiary of the contract upon occurrence of specified uncertain or contingent future events affecting the life or property of the insured party i.e. a transfer of such risks”, quotation from paragraphs 17 and 25 of the IASC Insurance Issues Paper, Features of Insurance Contracts.

Employers' liability insurance

Whether your organisation is an unincorporated or incorporated organisation, **employers' liability insurance is compulsory whenever individuals are employed to work** within an organisation - it is a legal obligation under the Employers' Liability (Compulsory Insurance) Act 1998. An employer is responsible for the health and safety of employees whilst at work.

When obtaining employers' liability insurance for a voluntary organisation, be sure to purchase insurance that covers employees, volunteers and trustees, as not all employers' liability policies automatically cover these categories. Remember to include temporary, part-time employees, casual staff, trainees and those placed on government schemes.

Employers' liability insurance covers an organisation if an employee has an accident or is injured at work, or becomes ill. The employee has the right to claim compensation for death or injury, if accidents or injuries occur as a result of negligence or misconduct of the organisation or staff or volunteers employed by the organisation.

In order for an organisation to pay compensation, an insurance policy must have been obtained, i.e. employers' liability. If this is not the case, a claim can be made against the management committee. They will be held liable and both they and their organisation are potentially at risk of financial difficulty.

A certificate of employers' liability insurance must be displayed in the workplace so that employees can read it at any time. An employer can be fined £2,500 for each day it does not have insurance for an employee, according to the Employers' Liability (Compulsory Insurance) Regulations 1998.

Public liability insurance

Public liability or third party insurance is a policy which is essential when working within the community. The policy protects an organisation from claims made by the public for death, injury, loss or damage to property due to negligence or misconduct of the organisation or staff employed by the organisation. The policy covers anyone who (for whatever reason) has contact with the organisation and its premises - usually the general public.

All organisations which have premises which are open to the public should have public liability insurance in force. It is required by the majority of funding bodies. Public liability insurance is often combined with other policies such as employers' liability or building and contents insurance. An organisation should agree a list with the insurer to confirm what activities, etc, are covered within the insurance policy. Regular review of the policy is needed especially if an organisation decides to hold a special event that requires additional cover to that covered in the original public liability insurance document.

Some public liability policies may automatically exclude for example, damage to or loss of property in car parks or reception areas. The public should be made aware of this through a disclaimer notice. It is advisable to seek legal advice when doing this, as particular wording needs to be used. When a claim is made of negligence, misconduct or breach of duty must be acknowledged or proven for a claim to become valid. Public Liability insurance covers against the risk of the management committee potentially being held liable and putting the future of the organisation at risk.

Buildings insurance

If an organisation leases or owns a building, it will need to be insured against damage by fire and 'other perils'. Many leases contain a clause which requires the holder of the lease to insure the building. It is vitally important to get adequate cover so that if the worst happens and a building needs to be completely rebuilt, the replacement cost (not just the market value) of the property will be covered by insurance. The replacement cost should include demolition and site clearance, architects' and other fees, building costs and any VAT which may be payable. It is sensible to get a quantity surveyor to estimate the cost of rebuilding an entire building at current prices.

Cover should be reviewed regularly to make sure it is still adequate. 'Other perils' in the context of buildings insurance covers damage which is likely to occur and is not usually costly e.g. storm, flood, burst pipes, accidental and malicious damage.

Not all buildings insurance covers land, roads, pavements, ridges, etc, which can be damaged by, for example, fire or flood. This should be taken into consideration when buying the policy.

An organisation should also consider additional costs which will be incurred if the building cannot be used. This can be covered by consequential loss insurance.

Events Insurance

Whether it is a Saturday afternoon jumble sale, or a prestigious concert, events insurance is designed to help things go smoothly. A lot of hard work goes into the planning and organising of fundraising events. As well as fundraising, there are other, often equally important effects of these activities. Raising the awareness of the public is invaluable, and can result in long-term benefits for the group, as can the community spirit, which can grow and gain strength when a community comes together in a common cause.

With all the care and hard work that it takes to organise an event, everyone worries that there may be a hitch and something could go wrong. Arranging adequate event insurance, will give the group peace of mind that this won't happen. This type of insurance could be for a single large event, or the group could opt for annual event insurance if it holds several smaller functions throughout the year.

Things to be considered in the risks assessment include:

- cover for money or theft of equipment and cancellation,
- cover for the risks of holding an event outside and the potential disruption from adverse weather conditions
- cover for a key speaker who has cancelled and ticket sales have to be refunded.

Incidents of this type can prove disastrous to any group, so it is important that the right cover is sought and professional advice should be sought in this regard.

Consequential loss insurance

Consequential loss insurance covers a situation where, for example, an organisation wants to ensure that it will have a place to house its activities and staff while the building is being rebuilt as a result of damage. Also, if the organisation suffers from having to temporarily suspend fee-paying activities such as educational courses, this will be covered under consequential loss insurance.

The insurance policy will provide for the loss of income until the organisation is up and running again. It will also provide cover for additional costs such as temporary renting of a building and additional expenses to carry on activities provided by an organisation.

A period of time should be specified within the policy to ensure that expenses, etc, are covered while refurbishments or rebuilding takes place. The usual period is six or twelve months.

Contents insurance

Contents insurance covers damage or loss of property. It is important to make sure the cover is adequate to meet the cost of replacing any equipment, machinery and other items stolen, lost or damaged, including those damaged by fire.

With contents insurance it is important to check precisely what is covered and it is strongly recommended that the insurance is arranged on an 'all risks' basis which would include cover for theft and accidental damage.

Make sure the contents of your premises are adequately valued and that the amount of cover is increased to reflect the contents. It is best to take a 'new for old' clause in the contents insurance policy. This means if a three year old computer is damaged or lost in a fire, a brand new one will replace it (as long as the contents have been accurately valued). Exclusions and limitations within the policy should be clearly identified so that you know what you are insured for. This insurance should also cover loss of cash – including money on the premises/in transit and in the homes of authorised staff/ volunteers.

What types of insurance might be needed?

It is important that you seek appropriate advice on both the type and level of insurance cover that you may require recognising that all insurance policies, even those offering 'comprehensive' or 'all risks' cover, will contain certain exclusions or limitations in terms of the cover provided. So it is important to understand what your policies do or don't cover. If in doubt, check the detail with your insurance company.

Hired premises/contractual liabilities

Many public liability insurance policies exclude contractual liabilities (such as those arising from hired premises). It is vital when hiring premises that the two parties involved clarify, in writing, who is responsible for the insurance in the instance of damage to the property, including fire damage, damage or theft of the contents of the premises and public liability. Conditions of hired premises insurance should be discussed and agreed between insurers and the hirer. Responsibility for potential liabilities must be clear to all parties involved, i.e. a list of potential risks. If a group is to arrange its own cover, the organisation from which the premises is being hired should take certain steps to ensure that the cover has been confirmed and have the group's name included as joint insured. This can be time consuming and complicated. The insurance broker can provide advice here.

Personal accident insurance

If the management committee, an employee, or a volunteer has an accident in the course of their business while working on behalf of a voluntary organisation, this will only be covered by employers' liability or public liability insurance if there has been negligence on the part of the organisation. Personal accident insurance covers accidents arising irrespective of negligence. In other words the claim is not against an individual.

A person claiming on this sort of policy will receive a sum of money to compensate for his/her injuries and the incapacity resulting from the accident. In the event of death, next of kin will receive a payment. The injuries would have to be of a disabling nature and are defined in the policy.

Professional/personal indemnity insurance

A voluntary organisation which provides advice and information (either written or oral) to members of the public could be liable if it gives incorrect information to a person and, as a result, financial loss is suffered by that person. This also applies to free advice given through helplines. An advisor may even be liable in a situation where advice is passed on by a recipient (without the advisor's knowledge) to others. Professional indemnity insurance covers this type of risk. It also gives protection against defamation, breach of copyright, confidentiality and loss of documents.

Organisations providing advice or information should take reasonable care that the advice given is correct. Evidence of this would be helpful in defending a claim. A written notice stating that the advice and information provided may not necessarily be correct and should not be relied upon should be advertised. This is known as a disclaimer notice.

Included in the professional indemnity insurance policy is protection against claims due to injury, loss or damage as a result of incorrect or inaccurate information, negligence or misconduct. It is advisable to discuss the nature of your organisation with your insurance broker/ company, listing all the activities and services provided by the organisation. They will advise you if professional indemnity insurance is appropriate.

Legal expenses insurance

Getting legal advice in a dispute can be costly, even if the outcome is one where your organisation is cleared. Legal expense insurance covers solicitors' and barristers' fees, court attendance allowances and opponent costs in contract disputes, property disputes and unfair dismissal disputes. Legal expenses insurance protects an organisation from any legal fees incurred as a result of employment law, health and safety claims, etc.

Other insurance policies may include legal expenses. However, care must be taken to assess the terms of such cover in that policy. If the policy does not include this type of cover, an organisation should consider whether they want to purchase this policy. Organisations which provide high risk activities or which work with children or vulnerable groups within the community should especially consider purchasing legal expenses insurance.

Trustee indemnity insurance

In law, people on the board of any organisation are 'trustees' and have certain legal duties and standards to uphold. Trustees (even in a charitable company) can be made personally liable for breach of trust. This can arise if, for example, the trustees fail in their duty of care to act as reasonable and prudent businessmen and women and, as a result, cause a loss to the organisation.

Trustee indemnity insurance (also called trustee liability insurance, or directors' and officers' insurance) may be paid out of the funds of an organisation to protect the board as far as possible from personal loss or bankruptcy as a result of a breach of trust, or a breach of duty as a trustee or company director.

However, trustee indemnity insurance does not protect trustees from all risks of this kind. For example, the insurance will not cover any fraudulent or dishonest behaviour acts which the trustee knew to be a breach of trust or duty, or any act committed in reckless disregard of whether it was breach of trust or not. In non-charitable companies or industrial and provident societies, trustee indemnity insurance may cover a wider range of acts including acts such as 'wrongful trading' or acts where the directors did not take advice. This would include situations where trustees allow the organisation's funds to be used for purposes outside the organisation's objects and powers, provided they genuinely had reason to believe the purposes were within the objects and powers. Similarly the trustees may be covered if they allow the funds of the organisation to be used for political purposes outside the boundaries permitted by charity law provided they genuinely believed their actions were correct, or had been so advised. Finally, trustees who cause loss to their organisation through poor investments may be covered, provided they had taken the proper advice and acted prudently.

Fidelity insurance

This protects organisations which experience theft or dishonesty by volunteers, employees or board members. It provides cover (up to an agreed limit) for fraud or dishonesty of staff and could be extended to include board members or volunteers.

Motor insurance

Where an organisation owns or operates motor vehicles, they must comply with the provisions of the Road Traffic Acts, which make it compulsory to have insurance against third party injury and property damage. It is usually advisable to arrange comprehensive motor insurance – which in addition to the requirement of the Road Traffic Acts also covers loss by fire, theft and collision damage to the charity's vehicles. If trustees, employees or volunteers are using their own vehicles for the purposes of the organisation or on the business of the organisation, it is important to ensure that the insurance held by the owner of the vehicle extends to such use. Insurers need to be advised of this use. There are special requirements in respect of minibuses used to transport people on a hire or reward basis and the organisation's insurance brokers should be able to give advice on this.

Travel insurance

If the organisation is arranging trips outside of the country, then it is advisable to arrange travel insurance protection. Such insurance will provide cover for accidents, medical expenses incurred, loss or damage to baggage/cash, cancellation/curtailment costs and personal liability of the individuals. The medical expenses cover is particularly important whilst on trips outside of the UK and the limits for this should be adequate.

Refurbishment/renovation work at premises

When major refurbishment/renovation work is being undertaken at the premises, there are insurance issues which arise. The insurance of the contractor should be checked out to ensure that it is adequate for the work being undertaken. Contract conditions should be checked out to establish who is responsible for insuring contract works/materials/existing structures and contents. The organisation may be required to take out a specific contract works policy for the duration of the contract. In addition, the existing insurers would need to be advised of such work as a normal buildings/contents policy would not cover loss/ damage caused whilst such contracts are being carried out.

Using external facilities such as outdoor pursuits centres It is common for organisations to arrange trips to facilities such as outdoor pursuit centres where

adventure type activities can be undertaken. The organisations' normal public liability insurance would not usually cover such activities and it is therefore recommended that they obtain written confirmation from the centre that there is insurance protection in force, which will cover visitors to the centre.

Events/trips

If you are planning an event or a trip you need to inform your insurance company. You may need to take out additional insurance cover. It's best to check what is available at the time you need it to get the best deal.

Volunteers

All groups/organisations that use volunteers should check to ensure that either your Employer's Liability and/or your Public Liability Insurance explicitly mentions volunteers; they may not be automatically included in your cover.

Other insurance

There is a range of other insurances that might be considered such as cover for 'special events' (such as a sponsored parachute jump), legal expenses (where advice may be required), theft or loss of money, travel insurance etc. In each case a community group should seek advice on its own behalf as to the options available and cover required.

Further sources of information:

- NICVA - Advice Note 12: Insurance Contact 028 9087 7777 or charityadviceofficer@nicva.org
- SCNI - Insurance Information fact sheet Contact 028 2564 5676 or email info@supportingcommunitiesni.org
- Volunteer Now - Volunteers and Insurance infosheet. Contact 028 9023 2020 or training@volunteernow.co.uk

Charities Advice Officer , NICVA, 61 Duncairn Gardens, Belfast BT15 2GB, Tel: 028 9087 7777, Email: charityadviceofficer@nicva.org. Website: www.nicva.org

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6.4 Volunteers

Volunteers and Insurance (extracts from Volunteer Now- Information sheet on same)¹⁷

Volunteers involved in your organisation may expose themselves to risks from time to time. Organisations or volunteers can be found legally liable if something goes wrong. Volunteers risk personal injury, or liability arising from the course of their volunteering or loss or damage to their own property. It is in everyone's best interest to ensure that adequate insurance cover is provided.

Your organisation may have a responsibility for damage, loss or injury experienced by volunteers but also for any loss, damage or injury caused by negligent acts of volunteers. Even if a volunteer acts improperly or in an incompetent way, as long as the organisation was directing the activity of the volunteer, it could be held liable. No group can afford to operate without adequate insurance and run the risk of a claim for damages being taken against them.

However it is equally important that your organisation takes steps to minimise the risks of a claim. The key to good insurance, is good risk management.

Steps need to be put in place to minimise the risks. Good practice in this area includes:

- Good recruitment and selection practice which places the right volunteers in the right roles.
- A comprehensive induction process for all volunteers.
- Adequate training to enable volunteers to carry out their role.
- Volunteers should be informed of the precise nature, limits and risks of their role.
- Appropriate support and supervision for volunteers.
- Good monitoring and evaluation of the volunteer programme.

Volunteer involving organisations have a common law duty to protect their volunteers from harm. In practice this means there is a responsibility to follow health and safety procedures for volunteers and paid workers. At the very least organisations should think about:

- How they ensure the provision and maintenance of safe premises and equipment for use by volunteers.
- How they provide information and training to ensure volunteers work safely.
- How everyone including volunteers, is made aware of his/her rights and responsibilities in relation to health and safety.
- How they assess and deal with risks posed to and by volunteers, including risks to their personal safety, and
- What their health and safety policy says about volunteers and their work.

While all risks cannot be eliminated a good way of being pro-active in minimising risks that volunteers may face is to carry out a risk assessment. The risk assessment process involves four steps:

¹⁷ <http://www.volunteernow.co.uk/fs/doc/publications/volunteering-and-insurance-information-sheet-nl.pdf?keywords=volunteers+and+insurance>

1. Identify risks
2. Evaluate the risks
3. Take steps to control the risk i.e.
 - Stop the activity
 - Eliminate the risk
 - Minimise harm
 - Transfer liability
4. Review risk

Risk Assessment and Volunteers.

Legal Terms

Legal Liability

If someone (the plaintiff) suffers injury, loss or damage because a person or persons (the defendant(s)) were negligent (at fault), the plaintiff can claim damages from the defendant(s) if they can prove negligence by showing that:

- they were owed a duty of care by the defendant
- the duty of care was broken
- the injury, loss or damage suffered by the plaintiff occurred as a result.

Duty of Care

An important concept in health and safety is 'duty of care' which is a general legal duty on both individuals and organisations to avoid carelessly causing personal injury or damage to property.

This is a duty in common law which we all owe to our fellow human beings. For employers, this has been developed and extended by health and safety legislation.

Insuring Volunteers – Things to Remember

- When purchasing insurance to cover volunteers it is important to bear in mind that volunteers are in a unique position in your organisation. They are not employees and may not be automatically considered as a 'third party' for the purposes of Public Liability Insurance. Therefore it is important that your insurers specifically refer to volunteers in insurance policies e.g. Employers Liability Insurance should cover employees and volunteers.
- Insurance policies should cover all actions carried out by volunteers and should list all of the venues in which these actions are carried out e.g. befrienders in people homes, trips to the swimming pool with a youth group etc. You may wish to consider holding an annual review with your insurance company to discuss activities that are planned for the coming year and to check whether existing policy cover is adequate.
- If volunteers regularly take part in strenuous or potentially dangerous activities e.g. coaching sports or using specialised equipment, then be sure that these activities are covered in your policy.

- If your organisation is arranging a one off event e.g. a festival or a unique fundraising event, you can arrange one-off insurance cover specifically for this event. This cover should include employers as well as public liability.

Public Liability Insurance

- Sometimes known as Third Party Insurance.
- Protects against legal liability arising from accidents that cause injury to persons or damage to property.
- Cover is provided up to an agreed maximum sum.
- It is important that you ensure that volunteers and the acts of volunteers are included in your policy.
- Make sure you take into account all the places in which people volunteer for you e.g. in client's homes.
- Additional cover may need to be arranged for one-off events/activities.

Public liability offers protection against action taken by a third party (outsider). Your organisation needs to consider what will happen if a volunteer acts in a way which causes injury to another volunteer. Public Liability Insurance can be extended to provide member to member insurance cover in these cases. If you are a membership organisation you may need member to member cover.

Employers Liability Insurance

- Covers employees for injuries suffered in the course of their work.
- Volunteers are not employees and therefore will not automatically be covered by this insurance. However it is possible to specifically include volunteers in this type of insurance.

Professional Indemnity Insurance

- This is an important insurance for advice giving organisations. It protects against legal liability for damages payable to people who have suffered loss as a result of incorrect or inadequate advice.
- If your organisation involves volunteers in an advice giving role check to make sure that they are covered by this insurance.

Personal Accident Insurance

- Provides payment in the event of injury or death regardless of whether or not the organisation is liable. This type of insurance can be extended to cover volunteers.
- It is a voluntary benefit that your organisation might wish to offer rather than an essential insurance cover.
- It is possible to select specific volunteer roles or certain volunteers to be covered by this type of insurance rather than insuring all volunteers.

Trustees' and Directors Indemnity Insurance

Trustee indemnity insurance is a policy that protects Management Committee members in the event of claims against them personally. The term "trustee" refers to a member of the Management Committee of the charity, but the insurance is generally available to non-charitable organisations as well. The precise scope and restriction of the cover will depend on the terms of the policy. However, this

insurance will not cover Management Committee members where loss is a result of deliberate acts on the part of any of the Management Committee. Note also that this type of insurance is regarded as a benefit to Management Committee members, since it protects members personally rather than the organisation. It should therefore only be funded out of the organisation's resources if the governing document allows it.

Volunteer Drivers and Insurance

It is important that volunteers and organisations are aware of their responsibilities with regard to insurance for volunteers who drive as part of their volunteer role. If the organisation owns the vehicles that volunteers use in the course of their volunteering then it is the organisation's responsibility to arrange insurance cover and see evidence of the driver's credentials. If the volunteer uses his/her own vehicle then they must arrange insurance cover.

- If volunteers are required to use their own cars in the course of their volunteering the organisations should inform the volunteer that it is essential for them to let their insurance company know that they will be using their car in the course of volunteering. This should be done in writing and the insurance company should send written clearance to the volunteer. In general this should not involve an increase in premiums.
- Organisations should assist their volunteers by providing them with a letter, which they can forward to their insurance company. The letter should:
 - Explain that they are a volunteer with your organisation
 - State if they are using their car to carry passengers in the course of their volunteering.
 - Ask for written confirmation that their insurance policy covers any passenger or third party claim, which might arise out of the use of the vehicle for this purpose.

NB. Some organisations also provide contingent motor liability insurance which protects the organisation if there is a problem with the volunteer's insurance.

NOTE:

The information taken from this Volunteer Now Document here refers to insurance cover in relation to volunteers. There are a number of other types of insurance that volunteer involving organisations which own property and/or employ staff need to consider e.g. contents insurance, protection against fraud. It is important for organisations to ensure they take appropriate advice in relation to insurance from a qualified broker. For more information on insurance for voluntary organisations contact NICVA on 028 9087 7777

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6.5 Child protection/vulnerable adults

Working with vulnerable adults ¹⁸(Please note that this is currently UNDER REVIEW)

Groups and organisations working with vulnerable adults must ensure that they meet their obligations under the Safeguarding Vulnerable Adults Order (NI) Order 2007 and under the common law duty of care.

Safeguarding Vulnerable Adults (NI) Order 2007

This legislation defines a vulnerable adult as an individual who is over 18 years and:

- is in residential accommodation;
- receives domiciliary care;
- receives any form of health care;
- is detained in lawful custody;
- is under the supervision of a probation officer;
- receives a prescribed welfare service;
- receives service/takes part in activity provided to specified persons with any form of disability, age-specific needs, prescribed physical or mental health problem;
- is a Direct Payments recipient;
- requires assistance in the conduct of his own affairs.

The legislation obliges all groups who have positions in 'regulated activity' to ensure that all employees or volunteers in regulated activity are checked through the AccessNI service prior to employment

Volunteer Now has produced a **Safeguarding Vulnerable Adults, A Shared Responsibility - Standards and Guidance for Good Practice in Safeguarding Vulnerable Adults**¹⁹

This publication contains the new standards and guidance for good practice in working with vulnerable adults. All organisations have a responsibility to ensure that their vulnerable service users are protected and this new publication will help organisations to do this.

The publication contains eight sections each containing a standard and supporting guidance:

- Section 1: Developing a Safeguarding Vulnerable Adults Policy and Procedure
- Section 2: Recruitment and Selection of Staff and Volunteers
- Section 3: Effective Management of Staff and Volunteers
- Section 4: Recognising and Reporting Concerns
- Section 5: Risk Assessment and Management
- Section 6: Receiving Feedback and Dealing with Complaints
- Section 7: Management of Records and Sharing of Information
- Section 8: Developing a Code of Behaviour

Organisations can download the supporting resource pack to use any of the templates included in the publication.

¹⁸ <http://www.diycommitteeguide.org/article/protection-children-and-vulnerable-adults-help-sheet>

¹⁹ <http://www.volunteernow.co.uk/fs/doc/publications/sva-full-version-color.pdf>

A safeguarding vulnerable adults self-assessment checklist can also be downloaded to help organisations assess where they are in relation to each of the eight safeguarding standards. The checklist will help organisations identify criteria which are already being met and those that require further development.

See the comprehensive web site for up to date information and training opportunities.

Getting It Right - Standards for Child Protection

Getting It Right - Standards of Practice for the Protection of Children and Young People²⁰

All organisations working with children/young people have a legal and moral responsibility to keep those children safe. A child protection policy will outline an organisation's commitment to practice that protects children/young people from harm. The supporting procedures and guidelines in this document will help organisations to put in place the measures to protect children and young people, support staff and volunteers, and create a safe and caring organisation that is committed to safeguarding children.

Getting It Right contains the minimum standards of good practice in safeguarding children and young people. These standards are recognised and endorsed by the Department of Health, Social Services and Public Safety as a tool for organisations to measure their practice and to support organisations to continually improve and update their safeguarding practice.

Getting It Right outlines seven minimum standards, the key information needed to meet each standard, and signposting information on all areas of good practice in child protection and safeguarding.

Policies, procedures and guidelines increase peace of mind for everyone.

Children/young people

Ensuring that the welfare of children is treated as a priority, all children are treated equally and that their views are heard.

Parents

Reassuring parents that the organisation with which their child is involved views the child's welfare as paramount and welcomes parental participation.

Staff/volunteers

Giving staff and volunteers clear direction to give them confidence in what they do and to help protect them as well as the children in their care. The potential for abuse will be minimised and a positive atmosphere will be created, facilitating a rewarding and enjoyable experience for all concerned.

Each organisation's child protection policy must be relevant to the organisation and tailored to reflect the ethos, activities and structure of the organisation. To that end it is useful to consult within the organisation and involve as many people as possible in the development/review of the child protection policy.

The Seven Standards:

²⁰ <http://www.volunteernow.co.uk/training-and-standards/getting-it-right-standards-for-child-protection>

- Standard 1 There is a written policy on the organisation's commitment to safeguarding children
- Standard 2 The organisation consistently applies a thorough and clearly defined method of recruiting and selecting staff and volunteers
- Standard 3 There are procedures in place for the effective management, support, supervision and training of staff and volunteers
- Standard 4 The organisation has simple and clearly defined procedures for dealing with actual or suspected incidents of abuse
- Standard 5 There is a written code of behaviour that outlines the behaviour expected of workers towards children
- Standard 6 The organisation has guidelines that outline how relevant information is shared appropriately with parents, children, workers and other relevant agencies
- Standard 7 The organisation has guidelines to ensure the general safety of activities and to ensure the effective management of activities

Getting it Right should be read in conjunction with Our Duty to Care – Principles of Good Practice for the protection of children and young people. Our Duty to Care supports organisations in building upon the minimum standards to produce the highest possible quality of care. These two documents are complementary in design and content to allow groups to move easily between them.

Common Law Duty of Care²¹

The Common Law Duty of Care is relevant to organisations working with children, and all voluntary and community groups working with vulnerable adults. These organisations have obligations under the common law 'duty of care'.

Essentially this means that organisations must ensure that the standard of care provided meets reasonable expectations, bearing in mind generally accepted good practice standards.

In practice, this places an obligation on the Management Committee of the group or organisation to ensure that they have in place good policies and procedures to ensure that practices within the organisation do not form a threat of harm to a vulnerable person unable to protect themselves.

Common Law Duty of Care Help! Sheet

Management Committee members are expected to ensure that their responsibilities and those of the organisation are carried out with due care. This duty of care may be breached through individual action (or failure to act) by management committee members, staff or volunteers, or through the activities of the wider organisation.

In either case, the Management Committee members remain ultimately responsible for ensuring that others do not suffer damage or loss through the organisation's activities. As the employer, they are responsible for the actions of their staff or volunteers, even where the individual concerned failed to follow established rules or procedures. They may become personally liable for debts or claims which result from actions or inactions (see section on accountability and legal liability for more information).

²¹ <http://www.volunteernow.co.uk/fs/doc/publications/odtc-principles-of-good-practice-for-children-and-young-people.pdf>

Where does a duty of care exist?

A duty of care exists where:

- a) there is a relationship between two parties, particularly where this is a relationship of trust (e.g. between service provider and service user, counsellor and client, patient and carer, employer and employee); and
- b) the consequences of the actions could reasonably have been foreseen.

Reference to additional information to support the development of the standard of practice, including:

- *Our Duty to Care (ODTC) - www.volunteering-ni.org*
- *As Good As They Give - www.volunteering-ni.org*
- *AccessNI - www.accessni.gov.uk*
- *Department of Health, Social Services and Public Safety - www.dhsspsni.gov.uk*
- *Independent Safeguarding Authority – www.isa.gov.org*
- *DIY Committee Guide - www.diycommitteeguide.org*
- *Educational Visits Document - www.seelb.org.uk*