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GOVERNANCE PART ONE: LEGAL COMPLIANCE from Independent Indicator 2 and checklist one, indicators 1, 5, 6, and 10.	Possible answers	Evidence Required	Guidance and Advice Notes	To which indicators in the Main VISIBLE standard this question relates.
<p>1. Does the organisation have an up-to-date governing document?</p> <p>This should be:</p> <ul style="list-style-type: none"> • in line with the organisation's activities • enables its independence • and prevent undue influence from individuals, trading companies or external organisations. 	<p>Yes No</p>	<p>1. Please attach:</p> <ul style="list-style-type: none"> • Your current governing document 	<p>1. Your organisation should have a written governing document (such as a Memorandum and Articles of Association) that is up to date, legal and matches your activities. If you are a registered charity or a company, your most up-to-date governing document should be the one registered with the Charity Commission or Companies House.</p> <p>The governing document is very important as it defines the group's objectives, defines the area you serve, powers, rules and procedures of the organisation. Trustees/Directors/Management Committee Members should be familiar with this document, and keep it under review to ensure it is up to date, still relevant to the organisation and meets the latest legislation. Community organisations are democratic organisations that are accountable to their members. Members have a voice at the Annual General meetings particularly where they elect the trustees and /or Directors for the organisation.</p> <p>The governing document will state which officers should be elected at the AGM and whether the Chair is elected at the AGM or by the Trustees/Directors at their first meeting after the AGM.</p> <p>The governing document and the way you act should demonstrate that the organisation is independent and free from undue influence e.g. powerful sections, trading companies, social clubs, local authorities or strong individuals.</p> <p>Community Matters produce a model constitution for a community association. This has been approved by the Charity Commission.</p> <p>Using it can make it easier and quicker for your organisation to complete the registration process. It can also be used for the Commission's online registration application process. The Community Matters constitution states that the association is open to all and fully inclusive.</p> <p>Community Matters produce a series of model governing documents that have been approved by the Charity Commission and HMRC. Using them can make it easier and quicker for your organisation to complete the registration process. They can also be used for the Commission's online registration application process:</p> <ul style="list-style-type: none"> • Model Constitution for a Community Association • Model Memorandum & Articles of Association for a Community Organisation • Model Constitution for a Local Federation • Model Memorandum & Articles of Association for a Local Federation <p>Community Matters also provide the following models</p> <ul style="list-style-type: none"> • Constitution for a CIO • Constitution for a Residents' or Tenants' Association 	<p>Independent indicator 2</p>

			<ul style="list-style-type: none"> • Constitution for a Small Non-charitable Community Organisation <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Community Interest Companies • Charitable Incorporated Organisations • Community Organisations Constitutions • Charitable Status and registration • Duties and responsibilities of Company Directors and Secretaries <p>Charity Commission website for information on</p> <ul style="list-style-type: none"> • Charitable Incorporated Organisations • CC21a How to set up a charity • CC21b How to register a charity • Community Interest Companies Regulator 	
<p>2. Does the organisation actively manage trustee induction and have a written policy /procedure given to all trustees/directors which clearly shows :-</p> <ul style="list-style-type: none"> • The roles and responsibilities of being a charity trustee/director. • The charitable objectives of the organisation and the importance of them, • A list of documentation supplied or made available by some other means • An explanation of trustee/directors disqualification together with a requirement to sign a declaration form that they are not disqualified to be a trustee or company director 	<p>Yes No</p>	<p>2. Please attach:</p> <ul style="list-style-type: none"> • Trustee/Director/Board Member induction policy/procedure which includes what documentation they receive • Trustee/Director/Board Member declaration form re. Disqualification if appropriate. 	<p>2. There should be a written policy and induction process covering the roles and responsibilities of Trustees/Directors/Management Committee Members and essential information on the organisation. They have a duty to be informed and should be given the following as a minimum as part of their induction process:</p> <ul style="list-style-type: none"> • A copy of the governing document which sets out the objectives, powers and operating rules • A written guide to their responsibilities and roles <p>If appropriate a declaration that they are not disqualified from being a charity Trustee/Director which they are asked to sign. If the organisation is a charity or company the management committee are legally accountable and responsible as the managing Trustees/Directors and must not be disqualified from acting as a Trustee/Director.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Becoming a Trustee what's in it for me • Trustees Roles and Responsibilities • Disqualified or not? <p>Charity Commission website</p> <ul style="list-style-type: none"> • Charity Commission publication CC3 • Charity Commission sample declaration of eligibility and responsibility • Charity Commission – The hallmarks of an effective charity (CC10) 	<p>Independent Checklist 1 Indicator 1</p>

<p>3. Does the organisation have elected officers in accordance with its governing document (e.g. Chair, Treasurer and Secretary) and any other officers, in accordance with its governing document?</p>	<p>Yes No</p>	<p>3. Please attach:</p> <ul style="list-style-type: none"> • AGM minutes showing election of officers <p>And,</p> <ul style="list-style-type: none"> • if applicable copy of minutes of first management committee meeting following AGM if Chair elected at this meeting. 	<p>3. The governing document will state which officers should be elected at the AGM, who is eligible to vote and whether the Chair is elected at the AGM or by the Trustees/Directors/Management Committee Members at their first meeting after the AGM.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Officers of the Community Association and their duties • Charity Commission comprehensive publication CC48 – Charities and meetings – guidance on the law and good practise of charity meetings, includes roles of the secretary and chair. 	<p>Independent Checklist 1 Indicator 1</p>
<p>4. Does the organisation have an Annual General Meeting (AGM) in accordance with its governing document?</p> <p>Is due notice given of time, place and agenda for the AGM?</p> <p>Is everyone with an interest in the organisation invited?</p>	<p>Yes No</p>	<p>Please attach:</p> <ul style="list-style-type: none"> • Minutes of the last AGM <p>And</p> <ul style="list-style-type: none"> • Evidence of how and when the AGM is publicised e.g. Copy of public notice, distribution list for public notices, notice advert in local paper, invitations, agenda etc. 	<p>4. The organisation may need to hold an AGM and the governing document will show when this should happen, what should be on the agenda and notification requirements. While the meeting is public, only members have voting rights and sufficient members (see governing document) are required to make the meeting quorate. Members are the prime group with an interest in the organisation but the AGM could also be used to let your partners and funders know more about your work. Partners could include other community and voluntary groups, housing associations, residents groups, Health Organisations, Police, youth workers, faith organisations, and local authorities.</p> <p>Further information and resources.</p> <ul style="list-style-type: none"> • Charity Commission comprehensive publication CC48 – Charities and meetings • Guidance on the law and good practise of charity meetings, includes roles of the secretary and chair. • Other model governing documents are available on the Charity Commission website 	<p>Independent Checklist 1 Indicator 5</p>
<p>5. Does the organisation make all the required annual or periodic returns to the Charity Commission and Companies House and notifications of changes (where applicable) including notification of any change of Trustees/ Company Director?</p>	<p>Yes No</p> <p>Not applicable</p>	<p>5. Please attach:</p> <ul style="list-style-type: none"> • Copy of the latest annual return sent to the Charity Commission (if applicable). <p>And/or</p> <ul style="list-style-type: none"> • Copy of the latest return sent to Companies House (if applicable) <p>And</p> <ul style="list-style-type: none"> • Notification of change of trustees sent to the 	<p>5. Charitable organisations must ensure annual returns, annual reports and accounts are sent to the Charities Commission on time, and that they are notified if any of the Trustees change. Charities with an annual income over £10k must make an annual return but registered charities with incomes over £25,000 are also required to submit their accounts, the independent examiner or auditors report and the trustees' annual report to the Charity Commission. Limited companies and Community Interest Companies (CIC) have to return a copy of their annual accounts to Companies House. They must also notify Companies House if any of the Directors change.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Charities Act • Charitable status and registration • Duties of Company Directors and Secretaries • Reporting and Accounting by Charities • The Charity Commission have guidance on annual returns - 	<p>Independent Checklist 1 indicator 10</p>

			<p>Charity Commission (if applicable)</p> <p>And/or</p> <ul style="list-style-type: none"> • Notification of change of directors sent to Companies House (if applicable) 	<ul style="list-style-type: none"> • The Charity Commission have guidance on reporting and accounting – The essential CC15b • Companies House has a comprehensive selection of guidance information - 	
<p>6. Does the organisation have ways to avoid conflicts of interest and issues of “connected persons” within the committee?</p> <p>(Backed up by written procedures)</p>	<p>Yes</p> <p>No</p>	<p>6. Please attach:</p> <ul style="list-style-type: none"> • Conflict of interest policy which includes statement or knowledge re. connected persons. 	<p>6. Trustees/Directors/Management Committee Members have a duty to work only in the best interests of the organisation and any potential conflicts of interest should be known and declared.</p> <p>Most up to date governing documents now include a section on conflict of interest and connected persons and if this is part of the governing document this must be followed and reflected in any policy. Community Matters model memorandum and articles include a useful section regarding the trustees’ duties regarding conflict of interest and connected persons in paragraphs 28 and 29.</p> <p>Organisations should develop a Conflict Of Interest policy stating what might constitute a conflict and how the committee or board will deal these with. Declarations of interest should be on the agenda for every meeting and organisations should formally record each member’s interests annually or whenever they change. .</p> <p>There is also a potential for conflict of interest when a former Trustee or Director or Committee Member takes up paid employment with the organisation, or the spouse or partner of a Trustee/Director/Management Committee Member becomes employed by the organisation. A Charity will often need the express authority of the Charity Commission as the Trustees/Directors/Management Committee Members could be seen to be gaining financial benefit</p> <p>It is obvious that there is the potential for conflict of interest if two connected parties are Trustees, Directors or Committee Members of the same organisation and both are cheque signatories as the organisation would not be showing duty of care over the organisation’s assets if it allowed this situation to arise</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Trustee Roles and Responsibilities <p>Charity Commission</p> <ul style="list-style-type: none"> • CC11 Trustees expenses and payments • Charity Commission comprehensive publication CC48 – Charities and meetings • Guidance on the law and good practise of charity meetings, includes roles of the secretary and chair. • Model policies are also available from the Institute of Chartered Secretaries and Administrators 	<p>Independent Checklist 1 Indicator 1</p>	

GOVERNANCE PART TWO: STRATEGIC LEADERSHIP from Independent Checklist 1 indicators 3 and 4, and Service indicators 5 and 6	Possible answers	Evidence Required	Guidance and Advice Notes	To which indicators in the Main VISIBLE standard this question relates.
<p>7. Do all the committee members (and staff where appropriate and applicable) attend meetings regularly as required in their governing document, participate fully and feel able to challenge?</p> <p>Do the committee/trustees/directors review and agree the skills required and then consider identified skills gaps amongst their members and look to close those gaps through their active recruitment policy or through training?</p> <p>Do the committee/trustees/directors undergo an annual performance appraisal?</p>	<p>Yes No</p>	<p>7. Please attach:</p> <ul style="list-style-type: none"> • A complete set of minutes from the past year. Minutes should indicate which committee members/directors were present and that the lead member of staff was present where appropriate. If meetings were missed please feel free to add an explanation <p>And</p> <ul style="list-style-type: none"> • A skills audit together with minutes reporting on the skills audit findings with recommendations to the management committee/ Board <p>And</p> <ul style="list-style-type: none"> • The template used or completed example for committee/trustees/directors annual performance appraisal 	<p>7. The Trustees/Directors/ Management Committee Members are responsible for governance and the strategy of the organisation.</p> <p>The Trustees/Directors/Management Committee Members must meet in order to manage the organisation effectively as they are collectively responsible. This requires regular attendance, participation and challenging appropriately at the meeting. The governing document will usually show the minimum number of meetings of the management committee per year.</p> <p>While organisations that employ staff will delegate certain duties and tasks to those employees, the Trustees/Directors/ Management Committee Members remain in overall charge and responsible. Staff, while non-voting, are a part of the team and the most senior employees should be invited to meet with the Trustees/Directors/ Management Committee Members where appropriate as they make a useful contribution to the work of the Trustees/Directors/ Management Committee Members through reports and information, or guidance and advice.</p> <p>The committee/trustees/directors must ensure that they have the appropriate level of skills and experience between them to effectively manage the charity by conducting a review of the skills required followed by a skills audit to recruit specific trustees to fill any identified gaps or a training programme for the current management committee in the appropriate skills.</p> <p>There should be a regular performance assessment of all trustees/directors to test the effectiveness of the management committee/Board covering how effective the induction process has been, skills, attendance, training needs, and whether individual members feel able to participate and challenge, considering any barriers.</p>	<p>Independent Checklist 1 Indicator 4</p>
<p>8. Do the committee members all understand the published (charitable)</p>	<p>Yes No</p>	<p>8. Please attach:</p>	<p>8. The Trustees/Directors/Management Committee Members must know, understand, and operate within, the charitable/community objectives and aims of the organisation as shown in its governing document. It is essential Trustees/Directors/ Management Committee Members</p>	<p>Independent Checklist 1 Indicator 4</p>

<p>objectives and aims of the organisation and understand how these are applied in delivering their services/activities with which they meet their Public Benefit test?</p>		<ul style="list-style-type: none"> Trustee/Director/Management Committee Member induction policy or procedure with an explanation of the importance of the charitable objectives in the choice of delivery of services and activities And Reported public benefit statement if appropriate 	<p>are given a copy of and read the governing document which sets out the charitable/community objectives, powers and operating rules.</p> <p>An induction policy does not have to be a long or complicated document, just a short statement of the standardised procedures that your organisation goes through to support a new trustee, and setting out what information they must be given, told or given access to. See Governance Part 1 Legal compliance indicator 2 above.</p> <p>Through the induction process/policy the trustees/directors/management committee must know and understand how their charitable objectives are met in practise through the delivery of services and activities.</p> <p>If the organisation is a charity the trustees/directors/management committee should also understand how the activities and services of the organisation help them meet the public benefit test and should report on this annually.</p> <p>If one is produced, it is good practice for the annual report to cover the activities and services the organisation provides specifically related to its charitable/community objectives.</p> <p>Public Benefit The 2006 Charities Act ensures that all charities must explicitly demonstrate the public benefit linked to their charitable objectives and must not make unreasonable restrictions. This statement is normally included in the annual report.</p> <p>Community Matters online Information and Guidance Community Matters produce a series of model governing documents that have been approved by the Charity Commission and HMRC. Using them can make it easier and quicker for your organisation to complete the registration process. They can also be used for the Commission's online registration application process:</p> <ul style="list-style-type: none"> Model Constitution for a Community Association Model Memorandum & Articles of Association for a Community Organisation Model Constitution for a Local Federation Model Memorandum & Articles of Association for a Local Federation <p>and also provide the following models:</p> <ul style="list-style-type: none"> Constitution for a CIO Constitution for a Residents' or Tenants' Association Constitution for a Small Non-charitable Community Organisation Other model governing documents are available on the Charity Commission website For further guidance on Public Benefit see the Charity Commission guidance 	
<p>9. Does the organisation understand how their work relates to the aims and objectives of their Local Authority?</p>	<p>Yes No</p>	<p>9. Please attach:</p> <ul style="list-style-type: none"> A chart relating your organisation's objectives from your governing document, to your activities and services, to the Corporate Objectives of your local council, (You will find a 	<p>9. Knowing how to relate your activities to the aims and goals of your local authority is crucial to being able to maintain their support, not just for funding or commissioning opportunities, but also for low, discounted rents, 100% relief on rates and other forms of support. Increasingly local authorities want to know how the activities of groups that they support relate and add benefit to their own strategic objectives. Knowing how to clearly articulate what your organisation contributes to these wider aims will be increasingly essential to maintaining on-going support.</p> <p>Local authorities have a statutory responsibility to improve the well-being of communities and many have created Community Strategies, drawn up following consultation, to support their</p>	

			<p>chart template to use on the Resources page of the Visible Communities website)</p> <p>broader strategic goals (Corporate Strategies). Searching on your local authority's website will show the areas covered by their corporate and community strategies.</p> <p>We recommend that you research, consider and map the work, services and activities provided by your organisation which play a part in supporting the local authority to achieve their objectives.</p>	
<p>10. Does the organisation understand their community and its current needs e.g. have an up to date community profile or otherwise knows about the range of different groups, community organisations and active people within its community</p> <p>Does the organisation monitor and evaluate the quality and relevance of the activities and services it delivers both formally and informally,</p> <p>Does the organisation seek feedback, and act on this information through its committee/Board planning cycle?</p> <p>Does the organisation ensure that its services are fully accessible and appropriate to their community?</p>	<p>Yes</p> <p>No</p>	<p>10. Please attach:</p> <ul style="list-style-type: none"> Community Profile, consultation, audit or survey or other form of evidence showing knowledge of your local area. <p>and</p> <ul style="list-style-type: none"> Some form of evidence showing your organisation seeking user/community feedback on the services you offer <p>Evidence that the committee/Board have discussed and used feedback/consultation/monitoring and evaluation in their planning cycle.</p>	<p>10. Your organisation exists to meet the needs of the community it serves. For those organisations using the Community Matters constitution this will be to improve the quality of life of people living within the area of benefit by meeting the social welfare, educational and recreational needs. An organisation must be in touch with its community in order to know and understand the current needs of the community.</p> <p>Your organisation should be familiar with the demographic profile available from the Local authority which will provide many useful statistics on the community to ensure your activities are appropriate for the age, gender, mobility, culture and age mix of your community and that they are accessible - for example to people with disabilities or whose first language is not English.</p> <p>Community consultation, surveys and suggestion boxes are important in order to know and understand what the current needs of the community are in order to provide a wide range of appropriate activities and services. Many funders will require community consultation to prove the need for the project for which you are applying for funding.</p> <p>Any activity or service should be of a high enough quality to be worth delivering and feedback should actively be sought and acted upon in order to check the relevance and quality of the service.</p> <p>Most organisations want to make a difference to their community and monitoring and evaluation is done to demonstrate the difference any service or activity has made.</p> <ul style="list-style-type: none"> Look at what is happening and what is being delivered. Are we delivering what our community wants? Does it achieve what you set out to do? Did you reach the audience you hoped for? Who and how many attend? What did they think of your buildings, services or activities? How are you doing compared to other organisations? Did you make a difference? If so can you define/quantify the difference you have made? <p>The consultations, monitoring and feedback information should all be used by the committee in order to inform its future work and business planning</p> <p>The organisation may wish to consider measuring its social impact by using the Community Matters tool – Your Value,</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> Creating A Community Profile Creating A Community Profile - neighbourhood walkabouts 	<p>Voice indicator 1 Service indicators 5 and 6</p>

			<p>Explains the benefits and how you can carry out a community profile exercise as a stimulus for action, a process of education and a tool for fundraising.</p> <p>Community consultation, surveys and suggestion boxes are important in order to know and understand what the current needs of the community are in order to provide a wide range of appropriate activities and services.</p> <ul style="list-style-type: none"> • Community Organisations Starting new groups • Monitoring and evaluation • Your value • Community Organisations and Youth Clubs • Summary of Licences and Permissions 	
<p>11. Does the committee have access to on-going specialist support to keep them informed and up to date?</p> <p>Particularly:</p> <ul style="list-style-type: none"> • Charity Law • Company Law • Equalities legislation • Employment issues • Licences • Charity Accounting • Safeguarding Children, young People and vulnerable adults • Health and Safety • Funding Opportunities 	<p>Yes</p> <p>No</p>	<p>11. Please attach:</p> <ul style="list-style-type: none"> • A statement of how your organisation gets support and information for area listed in the question, and giving membership number or reference where appropriate 	<p>11. How does the management committee stay up to date? The Trustees/Directors/Management Committee Members have numerous responsibilities and legal duties, to the Charity Commission for managing the charity, to Companies House for the managing of a company, as employers, for health and safety and safeguarding under their duty of care for everyone using the facilities and services etc. These responsibilities are subject to change and it is important that the management committee stay up to date as they have a duty, as trustees, to be informed. Trustees/Directors/Management Committee Members should ensure that any relevant information received is cascaded to all staff, volunteers, members and/or reported at committee meetings and any relevant changes are reflected in policies, contracts and procedures.</p> <p>Especially important areas to remain current on are:</p> <ul style="list-style-type: none"> • Charity Law • Company Law • Equalities legislation • Employment Issues • Charity Accounting • Safeguarding children, young people and vulnerable adults • Health and Safety • Licences • Funding Opportunities <p>Such Information could be found through, for example, such mechanisms as:</p> <ul style="list-style-type: none"> • Community Matters advice line, e mail newsletter or our website • Membership of the local Council for Voluntary Service. Newsletters from solicitors and accountants. Membership of a national body. • Support from the local authority. <p>Charity Commission website</p> <ul style="list-style-type: none"> • ACAS - Advisory, Conciliation and Arbitration Service provide a helpline (08456 061600) together with a range of low cost publications and a range of training courses • Health and Safety Executive (HSE) 08701 545 500 <p>Also see sections in this review re. Employment, Equalities, Data Protection, Financial Management, Safeguarding and Health and Safety for further information.</p>	<p>Independent Checklist 1 Indicator 3 and 11</p>

FINANCIAL MANAGEMENT - from Independent Checklist 3 indicator 1, 2, 3, 12 and 13	Possible answers	Evidence Required	Guidance and Advice Notes	To which indicators in the Main VISIBLE standard this question relates.
<p>12. Does the committee produce an annual budget and receive and monitor regular financial updates for the organisation? Do the Trustees/Directors/Management Committee Members understand that it is a legal requirement to:</p> <ul style="list-style-type: none"> • Keep the organisation solvent and not operate without funds? • Use its funds wisely and only in furtherance of the organisations (charitable) objects? • Obtain a licence for any street collections and have an agreed policy (if applicable) • Have Gift-aid certificates and procedures (if applicable) 	<p>Yes No</p>	<p>12. Please attach:</p> <ul style="list-style-type: none"> • 2 copies of a financial report or statement produced for committee meetings <p>And</p> <ul style="list-style-type: none"> • A copy of the most recently approved annual budget <p>And</p> <ul style="list-style-type: none"> • (if applicable) A copy of licence for street collection 	<p>12. The Trustees/Directors/Management Committee Members are accountable and responsible for the organisation. They are individually and collectively liable for the actions of the organisation, for its debts and other liabilities. Knowingly operating a company while insolvent is a criminal offence. Decisions made are owned by the whole board that are therefore responsible and accountable for those decisions.</p> <p>They should also proactively manage, plan and review income generation (via enterprise/trading or fundraising) to ensure the organisation remains solvent and sustainable</p> <p>Good financial management is crucial and Trustees/Directors/Management Committee Members are expected to care for the organisation's finances in the same way as if they were their own. The organisation has to ensure it does not commit to spend more than the funds available. This means spending should be controlled and also limited to the organisation's objectives.</p> <p>Money earned or held by the organisation is held on trust. Trustees/Directors/Management Committee Members are accountable to their members, the public, the Charity Commission as well as funders. The Trustees/Directors/Management Committee Members have a duty of care re the assets of the organisation.</p> <p>An annual budget should be drawn up and agreed by the Trustees/Directors/Management Committee Members to cover expected income and expenditure. Once agreed the actual income and expenditure compared to the budget should be included in a regular financial report at every meeting so that Trustees/Directors/Management Committee Members can monitor fund levels, authorise and minute the authorisation of expenditure, scrutinise the accounts, make any necessary adjustments to the accounts and budget, controlling payments within the confines of the cash available and cut expenditure or increase income with additional fundraising efforts.</p> <p>Street Collections: A licence must be obtained from the local authority if an organisation plans to carry out street collections or collect money door to door. Regulations vary – contact your local authority.</p> <p>Gift Aid: Charities that have been registered for 3 years or more and have made successful gift aid claims for 3 out of 7 tax years may be able to collect gift aid from donors without the donor making a signed declaration. Donations have to be less than £20 and gift aid can be claimed at 25p in the pound to a maximum of £5,000.</p> <ul style="list-style-type: none"> • HMRC Guidance on claiming Gift Aid <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Community Buildings and Taxation re. Gift Aid • Becoming a Trustee – what's in it for me 	<p>Independent Checklist 3 indicator 8, 3 and part question 1</p>

			<ul style="list-style-type: none"> Financial Rules Trading Activities and Tax <p>Charity Commission website</p> <ul style="list-style-type: none"> CC3 . the essential trustee- CC10 -The hallmarks of an effective charity CC35 - Trustees trading and tax: how charities may lawfully trade 	
13. Does your organisation produce annual accounts, appropriately examined independently examined or audited, and containing the Annual Report?	Yes No	<p>13. Please attach:</p> <ul style="list-style-type: none"> Copy of most recent Annual Accounts and Annual Report <p>And</p> <ul style="list-style-type: none"> (where applicable Copy of independent examiner's or auditor's report 	<p>13. Depending on the governing document and the level of income of the organisation, there are various annual reporting and accounting requirements - but every organisation must keep some form of accounting records.</p> <p>If a charity has an annual income of between £25,000 and £500,000 the organisation has to have at least an independent examination-of their accounts, unless the governing document specifies that the accounts must be audited. Trustees/Directors/Management Committee Members can choose to have accounts audited instead of examined if they wish. However charities with an annual income above £500,000 must have their accounts audited. Charities must submit accounts to the Charity Commission together with an annual report. The Charity Commission's view is that reporting, as required, in a timely fashion is crucial.</p> <p>From 2012 all charities will have to submit their reports online and will require a password if they have not already set one up.</p> <p>Any committee dealing with the financial affairs of the charity should authorise and minute the authorisation of expenditure. This could be done through approving and monitoring budgets. Financial rules should be in place to regulate the way the charities funds are managed.</p> <p>The accounting framework for charities and charitable companies consists of regulations for the production of a Statement of Financial Activities (SOFA). In addition SORP (Statement of Recommended Practice) incorporates all the regulations for the format of the financial statements and additional information requirements.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> Independent Examination of Accounts Reporting and Accounting by Charities Financial Rules <p>Charity Commission website</p> <ul style="list-style-type: none"> CC31 and CC32, Independent Examination of Charities accounts – CC16, Receipts and payments accounts pack - CC17 and CC39 – accruals accounts pack - CC19, Charities and Reserves Association of Charity Independent Examiners Charity Commission guidance online filing from 	Independent Checklist 3 indicator 2
14. Does the organisation have written policies covering payment of Trustees/Directors/Management Committee Members and volunteers,	Yes No Not applicable - not a charity	<p>14. Please attach:</p> <ul style="list-style-type: none"> Copy of policy or trustee induction procedure covering payment of 	<p>14. We recommend that organisations develop a written policy covering payment of Trustees/Directors/Management Committee Members and volunteers based on the guidance in Charity Commission publication CC11, Trustees expenses and payments - https://www.gov.uk/government/publications/trustee-expenses-and-payments-cc11</p> <p>The concept of unpaid trusteeship has always been one of the defining characteristics of</p>	Independent Checklist 3 indicator 12

<p>which are clearly communicated?</p> <p>These may include:</p> <ul style="list-style-type: none"> • Statement that volunteers cannot be paid for voluntary activity (including trusteeship) • Limits on volunteer expenses and when these can be incurred • Policy on employing and paying volunteers for work not related to their volunteering/trusteeship. 		<p>Trustees/Directors and volunteers.</p>	<p>charities and charitable companies and contributes to public confidence. A power exists in the Charities Act 2011 to pay Trustees and Directors for services BUT if this power is specifically denied in the organisation's governing document then it is not allowed to make such payments.</p> <p>The power to pay Trustees/Directors/Management Committee Members is usually intended to allow payment for particular services in exceptional circumstances. It does not cover payment to a trustee for being a trustee, nor payments for employment under contract. The same rules apply to a person who is 'connected' to a trustee. You can see the definition of a 'connected person' in section C4 of the Charity Commission's leaflet CC11.</p> <p>The Charity Commission's view is that:</p> <ul style="list-style-type: none"> • Organisations should first check their governing document to see if this power is prohibited • Trustees/Directors/Management Committee Members should carefully explore if there are better alternatives. • It is inevitable that a conflict of interest will occur and organisations are advised to have a written policy on this • Organisations who have to do accrual accounting MUST disclose any payment to Trustees/Directors/Management Committee Members and the amount in their accounts and this practice is strongly recommended for all charities • Trustees/Directors/Management Committee Members need to consider the impact their decision to pay a Trustees/Directors/Management Committee Members would have on those with an interest in the organisation. • The number of paid Trustees or Directors must be a minority: 1 or 2.. <p>Trustees/Directors/Management Committee Members and other volunteers are entitled to have their expenses met and should feel free to do this. Volunteers should not be out of pocket for carrying out their work on behalf of the organisation. While someone may have the skills and time to commit to the organisation they may be unable to afford travel and parking costs, child care etc.</p> <p>Claimed expenses should be specific, identifiable and have accompanying evidence e.g. a bus or parking ticket. There should be a clear policy on what can be claimed, the amounts allowable, and the process both for approval of expenditure and how to claim the expenses on an expenses claim form and authorisation</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Volunteers and Volunteering 	
<p>15. Does the organisation have all the systems and procedures in place for tax, PAYE, pension, benefits, national insurance and VAT and have procedures for paying/re-claiming the correct amounts?</p>	<p>Yes No</p> <p>Not Applicable – organisation is neither VAT registered nor an employer</p>	<p>15. Please attach:</p> <ul style="list-style-type: none"> • example of PAYE slip or other monthly pay statement showing Employers and Employees National Insurance 	<p>15. The Trustees/Directors/Management Committee Members must consider their organisation's liabilities to pay taxes and other charges. If you have employees you have to register as an employer with Revenue and Customs and make payments to them for the employee's income tax and both the employer and employees national insurance contributions. If you are registered for VAT then payments are due to Revenue and Customs. An organisation becomes liable for VAT when their sales turnover (i.e. turnover not including grants, donations, bank interest, and investment income) is more than £82k (April 2015). The charity has a duty to ensure they receive any monies due so should be regularly checking if they should be reclaiming any monies paid and for overpayments.</p>	<p>Independent Checklist 3 indicator 5</p>

		<p>And (if applicable)</p> <ul style="list-style-type: none"> • copy of a recent VAT return 	<p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Community Buildings and Taxation • For VAT see HMRC website • HM Revenue and Custom has a range of publications including • VAT Notice 700:the Vat guide • Guidance on VAT for charities 	
<p>16. If the organisation is a Registered Charity, does it have a Reserves Policy based on a clear written financial organisational risk assessment and in line with Charity Commission requirements?</p>	<p>Yes No</p> <p>Not applicable - not a registered charity</p>	<p>16. Please attach:</p> <ul style="list-style-type: none"> • Copy of the reserves policy based on a clear written financial organisation risk assessment. <p>Or</p> <ul style="list-style-type: none"> • Copy of the Annual Financial report including the Reserves Policy <p>Or</p> <ul style="list-style-type: none"> • Minutes of a meeting deciding the level of the Reserves Policy 	<p>16. All charities are advised - and it is a requirement for those charities submitting annual reports - to have and report on a reserves policy.</p> <p>Normally a charity is required to use its assets within a reasonable amount of time for its charitable purposes but this does not preclude holding some in reserve – which is good housekeeping practice - but if this is at too high a level it could be considered a breach of trust. The level of reserves must be justifiable. The reserves policy needs to consider any financial risks the organisation has such as redundancy, requirements from a lease, contracts etc., say why the charity needs a reserve, what level the Trustees/Directors believe this should be, what steps the charity are going to take to establish or maintain their reserve fund and how their reserves policy will be monitored and reviewed.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Reporting and Accounting by Charities (Appendix 3 is an example of a reserves policy) • Charity Commission publication CC19, Charities Reserves- 	<p>Independent Checklist 3 indicator15</p>
<p>17. Does the organisation operate a consistent charging and hiring policy for activities, room hire, goods and services (within statutory trading limits) that balances the needs of the organisation with the needs of local groups?</p>	<p>Yes No</p> <p>Not Applicable – The organisation makes no charge for any of its services or facilities</p>	<p>17. Please attach:</p> <ul style="list-style-type: none"> • Copy of charging and hiring policy or tariff showing rates for charitable and non-charitable use. 	<p>17. Community organisations will usually wish to make premises or services available for community benefit at affordable rates, ensuring they are not unreasonably exploited by people whose sole or main interest is in making personal gain. A Hiring or Charging policy should establish a scale of charges that take into account the costs of running the building with percentage reductions for affiliated groups or other groups the Trustees/Directors/Management Committee Members decide justify a reduced charge and who operate in the area of benefit of the organisation. This may mean that fundraising is required to meet the balance of income required by the organisation. Obviously the more the facilities or services are used and people are paying for them, through economy of scale, charges should become more economical.</p> <p>Key distinctions to be made are:</p> <ul style="list-style-type: none"> • Charitable and non-charitable activities • Activities carried out for the personal gain of the organiser and therefore non charitable • Activities not carried out for personal gain – which may or may not be charitable • Commercial activities for which a premium charge should be made • All hiring charges should be reviewed annually and adjusted to meet any increased costs the organisation has to find. • Separate charges should be considered for the use of expensive pieces of equipment and the kitchen. 	<p>Independent Checklist 3 indicator 1</p>

			<p>Groups hiring the building that previously required a music licence of their own will no longer need one but the costs to the organisation will increase and organisations should consider raising hire charges to include this extra cost. Commercial groups still need their own licence. See below Managing the Premises indicator 3</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Rules & Hire Agreement for a Community Centre • For further guidance on Public Benefit see the Charity Commission guidance - 	
TRADING LEGALLY: from Independent Checklist 1 indicator 17	Possible answers	Evidence Required	Guidance and Advice Notes	To which indicators in the Main VISIBLE standard this question relates
<p>18. If the organisation is a Registered Charity does it have any required separation for non-allowable trading activity (i.e. where charitable exemptions for trading goods or services do not apply?) or a social club?</p> <p>Does the charity have a clear legal relationship with any trading arm or social club?</p>	<p>Yes No</p> <p>Not applicable - No non-exempt trading activities or not a charity</p>	<p>18. Please attach:</p> <ul style="list-style-type: none"> • Copy of registration document for Trading Arm <p>And</p> <ul style="list-style-type: none"> • Accounts for wholly owned trading subsidiaries included in audited accounts for the charity. <p>And/or</p> <ul style="list-style-type: none"> • Copy of Occupation Licence granted to Social Club and/or Trading Arm 	<p>18 .The types of trading and the extent to which an organisation can trade without infringing charitable status or incurring a tax liability are limited. The distinction between exempt and non-exempt trading by a charity is complex, but centres around whether the trading is directly related, or ancillary, to the charitable objects of the charity. Regular trading as an income generator may require setting up a trading subsidiary. Community Matters can provide detailed help and advice.</p> <p>If the organisation separates it's trading activities from the charity it may then have a wholly owned Ltd Co for trading purposes or establish a registered social club. The organisation cannot give its assets (including stock, equipment, furniture etc.) to the trading company but must sell or lease on a commercial basis. This would also apply for sales and leases of charity land which need to follow the requirements of the Charities Act 2011.</p> <p>Questions may arise in terms of rates, tax and utility charges as well as charity law. Often an occupation licence will be required for the trading arm if it is sharing the same premises.</p> <p>The charity cannot subsidise a commercial activity such as a social club and must ensure they recover all of the identified costs via the occupation licence.</p> <p>A covenant of profits ensures any surpluses are donated to the host charity.</p> <p>The accounts of the 2 organisations should be included in the charity accounts.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Trading Activities and Tax • Alcohol in Community Buildings • Bingo • Gambling Act 2005 • Music in Community Buildings • Procurement and Commissioning • Social Enterprise • Summary of Licences and Permissions • The Licensing Act 2003 <p>Charity Commission website</p>	<p>Independent Checklist 1 Indicator 17</p>

			<ul style="list-style-type: none"> • CC20 – Charities and fundraising –CC28 – sales, leases, transfers or mortgages: What trustees need to know re disposal of charity land • CC35 – Trustees, trading and tax- • See also HM Revenue and customs website – Charities and trading- 	
MANAGING STAFF AND VOLUNTEERS from Independent Checklist 2 indicator 1, 2, 3, 4, 5, 6, and 7 and Engage indicator 5	Possible answers	Evidence Required	Guidance and Advice Notes	To which indicators in the Main VISIBLE standard this question relates.
<p>19. Does the organisation have a policy stating how it will recruit any employees?</p> <p>As a minimum this should cover:</p> <ul style="list-style-type: none"> • an up to date job description and person specification for each post • Equal opportunities practice • Checking their entitlement to work, • References and checks 	<p>Yes No</p> <p>Not applicable- no employees</p>	<p>19. Please attach:</p> <ul style="list-style-type: none"> • Recruitment policy <p>And</p> <ul style="list-style-type: none"> • Policy or Statement on how you check eligibility to work in the UK <p>And</p> <ul style="list-style-type: none"> • Sample job descriptions 	<p>19. There should be a written recruitment process to ensure fair and consistent good practice.</p> <p>This should include:</p> <ul style="list-style-type: none"> • Writing a job description to describe the tasks that need doing • Writing a person specification to describe the person who could best do the tasks in the job description. This should include personal attributes e.g. self-motivated or team work • Job descriptions, advertisements and the selection process must be based on equal opportunities and non-discriminatory. See section on Equal opportunities • It is a legal duty to check an employee's entitlement to work in this country before they start work and keep a copy of the evidence. It may be useful to ask applicants to produce evidence at the interview stage. • How and where positions will be advertised • How applicants can apply – either an application form or CV's or both • The information applicants will receive about the organisation and the interview process • How short listing and interviewing applicants will take place including requirements for any test or presentation • Any checks and enquiries e.g. Disclosure and Barring Scheme, medical check and taking up of references • Writing to applicants – both successful and unsuccessful – and agree a start date. • Issuing a contract of employment within two months of the start date for any employee working longer than one month • Induction so the new employee is introduced to both the organisation and the people who work for and with it. Examples include other personnel, trustees and partners, the building, facilities and equipment, key policies and documents such as the constitution, any contractual agreements, and Health and Safety Policy. <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Sample Job Descriptions • Contract of Employment • Disciplinary and Grievance Procedure • Children and Young People in Community Centres 	<p>Independent Checklist 2 indicator 1</p>

			<ul style="list-style-type: none"> • Detailed guidance re preventing illegal working is available from Immigration and Border control • Check a job applicant's right-to-work documents (Explains The Immigration, Asylum and Nationality Act 2006, and sets out acceptable proof of entitlement) <p>The Disclosure and Barring Service (DBS) has a help line on 0870 909 0811 or email customerservices@dbs.gsi.gov.uk</p> <p>ACAS - Advisory, Conciliation and Arbitration Service provide a helpline 08456 061600, website together with a wide range of free or low cost publications and a range of training courses.</p>	
<p>20. Does the organisation have contracts of employment with any staff covering at a minimum:</p> <ul style="list-style-type: none"> • Name of employer and employee • Date employment began • Job location • Pay • Hours of work • Annual leave entitlement • Reference to any other conditions of service • Notice requirements • Line management arrangements • Probationary period 	<p>Yes No</p> <p>Not applicable- no employees</p>	<p>20. Please attach:</p> <ul style="list-style-type: none"> • Copy of your model contract of employment. 	<p>20. The written statement of terms and conditions of employment or contract of employment must include all the headings from this indicator as a minimum requirement.</p> <p>Every member of staff who works for longer than a month is entitled to a contract within 2 months.</p> <p>Contracts should be regularly reviewed to ensure they meet statutory minimum requirements as employment legislation changes frequently.</p> <p>The terms of employment can normally only be changed with the agreement of the employee – it may be possible to enforce changes but legal advice should be sought.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Contracts of Employment and Managing Employees • Termination of Employment • Responsibilities of Line Managers <p>ACAS - Advisory, Conciliation and Arbitration Service provide a helpline 08456 061600, website together with a wide range of free or low cost publications acas.ecgroup.net and a range of training courses.</p>	<p>Independent Checklist 2 indicator 5</p>
<p>21. If they are not covered in the contract of employment does the organisation have written conditions of service covering:</p> <ul style="list-style-type: none"> • Induction • Development and support • Pension arrangement • Sick leave, • Maternity/paternity leave, • Compassionate leave 	<p>Yes No</p> <p>Not applicable- no employees not applicable – covered in employment contract</p>	<p>21. Please attach:</p> <ul style="list-style-type: none"> • Staff Manual or document with terms and conditions of service <p>Or</p> <ul style="list-style-type: none"> • Employee Inductions Procedure <p>Or</p> <ul style="list-style-type: none"> • Other suitable piece of evidence covering policy 	<p>21. If they are not already included in the contract of employment other conditions of service should also be in a written format - such as a staff manual or handbook - and accessible to employees. Arrangements for sickness, maternity, paternity and compassionate leave, time off in Lieu and authorised overtime should be detailed here as well as other arrangements and procedures as listed below.</p> <p>The Induction should introduce the new employee to both the organisation and the people who work for and with it. Areas to cover are: other personnel, trustees and partners; the building, facilities and equipment; key policies and documents such as the constitution; any contractual agreements; and policies such as Health and Safety Policies, Equalities, Safeguarding, Confidentiality</p> <p>Development and support- Employees should have the opportunity for development, to try new challenges in a supportive environment, to improve their performance and motivation by feeling they are achieving and for regular on going dedicated support and supervision sessions with their line manager.</p>	<p>Independent Checklist 2 indicator 6</p>

<ul style="list-style-type: none"> • Disciplinary and grievance procedures? • Time Off In Lieu of extra hours worked and Authorised overtime 		<p>in these areas</p>	<p>Pensions: a written statement of any pension arrangements should be available – including if there are no arrangements for pension. Since 2012 ALL employers have to provide pensions, and you should have been advised when this will come into effect for your organisation. A full list of staging dates is available from the pensions' regulator. Employees may choose to opt out but must not be coerced into doing so.</p> <p>Disciplinary and Grievance Procedures: The statutory ACAS Discipline and Grievance changed in April 2009 and are no longer statutory. HOWEVER – organisations that fail to meet the ACAS code as a minimum are likely to have significantly higher awards made against them by the Industrial Tribunal.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • New Employee Induction • Managing Employees • Disciplinary and Grievance Procedure • Pensions – information for employers <p>ACAS - Advisory, Conciliation and Arbitration Service provide a helpline 08456 061600, website together with a wide range of free or low cost publications and a range of training courses.</p>	
<p>22. Does the organisation have written procedures for the recruitment, induction, training, support and dismissal of volunteers and committee members?</p>	<p>Yes No</p>	<p>22. Please attach</p> <ul style="list-style-type: none"> • Copy of volunteer induction procedure or policy 	<p>22. Volunteers are a valuable asset to any organisation if they are recruited, inducted and supported properly. Volunteering should be recognised as a two way relationship as both parties should gain from the relationship. While the organisation gains skills and another member of their team, the volunteer could be gaining relevant work experience, skills and social contact, working as part of a team and feelings of mutuality and working for a common endeavour. It is important to pay volunteers expenses so that they are not out of pocket or simply cannot afford to give their time because of the cost of travel, parking etc.</p> <p>A policy for the recruitment, induction and support of volunteers should be developed. A description of the tasks to be done (job description) should be developed and include the expected time commitment. Any application procedures must comply with an appropriate Equalities Policy. Application forms will need to include reference to the Rehabilitation of Offenders Act, and Disclosure and Barring Scheme checks where appropriate. Interviews should be held to select the most appropriate persons. Often a volunteer is an ambassador for the organisation, who will be the first point for welcoming visitors and therefore it is important to select the right person.</p> <p>A volunteer should have a named supervisor who will provide regular support, and arrange a detailed induction, and any necessary training. The volunteer will need to be familiar with and abide by the organisation's policies. The opportunity for an annual review is useful for both the organisation and the volunteer. The volunteer policy would include how volunteers can complain and the process if an organisation believes the volunteer is unsuitable.</p> <p>Check your governing document for any procedure on the dismissal of committee/Board members</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Specimen Statement to Volunteers • Volunteer Assessment Forms • Committee Members Handbook: Sample Contents List • Working with Volunteers 	<p>Independent Checklist 1 indicator 2 and Engage indicator 5</p>

EQUALITIES AND DIVERSITY from Independent Checklist 1, indicators 11, and Checklist 2, indicators 1 and 2	Possible answers	Evidence Required	Guidance and Advice Notes	To which indicators in the Main VISIBLE standard this question relates.
<p>23. Does the organisation have an up to date Equalities policy and procedure that covers their work and recruitment/employment of volunteers and staff, and meets the requirements of the Equality Act 2010</p> <p>This may include:</p> <p>A statement and code of practice (recognising discrimination against particular characteristics , specifying standards of behaviour, outlining measures for tackling discrimination etc)</p>	<p>Yes No</p>	<p>23. Please attach</p> <ul style="list-style-type: none"> • Copy of Equalities policy and procedure. 	<p>23. The Community Matters specimen governing document states that the association is open to all and fully inclusive. It is a legal requirement to be non-discriminatory. This should include recruitment and employment and be backed by a comprehensive Equalities Policy that meets the requirements of the Equality Act of 2010 which brought together all previous legislation around discrimination and added gender reassignment and maternity as additional characteristics. A code of conduct and a procedure specifying standards of acceptable behaviour, outlining measures for tackling discrimination and indicating the process for any breach of the policy indicates good practice.</p> <p>There should be a written recruitment process to ensure fair and consistent good practice. Job descriptions, advertisements and the selection process must be based on equal opportunities and non-discriminatory. There is a requirement to make reasonable adaptations and alterations to the premises, equipment or working practice to accommodate a disabled person.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Specimen Standing Orders for Disciplinary Procedures • Accessibility • Equality and Discrimination – The Law • Equal Opportunities <p>Community Matters Positive Action Pack</p> <p><i>Emphasise the Positive</i> available free.</p> <p>The Equality and Human Rights Commission promotes good practice and has an advice line 0845 604 6610 For all equalities and human rights issues see the Equality and Human Rights Commission's website</p> <p>ACAS - Advisory, Conciliation and Arbitration Service provide a helpline (08456 061600), a website and a wide range of free or low cost publications and a range of training courses.</p>	<p>Independent Checklist 1 indicator 16</p>

MANAGING PREMISES from Independent, Checklist 1, indicators 7, 8, 10, 11 and 13	Possible answers	Evidence Required	Guidance and Advice Notes	To which indicators in the Main VISIBLE standard this question relates.
<p>24. Does the organisation have the legal right to occupy/manage the building they occupy? For example: freehold, lease or licence</p>	<p>Yes No</p> <p>Not applicable - does not occupy or manage a building</p>	<p>24. Please attach:</p> <ul style="list-style-type: none"> a copy of the lease, licence or other occupation agreement or a statement from the landlord about the organisation's legal status in relation to its building 	<p>24. The organisation needs to have the legal right to permanently occupy the building by having the freehold (owning the building), a lease or a licence to occupy. The Charity Commission would question any organisation spending charitable assets on repairs and refurbishing a building for which they have no legal occupancy rights. For any capital funding application a long lease or freehold would normally be required.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> A Model Lease and a Service Level Agreement designed to work alongside the Model Lease Transfer of Property between Local Authorities and Community Organisations. Negotiating Leases 	<p>Independent Checklist 1 indicator 13 and 9</p>
<p>25. Does the organisation have the relevant licences and permissions to cover all its activities?</p> <p>For example: A premises licence for the provision of alcohol & entertainment</p>	<p>Yes No</p> <p>Not applicable - no activities requiring licence</p>	<p>25. Please attach:</p> <ul style="list-style-type: none"> Copy of current Premises Licences covering all appropriate activities. 	<p>25. It is a legal requirement to have the appropriate licences /permissions for activities. There are exemptions for small scale charitable gambling activities and organisations should contact their local authority for advice. Local authorities are now able to issue licences and permissions for Premises Licences, Personal Licences, Gaming Machines and Small Lotteries. Note: Bingo is usually played under the rules of The Gaming Act part 12 or 14 unless there is a Premises Licence that includes the sale of alcohol; in which case it may be played under s249 of the Act. Organisations should seek advice if they are unsure of what they need.</p> <p>The documents which allow organisations to use the buildings, they occupy via a lease licence or freehold may contain certain conditions or covenants The organisation must check if there are conditions which prevent:</p> <ul style="list-style-type: none"> the consumption or sale of alcohol on the premises. a sub-lease or licence of parts of the building (say, to a social club); <p>If the document contains these types of conditions, the organisation may take legal advice about if and how they can be changed.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> The Licencing Act 2003 Alcohol in Community Buildings The Gambling Act 2005 Bingo Charity Commission – guidance re alcohol at charity meetings and events Charity Commission – CC35, Trustees, trading and tax 	<p>Independent Checklist 1 indicator 7</p>

<p>26. Do you or anyone connected with your building use live and/or recorded music. If so, do you have the correct licences to do so?</p>	<p>Yes No</p> <p>Not applicable - live and recorded music not used</p>	<p>26. Please attach:</p> <ul style="list-style-type: none"> • Copy of Performing Rights Society (PRS) licence. <p>And/Or</p> <ul style="list-style-type: none"> • Copy of Phonographic Performance Ltd Licence (PPL) Copy of PPL joint licence 	<p>26. It is a legal requirement to have the appropriate licences and permissions. A PRS annual licence or occasional permission is required if you play live or recorded music at public events, as copyright fees are due to authors and composers. A PPL annual licence is required when you play recorded music when members of the public are present as copyright fees are due to the record producers.</p> <p>In 2012 PPL UK took over joint licensing for PRS with just one licence that covers the building, land and vehicles. There are some exemptions for activities such as family gatherings, weddings and religious services but as soon as licensable activities are included the exemptions do not apply. Groups hiring the building that previously required their own licence will no longer need one but the costs to the organisation will increase and organisations should consider raising hire charges to include this extra cost. Commercial groups still need their own licence.</p> <p>There is a Community Buildings Tariff for organisations with an annual defined income of under £50k, where fees are 1% each of defined income for both PRS and PPL. (Organisations with defined income of under £10,000 per annum also get a small discount from PPL). Defined income is for all activities linked to the building but excludes grants, gifts, donations, legacies and earned interest. Organisations with sub-lets can choose between having one licence or separate licences and should work out the most cost effective option. For social clubs it is the net income from bar and food sales that counts as defined income.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Music in Community Buildings <p>PRS publish notes specifically for community buildings</p> <p><u>PRS website</u> General advice line, 0845 309 3090, Music licenses for business (to buy or review a license), 0800 068 4828</p> <p><u>Phonographic Performance Ltd</u> 0207 534 1070 (first contact) or 0207 534 1450 (existing license holders)</p>	<p>Independent Checklist 1 indicator 7</p>
<p>HEALTH AND SAFETY</p> <p>from Independent Checklist 1 indicator 11 and 13</p>	<p>Possible answers</p>	<p>Evidence Required</p>	<p>Guidance and Advice Notes</p>	<p>To which indicators in the Main VISIBLE</p> <p>Standard this question relates.</p>
<p>27. Does the organisation have the required insurance cover and any additional cover that is felt necessary? For example</p> <ul style="list-style-type: none"> • Public liability • Employers liability (if applicable) 	<p>Yes No</p> <p>Not applicable</p>	<p>27. Please attach</p> <ul style="list-style-type: none"> • :A statement of what insurance cover is held, listing policy number and provider, and why 	<p>27. Some insurance is a legal requirement i.e.</p> <ul style="list-style-type: none"> • Employers liability (if applicable) • Vehicle (if applicable) • Lift insurance (if applicable) <p>Other insurances may be necessary or should be considered if appropriate for the organisation as the Trustees/Directors/Management Committee Members have a duty to care for the assets</p>	<p>Independent Checklist 1 indicator 8</p>

<ul style="list-style-type: none"> • Building and contents cover • Vehicle (if applicable) • Lift insurance (if applicable) • Specific activities (if applicable) 		<p>other insurance is considered unnecessary</p>	<p>of the organisation – this means protecting the assets of the organisation while not unnecessarily spending charity money on inappropriate insurance cover.</p> <p>Check other documents such as leases or contracts that may stipulate the level of public liability or other insurance cover.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Community Buildings Insurance Inventory • Insurance for Community Organisations • Trustee Liability Indemnity Insurance 	
<p>28. Does the organisation have a policy and procedures for Data protection?</p>	<p>Yes No</p>	<p>28. Please attach:</p> <ul style="list-style-type: none"> • Data Protection Policy 	<p>28. Data Protection. While there are exemptions from registering re data protection that apply to voluntary groups in terms of membership, staff and volunteers, organisations must still comply with data protection legislation for any data processed by computer or kept in files. The principles are to keep data fairly, not keep excessive data, ensure data is accurate and up to date, keep data no longer than necessary, observe the rights of individuals and keep data safe and secure.</p> <p>All data protection policies and processes must comply with the Data Protection Act 1998 and the Protection of Freedoms Act 2012.</p> <p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none"> • Data Protection Legislation 	
<p>29. Does the organisation comply with good health and safety practice and legislation? For example:</p> <ul style="list-style-type: none"> • Risk assessment • Accident prevention and reporting • Maintenance & regular checks of equipment • Fire protection • Specific fire risk assessment • First aid • Food hygiene • Cleaning • Control Of Substances Hazardous to Health (COSHH) 	<p>Yes No</p>	<p>29. Please attach:</p> <ul style="list-style-type: none"> • Health and Safety Policy and any completed risk assessments including the fire risk assessment. <p>And</p> <ul style="list-style-type: none"> • Copies of any First Aid procedures and certificates Copies of any Food Hygiene procedures and certificates if applicable. 	<p>29. Health and Safety issues can pose a high risk to any organisation, but the risk can be minimised with good policies and procedures that should cover all the areas noted in the indicator and be adhered to and implemented. The Trustees/Directors/Management Committee Members as operators of a public building and employers have responsibility for the health and safety of employees, visitors, users of the centre and contractors etc. This responsibility cannot be delegated. If a landlord is responsible for some of the Health and Safety checks in the building then it is still the organisations responsibility to ensure the checks are done as required.</p> <p>Employees also have statutory responsibilities for health and safety.</p> <p>Policies, procedures and risk assessments are important and should be reviewed regularly in light of new activities and services or changes in legislation. Although legally organisations with fewer than 5 employees do not have to have written Risk Assessments it is good practice to do so and helps to prove that they are carried out if challenged.</p> <p>There is a requirement to have a specific risk assessment for fire.</p> <p>Organisation's that hire out their building should ensure hirers are familiar with and required to comply with the organisation's health and safety policy and procedures. In addition they should carry out their own risk assessment for their activities.</p> <p>A specific cleaning schedule should be developed to ensure work is carried out appropriately according to priority and to maintain hygiene levels etc.</p> <p>Community Matters online Information and Guidance</p>	<p>Independent Checklist 1 indicator 12</p>

			<ul style="list-style-type: none"> • Community Organisation Health and Safety Policy • Community Building Health and Safety Inspection Checklist • Food Safety and Hygiene Sample Notice • Fire Safety Risk Assessment template • Health and Safety in Community Buildings (includes a general risk assessment form) • Food safety and hygiene • Fire Regulations and Checklists • Control of Asbestos • Drug Misuse in Community Organisations <p>The Charities Safety Group provides support for charities to meet their legal requirements around Health and Safety.</p> <p>Fire safety publications</p> <p>Health and Safety Executive (HSE) 08701 545 500</p>	
<p>30. Does the organisation have ways of safeguarding children and vulnerable adults?</p> <p>For example:</p> <p>Procedures regarding security and unsupervised access to vulnerable groups.</p> <p>Use of 'Disclosures' (disclosure and barring record checks if appropriate), when recruiting staff, trustees/directors and/or volunteers.</p> <p>Questions about criminal record in its employee application process (if appropriate) in line with the Rehabilitation of Offenders Act</p>	<p>Yes No</p> <p>Not applicable – no youth or vulnerable adult related activities take place at any time in the building or are run by your group anywhere else.</p>	<p>30. Please attach:</p> <ul style="list-style-type: none"> • a copy of your Child Protection or Safeguarding Vulnerable Groups policy or a combined policy <p>And</p> <ul style="list-style-type: none"> • a statement of whether you carry out Disclosure and Barring Checks (DBS) for any staff/volunteers/trustees and whether some staff are vetted by the DBS I 	<p>30. Community centres are frequently used for activities for children, young people and vulnerable adults. Trustees/Directors/Management Committee Members have a duty of care to ensure their safety whether or not they directly run activities for these groups. Any employer of staff and volunteers who work with or come into 'frequent' or 'intensive' contact with these groups should have or consider a Disclosure and Barring Service (DBS) check. An employer can ask for a barred list check for specific roles only.</p> <p>There are 3 levels of checks</p> <ul style="list-style-type: none"> • Standard £26 • Enhanced £44 • Enhanced with a check of the DBS barred lists £44 <p>Checks for volunteers are free but the umbrella body administering the checks may require an admin fee.</p> <p>Organisations who hire out their buildings have a duty of care for all those using the building and should ensure through the hire agreement that groups who work with children, young people and vulnerable adults have taken proper steps to ensure their staff/volunteers have been appropriately vetted.</p> <p>Any recruitment process for workers with children and vulnerable adults (both employed and voluntary) should include the requirement, before employment can take place for a DBS check and a search on the 'barred list' if that work is to be carried out unsupervised .</p> <p>The Rehabilitation of Offenders Act does not apply for those working with children, young people or vulnerable adults and the employer can ask for a full disclosure of any offences. However, recent changes to safeguarding processes provide employees with more control over their personal data, and for the chance to request details are removed from their DBS check if they are irrelevant to the post.</p> <p>The Safeguarding Vulnerable Groups Act 2006 and Protection of Freedoms Act 2012 placed a responsibility on employers and providers of activities and services for background checks to ensure someone employed to work with vulnerable groups is not on the 'barred' list, and a duty to refer information to the DBS if they dismiss an employee because of their conduct with children or vulnerable adults.</p>	<p>Independent Checklist 1 indicator 13</p>

			<p>Community Matters online Information and Guidance</p> <ul style="list-style-type: none">• Safeguarding Children and Vulnerable adults The Criminal Records Bureau• Vetting and Barring Scheme• Children and Vulnerable Adults Safeguarding Policy <p>The Disclosure and Barring Service (DBS) has a help line on 0870 909 0811 or email mailto:customerservices@dbs.gsi.gov.uk.</p> <p>DBS have a guide re eligibility for a check</p>	
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