Linksline

The Newsletter of Links: The Chesterfield and North East Derbyshire Council for Voluntary Service and Action Limited.

December 2011 ISSUE 124

Forced to do Community work

The government has said that people unable to find a job after two years on the Work Programme will be forced to do community work or face losing benefits, under a pilot scheme announced on 8th November 2011.

Anyone unable to find sustainable employment will be required to undertake at least 26 weeks community work lasting 30 hours a week in order to secure continued receipt of Job Seekers Allowance. The scheme will be piloted in four areas before it is planned to go nationwide at broadly the same time as the introduction of the universal credit in 2013.

Under the "three strikes" rule, people who refuse to do the community work would initially lose their benefits for two weeks. A second refusal would cost four weeks of benefits and a third refusal would costs benefits for 26 weeks.

Links has always had a policy of resisting compulsory unpaid work in the voluntary sector so that people can receive their benefits. Waged options such as the old Community Programme in the 1980s and 1990s paid a rate for the job and were a useful way of gaining experience. This new proposal has more in line with the various "benefits plus" schemes under New Deal and similar programmes. Links believes it is important that volunteering is really chosen voluntarily. Voluntary groups who decide to co-operate with the scheme and take "community workers" who have been placed under compulsion may also find an effect on service delivery.

Colin Hampton, Co-ordinator of Derbyshire Unemployed Workers Centres said "This Government is continuing on the path of progressively worse schemes that have nothing to do with getting people into work. If they wanted to get people into work, they would make full employment the top priority of economic policy. 'Forced volunteering' does not make sense. The whole essence of community work is the spirit of solidarity and interdependence."

Dave Radford, Centre Manager of the Volunteer Centre – Chesterfield and North East Derbyshire – said, "A volunteer, by definition, is someone who does something of their own volition; they are certainly not coerced or forced to do it. When one thinks that 'community service' is given as a punishment for people who have committed a crime, are we not therefore saying that people who are unemployed are being punished simply for being unemployed? We have to be clear that there is no such thing as 'forced volunteering' – this is quite simply forced labour. It devalues all the great work currently being done by volunteers who give their time freely across the country every day."

Links hopes the government will think again about this scheme.

LOTTERY FUNDED

In this issue:

FUNDING ADVICE SERVICE 2-4

LINKS CORE SERVICE 5-7

LINKS STAFF & CONTACT DETAILS 8

Funding Advice Service

Derbyshire County Council - Community Action Grants

Community Action Grants are able to provide funding up to £1,000 to "small groups with big ideas". Applications can be considered from small, local, charities, community and voluntary groups or social enterprises.

Groups must be formally constituted. This means you must have a bank account with at least two independent signatories as well as a governing document/list of governing members and a set of rules.

If you are a group of people coming together for the first time to apply for a grant, you need to set up a constituted group. Links can help you do this.

Community Action Grants cannot be awarded to statutory or profit-making organisations, or individuals.

Some suggestions of projects that might be awarded a grant are

- Setting up a community litter picking group
- A local food fair or festival
- An arts or local history project
- Setting up a club for carers
- Promoting a community website
- Supporting vulnerable groups
- Protecting the local environment
- Developing a community space
- A grow your own project.

The panel will be looking for evidence that the project put forward is sustainable in the longer term.

A grant can pay for buying and hiring equipment, hiring a venue (but not ongoing venue hire), play equipment, training fees e.g. for volunteers, materials for your projects, new publicity costs for your project e.g. to recruit volunteers.

A Community Action Grant cannot pay for promoting religious or political beliefs, buying land or buildings, running costs e.g. utilities, council tax, rent and insurance, ongoing staff costs e.g. wages and expenses, consumables (food and refreshments), projects outside the administrative boundary of Derbyshire.

Closing dates 27 January 2012, 27 April, 27 July, 26 October, 14 December.

Further details and application form www.derbyshire.gov.uk/cag

Derbyshire County Council - New Sports Action Grants

A new £180,000 Sports Action Fund has been set up.

Not for profit organisations are being encouraged to promote healthy and active lifestyles with Derbyshire County Council's new Sports Action Grants.

Grants of up to £1,000 will be made to organisations to provide activities that:

- Improve existing facilities
- Buy equipment
- Pay for new coaching costs
- Develop new marketing materials
- Develop personnel including coaches, volunteers and officials.

Successful bids could include the development of existing local sports initiatives or new projects which support the council's priority to promote healthy and rewarding lifestyles.

The fund will be distributed over 18 months through three timetabled rounds with approximately £50,000 available each round.

Further information www.derbyshiresport.co.uk

The contact for this project for Derbyshire Sport is Hayley Lever who can be contacted on hayley@ communitysportstrust.co.uk

Derbyshire Sport Coach Bursary Fund

Female sports coaches and those who coach women and girls are being encouraged to apply for a bursary from Derbyshire Sport Coach Bursary Fund in the first of the fund's themed rounds.

The fund offers grants to coaches to help them gain qualifications and knowledge in the sports they coach, and eligible coaches can now apply for up to 65% of the cost of their course, up to a maximum of £300.

Closing date 31 December 2011

Further information www.derbyshiresport.co.uk

This service covers Chesterfield, North East Derbyshire and Bolsover

Community Action Against Crime: Home Office Innovation Fund

Grants between £1,000 and £15,000 are available to encourage creative new approaches to tackling crime. The aim is to encourage greater community activism and enable communities to develop innovative approaches to tackling the local crime issues that matter to them. It is hoped effective partnerships will be formed to get everybody working together to reduce crime.

It is anticipated that voluntary and community groups will work with their community safety partnerships to tackle local crime and anti social behaviour, including through co-design and co-delivery of initiatives.

The following criteria will be used when the funding decisions are made. The projects must

- Be Innovative
- Deliver lasting benefit
- Have involved local communities
- Tackle crime issues that matter to the local community, with particular focus on antisocial behaviour, crime in local neighbourhoods, drug/alcohol related crime, reducing re-offending, violence against women and girls, and youth crime.

URGENT Closing date 1 December 2011.

Further information
www.homeoffice.gov.uk/crime/partnerships/innovation-fund/

The Nationwide Foundation

The Nationwide Foundation offers grants up to £5,000 to registered charities, which offer financial and/or housing related support to

- Survivors of domestic abuse
- Older people

Further information
www.nationwide foundation.org.uk/grants.asp

Voluntary Sector Development Fund

NHS Derby City and NHS Derbyshire County are seeking applications for grants from the Voluntary Sector Development Fund for amounts up to £5,000. Due to the current economic climate many organisations are finding it hard to find funding to allow them to redesign and/or develop new services. This is an opportunity to apply for non-recurrent funding.

Closing date 30 December 2011

Further details and application form contact

For General (non Mental Health): Amanda Bradley, Commissioning Officer, NHS Derbyshire County

0115 9316129 Amanda.Bradley@derbyshire countypct.nhs.uk

For Mental Health: Georgina Horobin, Commissioning Manager, NHS Derbyshire County

01283 731346 Georgina.Horobin@derbyshire countypct.nhs.uk

Funding Advice Service

Check list for Financial Procedures – courtesy of Derby CAS

(talk to Carol at Links if you would like help with financial procedures)

Go through the following questions. Any ticks in the un-shaded areas will indicate you may have a problem!

1.1	**Bank account**	**YES**	**NO**
i.	is the account in the name of the organisation?		
ii.	how many signatures are required on individual cheques?		
iii.	are all the authorised signatories trustees or members of the committee?		
iv.	are blank cheques ever signed?		
v.	do signatories always see the invoice/bill before signing a cheque?		
vi.	are surplus funds transferred to an interest bearing account?		
vii.	does the organisation pay bank charges?		
1.2	**Cash transactions**		
i.	is a petty cash system operated?		
ii.	what is the maximum petty cash float?		
iii.	is it kept secure with only one person having access to it?		
iv.	is it covered by insurance?		
v.	are wages (e.g. a cleaner) ever paid out of petty cash?		
vi.	is incoming cash handled by one person on their own?		
vii.	is a receipt always given for cash received?		
1.3	**Books and records**	**YES**	**NO**
i.	are the books written up regularly?		
ii.	are invoices/bills filed in cheque number order?		
iii.	is correspondence on income filed separately and in date order?		
iv.	is a register of equipment kept?		
v.	is a PAYE system operated for all employees?		
vi.	is anyone treated as self-employed?		
vii.	do you hold a P46 for part-time employees?		
1.4	**General fitness**		
i.	is insurance cover adequate?		
ii.	how secure is funding?		
iii.	does the organisation rely on a single funder?		
iv.	are reserves sufficient to cover operating costs for about 3 months?		

Links Core Service

This service is funded by Derbyshire County Council, Chesterfield Borough Council, North East Derbyshire District Council and earnings by staff. It is only available to groups operating in Chesterfield and North East Derbyshire.

Challenging redundancy selection scores

Does an employee have the right to see the actual details behind a score?

To ensure that any redundancy dismissal is fair, the employer must always:

- have a sound economic reason for its decision
- use fair redundancy selection criteria
- consult with each affected employee
- notify those selected for redundancy of their individual selection score

What happens if an employee wants to know the reasons behind each score and to challenge the score?

In a recent Employment Appeal Tribunal case Pinewood Repro Ltd v Page 2010, the tribunal said that when handling a redundancy situation, the "consultation" process must involve a full explanation of the individual selection scores. This allows the employee the "fair and proper opportunity" to fully understand the employer's reasoning behind the redundancy decision and to express their views.

An appeal process within the organisation could have helped but this did not happen in the case quoted.

For a sample redundancy policy see www.linkscvs.org.uk/downloads /linksredundancypolicy.doc

Charity Commission expects all charities to join an umbrella body

An announcement by the Charity Commission that it expects all charities to become members of a voluntary sector umbrella body has been met with disbelief and annoyance from some quarters.

Dame Suzi Leather, Chair of the Charity Commission, said at the Commission's Annual Public meeting that there would be an expectation that the charity sector became more self-reliant, with trustees taking more decisions without input from the Commission. All charities would be expected to be a member of an umbrella body.

As part of this strategy the Commission would work to increase the profile of umbrella bodies, which could take on the advice role that the Commission currently plays.

The Chief Executive, Sam Younger, added that while the Commission would be unable to give financial support to the umbrella groups, their resource issues would cease to be such a problem if they increased their memberships.

Here are a couple of the comments received on the Civil Society Governance web site:

- **"Will umbrella bodies that are charities be expected to join themselves?**
- **And will there be an umbrella body for those charities that don't fit the criteria of existing umbrella bodies, and maybe even an umbrella body for umbrella bodies?**
- **"Now we are going to be expected to spend time and money joining an approved umbrella organisation – we already belong to several in our field in the interest of sharing knowledge and information – because the Charity Commission say so! And of course at a minimum there is more admin and paperwork to deal with for a small team that's already overstretched. Yet again the little guys will suffer, many of whom are very dedicated and necessary organisations providing valuable services on shoestring budgets. Frankly I don't know whether to scream or cry – or maybe just throw in the towel because it's just getting too hard to do what we are constituted to do – help people!"**

Links Core Service

Interns – What's going on?

There has been mounting criticism in the media about the army of unpaid interns particularly in the media and arts. With youth unemployment at one million, it is very hard for young people to gain entry to paid work.

Employment law is clear on pay. If people are adding value to a company, they can be deemed workers and should be paid at least the national minimum wage.

In the voluntary sector, it is legal to have unpaid workers usually called volunteers (although see the front page….) because they are working for social or charitable purposes but it is not legal in the private sector to have unpaid workers doing the equivalent of paid work.

Intern Aware, another campaign group, says that the focus on stopping intern abuse is now on HM Revenue and Customs radar.

The National Union of Journalist's scheme, Cashback for Interns, won £1,025 in backpay at an employment tribunal in May of this year.

Last year in October 2010 Radio 5 Live Investigates exposed the spread of unpaid internships from the private sector into the public sector including the Home Office and the NHS. Graduate Fog, a campaign group, ***http://graduatefog.co.uk*** found a number of placements doing unpaid work in local government and primary care trusts. It was clear that the roles were not just work shadowing: many placements last for months.

At a recent CHART Forum workshop discussing how to help find jobs for unemployed people, it was seriously suggested that we should encourage internships. Links was alarmed by this response and has researched the government's view:

The Government's Social Mobility Strategy http://bit.ly/fJ1HvL states that:

"We want to improve understanding of the application of national minimum wage legislation to internships and ensure that employers comply with it. Where an individual is entitled to the minimum wage they should receive it and we take failure to do so very seriously. We are updating our guidance on payment of work experience including internships to ensure that employers and individuals are clear about their rights and responsibilities. We will ensure enforcement of the national minimum wage continues to be effective…Young people who feel they have had their minimum wage rights abused are encouraged to contact our confidential Pay and Work Rights Helpline on 0800 917 2368."

For guidance (aimed at employers) on internships and the national minimum wage, see http://bit.ly/m6bXLS

Free online legal advice service for charities launched by LawWorks

LawWorks, the national charity set up to assist individuals and communities access free legal assistance when they are unable to access or afford a solicitor, has launched a new online system that provides free answers to brief legal queries submitted by not-for-profit organisations.

The system can help with queries in many legal areas, such as:

'A specialist in the field of fundraising was taken on by our organisation on a contract basis for one year. The specialist submitted invoices on a monthly basis. No tax or insurance has been deducted from monies paid. The contract has reached the end of the year, and the specialist is now claiming she is an employee. What are our legal obligations?'

To register go to www.lawworksiea.org.uk

Changes to dismissal rules

The government has announced that the qualification period for the right to claim unfair dismissal will be extended from one to two years. This will come into force on 1st April 2012.

Voluntary organisations employing paid workers should make sure that senior staff, boards and committees understand this change and also that their staff are informed. You may need to have a look at any staff handbooks. Contact Sandra Pink at Links for help."

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On your marks, get set... but not yet!

◆ **The Charity Commission was planning to introduce the Charitable Incorporated Organisation (CIO) before the end of 2011, after years of delay and consultation. The CIO will, provide a new corporate structure for charities which will provide some of the benefits of being a company but without some of the burdens.**

Nick Hurd, Minister for Civil Society, has confirmed in Parliament that the timetable for the implementation has been put back yet again. Because the draft secondary legislation concerning the insolvency and dissolution provisions for CIOs is taking longer to deal with than envisaged,

CIOs should be available to new organisations as an alternative to the traditional company limited by guarantee by "early 2012". Existing unincorporated charities will have to wait a little longer to secure the benefits of limited liability, which the CIO will provide.

Commission updates model documents to give trustees more control

◆ **The Charity Commission has revised its model charity trust deed, constitution and articles of association to give trustees more flexibility over decisions relating to financial benefits for themselves and others connected to them.**

The new wording also brings the documents into line with the model constitutions of the new Charitable Incorporated Organisation. (But see above).

All the model documents now:

- **allow a trustee or connected person to be paid for supplying goods to the charity (in addition to the statutory power for them to provide services)**
- **allow a trustee or connected person to be employed or remunerated by the charity subject to getting permission from the Commission**
- **include the same provisions for addressing conflicts of interests and conflicts of loyalties**
- **allow a minority of the trustees to receive financial benefits as beneficiaries (i.e. where the benefit is money or has a monetary value)**
- **encourage charity members to resolve internal disputes themselves before resorting to litigation**
- **make it clear that charities operating substantially in Scotland and/or Northern Ireland must not apply their property for purposes, which are not charitable in those countries.**

The Commission believes that the new wording allows charity trustees "to run their charities in a flexible way, subject to a range of controls which reflect sound operational practice".

Tribunal Claims

◆ **There has been an 8% drop on the number of Employment Tribunals and Employment Appeal Tribunal statistics for April 1st 2010 to March 31st 2011.**

Unfair dismissal claims are down, breach of contract claims also fell as did unlawful deduction from wages claims.

However age-related discrimination claims shot up by 30.8%, this means that they are the third most frequent type of discrimination complaint launched by employees – disability and sex rank in first and second place. Also the average compensation awarded to successful age discrimination claimants has risen by nearly £20,000 to £30,289. So for employers on the receiving end of one of these claims, it may prove even more costly now.

The default retirement age was abolished during this period, which partly explains the rise in discrimination cases. In the future, employers will probably dismiss older staff (where necessary) on capability grounds. The tribunal is aware of this and will go through any resulting unfair dismissal claims with a fine-tooth comb.

So make sure that you follow a watertight procedure if you are dismissing anyone on capability grounds, particularly if they could make a claim on the grounds of age discrimination.

Links

The Chesterfield and North East Derbyshire Council for Voluntary Service and Action Ltd.

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Management Adviser: Sandra Pink
Social Economy Adviser: John Chell/Diane Sheppard
Funding Adviser: Brian Morris
Strategic Development Manager: James Lee
ICT Support: Martin Conlan

Links has as its central value a belief in equal opportunities. It recognises that many groups and individuals within society have been and continue to be discriminated against, both directly and indirectly, on the grounds of, for example, their race, nationality, ethnic or cultural origins, gender, age, disability, sexual orientation, religion, political belief, social class, employment status, low income, mental health, marital status, HIV/AIDS status, appearance, refugee status, caring responsibilities and unrelated criminal conviction.

Links recognises that passive policies are inadequate as a means of combating discrimination. It therefore commits itself to taking positive action to address barriers experienced by people who are discriminated against in the above ways.

Links is financed by Derbyshire County Council, Chesterfield Borough Council and North East Derbyshire District Council, the Big Lottery Fund and Social Enterprise Earnings.

DRONFIELD & DISTRICT VISUALLY IMPAIRED GROUP

Links has been contacted by the above group, known to us as Dronfield & District VIP group.

The group is looking for a volunteer with a car to help the Treasurer with arranging occasional outings.

Please contact Brenda Edwards on 01246 414868

COMMUNITY MATTERS FREE MEMBERSHIP FOR SMALL GROUPS

◆ **If your gross annual income is less than £15,000, you can join Community Matters absolutely free.**

This is a national organisation which Links has publicised in the past which supports community organisations. It is particularly useful for groups with premises issues and for community associations. More information at

http://www.communitymatters.org.uk /content/335/ Become-a-Member

The next issue of Linksline will be in February 2012. If you would like to include an item, please send it to us by 16th December 2011.

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