

# **North Halifax Partnership Board training**

## Overview of training programme:

- Part one – The Board **1 April**
  - The responsibilities of a Board
  - These responsibilities as an employer
  - Legal provisions and employment policies and procedures
- Part two – Personnel Sub-committee **5 May**
  - The role and responsibilities of the sub-committee
  - Equality and Diversity
  - Challenging and exploring employment issues
  - Scrutinising employment practices
- Part three – Appeal panels **9 June**
  - Confident in the role of panel member
  - Identify skills gaps and plan for future training and support

# Part one – The Board

Aims of the session:

- Understanding the responsibilities of a Board
- Responsibilities of a Trustees
- Charity regulation
- Governance v management
- The Board's responsibilities as an employer
- Legal provisions and employment law overview
- NHP policies that are in place and why
- How contracts and policies are changed
- Whistleblowing and complaints

# Understanding the responsibilities of a Board

- What is a Board?
- Trustee/Governor/Committee member
- Governing document – setting out how the organisation is governed.
- How do Boards operate?

<https://knowhow.ncvo.org.uk/governance/getting-started-in-governance/what-is-a-board>

# Understanding the responsibilities of a Board

- Direction and strategy
- Effective, responsible and legal
- Safeguarding finances, resources and property
- Being 'accountable'
- Being clear
- Operating effectively

<https://knowhow.ncvo.org.uk/governance/getting-started-in-governance/what-is-a-board>

*NHP specifics :*

- *We're updating the NHP board handbook*
- *Individual accountability : [NHP Board-Code-of-Conduct-Policy-REV-Sept-2020.pdf](#)*

# Charity Law and regulation

- Charities Act 2011
- Charities (Protection and Social Investment) Act 2016 (fund raising)
- Charities Commission – independent regulator
- Trustees Act
- ICO – Information Commissioners Office – data protection and handling
- Laws on trading, political activity and fundraising
- Own governance document
  - *NHP Articles of Association approved 25-6-16 insert on website 6 April*

<https://www.ncvo.org.uk/policy-and-research/charity-law-and-regulation>



Adobe Acrobat  
Document

# Responsibilities as a Trustee

- To be eligible as a charity trustee
  - *NHP Trustees Declaration of Eligibility:* 
- Ensure the charity is carrying out its purposes for the public benefit
- Comply with the charity's governance and the law
- Act in the charity's best interest
- Manage your charity's resources responsibly
- Act with reasonable care and skill
- Ensure the charity is accountable

<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>

# Governance v Management

Governance – the ‘what’. The strategic planning and leadership of the organisation that is carried out by the Board, ensuring this is reviewed on a regular basis.

Management is the ‘how’. The delivery of the strategic plans and work of the organisation, supported by the Board.

# Governance

- Determining the mission
- Policy and strategy
- Appointing (recruiting) and overseeing management
- Managing the Governance process
- Providing insight, experience and judgment
- Strategically identifying and managing risks

# Management

- Developing and delivering policy and strategy
- Setting and overseeing annual business plans
- Appointing (recruiting) managers and staff
- Supporting the Governance process
- Implementing Board decisions
- Managing and measuring performance
- Delivering services and activities
- Managing strategic and operation risks

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[\*NHP Board-Code-of-Conduct-Policy-REV-Sept-2020.pdf\*](#)

# Responsibilities of the Board as an employer

- Direction and strategy
  - Management structures
  - Setting pay scales/increments
  - Job descriptions, roles and responsibilities
  - Performance management frameworks e.g. appraisals
- Effective, responsible and legal
  - Employment Laws
  - Equality Act
  - Health and Safety Laws
  - Safeguarding e.g. Children's Act
  - Pensions Regulator
  - Statutory payments i.e. National Minimum Wage, maternity pay
  - Public Disclosure Act (whistleblowing)
  - GDPR & Data Protection Act

<https://knowhow.ncvo.org.uk/governance/getting-started-in-governance/what-is-a-board>

# Responsibilities of the Board as an employer

- Safeguarding finances, resources and property
  - Robust policies and practices to ensure staff safeguard resources
  - Measures and controls in place e.g. financial controls
  - How to manage issues
- Being 'accountable'
  - Tribunals, HMRC
  - Funders/Local Authority
  - Charity Commission
- Being clear
  - Types of employment
  - Use of volunteers
  - Understanding governance and links to operational management

<https://knowhow.ncvo.org.uk/governance/getting-started-in-governance/what-is-a-board>

# Types of working arrangements

- Volunteers
- Employees
- Workers

# Volunteer

- Flexible, no obligations
- Set expectations of the role of a volunteer (when and where to show up)
- Offer training to undertake the task, but they cannot be skilled up as a result.
- No payment involved other than expenses or subsistence
- Charities are recognised in the Law, as requiring volunteers
- Ensure that they are not 'workers' and are volunteers.

# Employee

- Contract of employment
- Strongest relationship
- More costly
- Rights include:
  - Protection against unfair dismissal (after two year's service)
  - Statutory redundancy pay (qualification period is two years)
  - NMW
  - Statutory sick pay
  - Statutory Maternity, paternity, adoption and shared parental leave and pay
  - Minimum notice periods for their employment ending
  - The right to request flexible working
  - The right to time off for emergencies (unpaid)
  - The right to statutory annual leave
  - Maximum working hours – 48 hours on average in a working week
  - Can work full or part time
  - Protection as a 'Whistle Blower'

# Worker

- More flexible
- 'Zero hours'
- Rights include:
  - NMW
  - Statutory sick pay
  - Statutory Maternity, paternity, adoption and shared parental pay – not leave
  - Protection against unlawful deduction of wages
  - The right to statutory annual leave
  - The right to statutory minimum rest breaks
  - Maximum working hours – 48 hours on average in a working week
  - Protection as a 'Whistle Blower'
- Same Tax treatment as an employee
- Could be determined by a tribunal

# What is an employment relationship?

The employer must:

- Pay agreed wages
- Provide work
- Provide a safe working environment
- Pay out of pocket expenses
- Provide notice
- Maintain the relationship of trust and confidence by behaving reasonably towards the employee

# What is an employment relationship?

The employee must:

- Provide faithful service to employer (not compete)
- Obey lawful and reasonable instructions (in line with contract/role)
- Exercise reasonable care and skill
- Provide a personal service
- Maintain confidentiality
- Maintain the relationship of trust and confidence by behaving reasonably towards the employer

**Implied terms of employment**

# Staff and volunteers

The Board must ensure:

- Compliance with relevant laws e.g. employment, pension, equality and Health and Safety
- Volunteers are distinct from employees
- Have policies and procedures in place for staff (and volunteers)
- Have effective training
- Staff (and volunteers) understand the need to comply with the policies and procedures
- Effective working relationships
- Recruitment checks are in place (e.g. financial roles or safeguarding requirements)

# Employment Laws

- Employment Rights Act 1996 (amended 2020)
- Employment Relations Act 1999
- Health and Safety at Work Act 1974 (and associated regulations)
- GDPR 2018 & Data Protection Act
- Fixed term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Part Time Worker (Prevention of Less Favourable Treatment) Regulations 2002
- Equal Pay
- Equalities Act 2010

# Employment Rights

## Employees have a right to leave provisions:

- Relevant parental leave (e.g. maternity, paternity, from 6 April Parental Bereavement Leave)
- Time off for dependants – reasonable period of unpaid time off
- Time off for other reasons e.g. public duties, risk of redundancy, trade union activities
- Annual leave and working time limits – 5.6 weeks (including Bank Holidays) and limits to the working week

[NHP Authorised-Absence-policy-REV-April-2020.pdf](#)

*NHP Parental Leave policy*



# Employment Rights

## In relation to pay:

- Minimum wage provisions
- No unlawful deductions to pay
- Payslip
- Statutory parental payments (e.g. Statutory Maternity Pay)
- Statutory Sick Pay (SSP)
- Redundancy pay (if qualifies)

[NHP Pay-Policy-NEW-May-2020.pdf](#)

# Employment Rights

## In relation to working arrangements and conditions:

- A written statement of key terms of employment. April 2020 – Day one right.
- Not to be unfairly dismissed (2 years service)
- Apply for flexible working (after 26 weeks service)
- Notice of termination of employment (depending on length of service)
- Safe working conditions
- Trade union membership
- Protected employment rights if the employer changes (TUPE)
- Written reasons for dismissal
- Be accompanied at dismissal and grievance hearings.
- Protection when making protected disclosures
- A pension (dependent on earnings)

# Equalities Act 2010

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation

# Equalities Act 2010

- The right not to be discriminated against or suffer a detriment (to be treated less favourably) on the grounds of the nine protected characteristics
- Applies to employees, volunteers and service users
- In relation to employees:
  - Equal Pay
  - Job evaluation – work of the same or equivalent value
  - Gender Pay Gap
- Rights under the Equality Act are apply regardless of employment type or length of service

[NHP Equality-and-Diversity-REV-sept-2019.pdf](#)

# NHP Policies

<b>Overview of employment policies</b>		
Policy/Document	Template/Policy	Statutory or good practice?
<b>Employment and managing employees</b>		
Written Statement of terms and conditions of employment	Template	Statutory
Grievance Policy	Policy	Statutory
Disciplinary Policy	Policy	Statutory
Absence Management (Sickness)	Policy	Good Practice
Whistleblowing policy	Policy	Statutory provisions
Staff Handbook/Code of Conduct - covering expectations	Policy	Good Practice
Training and development policy	Policy	Good Practice
Privacy notice - how we use employee data	Template	Statutory
Redundancy policy	Policy	Statutory provisions
Pay structure - definition of pay grades	Policy	Good Practice
Leave of absence policy (including Annual Leave)	Policy	Statutory provisions
Flexible working policy (part time/reduced hours requests)	Policy	Statutory provisions
Equal opportunities policy	Policy	Statutory provisions
Capability Policy (Capability can be covered in Disciplinary Policy)	Policy	Good Practice
Probation Policy	Policy	Good Practice
<b>Recruitment</b>		
Recruitment and Selection Policy	Policy	Good Practice
Standard job application form	Template	Good Practice
Job Description template	Template	Good Practice
Privacy notice - how we use applicant data	Template	Statutory
<b>Health and Safety</b>		
Health and Safety Policy (based on leased office space)	Policy	Statutory
Risk Assessments - working from home	Template	Statutory
Risk Assessment - lone working	Template	Statutory
<b>Other Business Policies</b>		
Data Protection Policy (GDPR) and associated Privacy Notices	Policy	Statutory provisions
Acceptable use of IT/Technology	Policy	Links to disciplinary and GDPR
Complaints procedure	Policy	Good practice
Finance policy - claiming expenses and budget holder responsibilities	Policy	Good practice

# NHP Policies

- Name of document
- Template or policy
- Statutory or good practice
  - Statutory provisions
- Why have so many? (32)

<b>Anti Bribery</b> <a href="#">NHP Anti-bribery-policy-REV-May-2019.pdf</a>	<b>Authorised Absence</b> <a href="#">NHP Authorised-Absence-policy-REV-April-2020.pdf</a>	<b>Capability</b> <a href="#">NHP Capability-policy-revised-May-2020.pdf</a>	<b>Code of Conduct : Board</b> <a href="#">NHP Board-Code-of-Conduct-Policy-REV-Sept-2020.pdf</a>
<b>Code of Conduct: Staff</b> <a href="#">NHP Code-of-Conduct-REV-may-2019.pdf</a>	<b>Complaints</b> <a href="#">NHP Complaints-Policy-Rev-July-2019.pdf</a>	<b>Data Protection</b> <a href="#">NHP Data-Protection-Policy.pdf</a>	<b>Disciplinary</b> <a href="#">NHP Disciplinary-policy-revised-May-2020.pdf</a>
<b>Environment</b> <a href="#">NHP Environment-Policy-REV-January-2019.pdf</a>	<b>Equality and Diversity</b> <a href="#">NHP Equality-and-Diversity-REV-sept-2019.pdf</a>	<b>Expenses at work</b> <a href="#">NHP Expenses-at-Work-REV-Sept-19.pdf</a>	<b>Financial procedures</b> <a href="#">NHP Financial-Procedures-rev-May-19.pdf</a>
<b>Fire Safety</b> <a href="#">NHP Fire-safety-policy.pdf</a>	<b>Flexible Working Policy</b> <a href="#">NHP Flexible-Working-Policy-NEW-July-2019.pdf</a>	<b>Grievance</b> <a href="#">NHP Grievance-REV-May-2020.pdf</a>	<b>Health &amp; Safety</b> <a href="#">NHP Health-and-Safety-policy-and-procedures.pdf</a>
<b>LGPS Discretionary Policy</b> <a href="#">NHP LGPS-Employers-Discretionary-POLicy-rev-July-2019.pdf</a>	<b>Parental Leave Policy</b> <i>Place on website 6 April</i>	<b>Pay Policy</b> <a href="#">NHP Pay-Policy-NEW-May-2020.pdf</a>	<b>Probation Policy</b> <a href="#">NHP Probation-Policy-REV-July-2020.pdf</a>
<b>Recruitment &amp; Selection</b> <a href="#">NHP Recruitment-and-Selection-policy-Sept-2020.pdf</a>	<b>Redundancy and Redeployment</b> <a href="#">NHP Redundancy-and-re-deployment-policy-REV-July-2020.pdf</a>	<b>Remote Working Policy</b> <a href="#">NHP Remote-Working-Policy.pdf</a>	<b>Reserves and Investment</b> <a href="#">NHP Reserves-and-Investment-Policy-REV-September-2018.pdf</a>
<b>Safeguarding Children</b> <a href="#">NHP Safeguarding-Children-Policy.pdf</a>	<b>Safeguarding Vulnerable Adults</b> <a href="#">NHP Safeguarding-vulnerable-adults-Policy.pdf</a>	<b>Sickness Absence Management</b> <a href="#">NHP Sickness-Absence-Management-Policy-REV-July-2019.pdf</a>	<b>Staff Use of ICT</b> <a href="#">NHP Staff-use-of-ICT-Policy.pdf</a>
<b>Student Placement</b> <a href="#">NHP Student-Placement-Policy-REV-Sept-2020.pdf</a>	<b>Training, Learning and Development</b> <a href="#">NHP Training-Learning-Devt-Policy-REV-July-2020.pdf</a>	<b>Volunteer Policy</b> <a href="#">NHP Volunteer-policy-REV-January-2019.pdf</a>	<b>Whistleblowing</b> <a href="#">NHP Whistleblowing-policy-REV-May-2020.pdf</a>

## Policy – Board responsibilities

- What do we intend to achieve?
- What laws may impact the policy?
- What are we committing to doing?
- Is this a policy or a procedure or a guide?
- What training might be needed to implement this?
- Equality and discrimination – could anyone be disadvantaged by the policy?
- How will this be communicated?
- What is the intended benefit or impact?
- How will the Board know it's achieved its aim and had the impact intended?

# NHP Policies

- **Policy:**
  - The document that sets out the rules – our statement of intent, what we intend to do and how we manage situations
  - What we reference in our contract to employees
  - Consultation is recommended to change policies
- **Procedures**
  - How the policy is put into practice – how we implement our intentions and the steps we follow
  - Can interact with the policy
  - Consultation not always required
- **Process maps/Operational guides**
  - Internal use only. Where information is stored, aide memoirs to managers
  - No consultation or discussion required

# NHP Policies

- Recruitment
  - Safeguarding responsibilities
  - Robust procedures
  - What if things go wrong?

[\*NHP Recruitment-and-Selection-policy-Sept-2020.pdf\*](#)

- Training
  - To undertake role
  - To develop career
  - To carry out requirements of policies
  - To develop policies and practices
  - Succession planning

[\*NHP Training-Learning-Devt-Policy-REV-July-2020.pdf\*](#)

# NHP Policies – Consultation and Change

## Can the employer change the contract?

- Working hours
- Pay
- Annual leave entitlement
- Sickness absence management policy
- Change the job role

## • Can the employee change the contract?

- Working hours
- Role (level/location)
- Resignation

# NHP Policies – Consultation and Change

## Can the employer change the contract?

- Working hours – yes (Potential redundancy)
- Pay – Annual pay increments
- Annual leave entitlement – Bonus scheme
- Sickness absence management policy
- Change the job role – yes (Potential redundancy)

## • Can the employee change the contract?

- Working hours – flexible working request
- Role (level/location) - recruitment
- Resignation – ending relationship

# NHP Policies – Consultation and Change

Employer initiates change:

- Business case
- Consultation (e.g. redundancy, bonus scheme)
- Seek voluntary agreement – low risk
- Implement change – breach of contract/Constructive dismissal
- Management of risk
- Written confirmation

# Whistleblowing

- Public Disclosure Act 1998
- Reporting issues of concern or wrong doing to Board members
- Where to direct employees
- Do not investigate
- [\*NHP Whistleblowing-policy-REV-May-2020.pdf\*](#)

# Complaints

- Where to direct complainants
- Do not investigate
- [\*NHP Complaints-Policy-Rev-July-2019.pdf\*](#)