



## Section 5

### Keeping it legal and safe



Self-advocacy organisations must obey the law This section was written in 2017



This section explains some of the laws that apply to self-advocacy organisations in 2017



**This section is not legal advice**



Please check with Wales Council for Voluntary Action for where you can get legal advice



This section has information about keeping it legal and safe:



- as a charity



- as a company



- as an employer



- as an organisation handling money



- as an organisation working with people who use care and support services



## Charity



**Law**

Charity law is the rules for how charities are set up and run



**CHARITY COMMISSION**  
FOR ENGLAND AND WALES

The Charity Commission helps charities by telling them how to do things.



**Law**

The Charity Commission keeps an eye on charities to see that they are following the law.



Take advice from your local CVC and the [Charity Commission for England and Wales](#).



**CHARITY COMMISSION**  
FOR ENGLAND AND WALES



If you are a charity the law says you must:

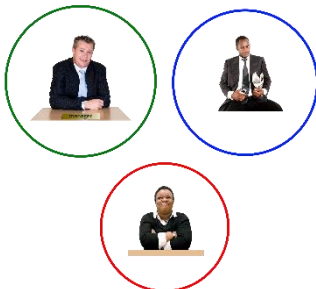


- be run by trustees (the **Board**),  
You need at least 3 trustees.  
The MIRROR Board Pack has more information about being a trustee.



- have '**charitable purposes for the public benefit**'

The Charity Commission website explains what this means.



- have a legal structure.  
The Charity Commission website explains this.



- have a set of rules (a constitution or 'memorandum and articles').



- be registered with the Charity Commission if you have an income of £5,000 a year or more, or if you are a **CIO** (charitable incorporated organisation).



- follow charity law and the requirements of the Charity Commission.



The Charity Commission has written the Charities statement of recommended practice (SORP).



This has information on:

- saying what you have done
- annual returns
- keeping accounts



- You must send an annual return (or update your details) every year if your charity is registered.

Smaller charities don't need to send the same information as bigger charities.

All charities must keep good records.



- apply for tax relief with HM Revenue and Customs (HMRC.)



- send a [charity tax return](#) to HM Revenue and Customs (HMRC).



- be well run and not get into debt.  
You must protect your charity's assets and resources.  
You can buy insurance, depending on what your charity does.  
See the Charity Commission website for more information



- have public liability insurance if your charity employs staff



- have insurance if your charity operates vehicles on public roads



- have a reserves policy. There is an example in the MIRROR Pack.



- follow data protection law. There is an example of data protection policy in the MIRROR pack.





## Company



This is not legal advice.

We suggest you take advice from your local CVC and Companies House



If you are a company the law says you must:



- be registered with Companies House





- have at least 1 director for your board



- send your accounts and annual returns to Companies House at the right time.



- tell Companies House of any changes in your directors, or change of the company's address



- follow your rules for your Annual General Meeting.



- follow the data protection law.



## Employer



This is not legal advice.

We suggest you take advice from your  
ACAS and [www.gov.uk](http://www.gov.uk)



## Law

There is a lot of law to keep people safe  
when they work



The MIRROR Pack has ideas for staff  
policies. Policies help you to follow the  
law and keep everyone safe.



## Health and safety

The law says you must protect people's health and safety. For example:



- do health & safety risk checks. The MIRROR Pack has an example of a checking form. You only need to use a form if you have 5 or more staff.



- display the health and safety law poster, or give each worker the leaflet.

You must put the poster where it is easy for staff to read it.



- have a Health and Safety policy. It is always good to have a policy. It is law to have a policy if you have 5 or more staff.



- talk and work with your staff to keep everyone safe at work.  
Give staff the health and safety training they need to do your job



- give staff with any equipment and protective clothing they need, and make sure it is properly looked after



- provide toilets, somewhere to wash and drinking water



- provide first-aid facilities



- report major injuries and deaths at work to HSE.



- have insurance that covers staff if they get hurt at work or ill through work



- display a copy of the insurance certificate



The law also says that employers must look after their staff by:



- giving staff enough training and feedback on their work



- making sure that staff do not work excessive hours



- providing somewhere to relax



- protecting staff from bullying or harassment



- protecting staff from discrimination



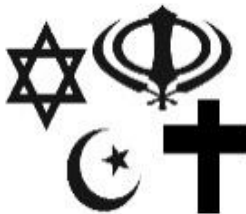
- telling staff how to speak up about concerns to do with work



- talking with staff on issues that concern them



Here are some other laws.



- Do not discriminate against people applying for a job on grounds of
  - sex
  - race
  - disability
  - sexual orientation
  - religion and belief
  - age
  - gender reassignment
  - marriage and civil partnership
  - pregnancy and maternity





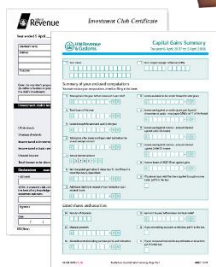
- You must pay your employee at least the [National Minimum Wage](#).



- You must have [employers' liability insurance](#).



- You must give your employee a [written statement of employment](#) within 2 months of starting work. This should include things like pay, holidays and working hours. There is an example in the MIRROR Pack.



- You must tell HM Revenue and Customs (HMRC) that you have staff by [registering as an employer](#). You can do this up to 4 weeks before you pay your new staff



- You must pay the right National Insurance and pension contributions for your employed staff



- You must [automatically enrol your staff](#) into a pension scheme



- You must have a good reason to sack a staff member. You must be able to show that you have been fair.



- You must give employees holiday from the first day of their employment.



- You must give maternity, paternity and shared parental leave.



- You must allow some people to apply for flexible working. It is good to offer flexible working to everyone.



- You must use and keep information about people properly. This means following the data protection laws.



## Handling money



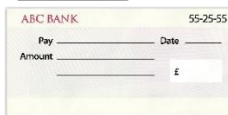
The MIRROR Pack has an example of a Finance Handbook. It has ideas about keeping money safe.



The most important ideas are:



- never leave it to 1 person to handle the money and keep the accounts



- always have 2 people to sign every cheque





- do not be embarrassed to ask questions



- always write things down straight away



- make sure everyone knows the rules about claiming expenses.



- check if everyone is doing what it says in the policies.

When you accept a grant and sign contracts you agree the rules for the money you are given.



You must follow what you have agreed to do. See **Section 6 Tenders, projects, plans and funders.**



## Working with people who use care and support services



People First organisations are not social care providers. This means they do not need to follow all the rules for social care providers.



**But...**



The law says that the people who use care and support services are 'vulnerable people'. There are rules to help keep 'vulnerable people' safe and protected from harm.



Check with your local Safeguarding Board which rules and procedures apply to your organisation.