



# COMMUNITY ADVICE TRAINING & SUPPORT

# LEGAL UPDATE

**April 2008: Issue 9**



VAB welcomes feedback on its services from customers and service users. If you wish to make a compliment, complaint or comment about the service you have received, please contact our main office for a copy of our procedure or send your comments in writing to:

Chief Executive  
Voluntary Action Barnsley  
35 Queens Road, Barnsley, S71 1AN  
Tel: 01226 242726 Fax: 01226 206580  
E-mail: info@vabarnsley.org.uk

If you wish to be added or removed from the database please call **01226 206294** with your request.

## Inside this issue:

Independent Safeguarding Authority  
Student Loan Deductions  
Employee Consultation  
SMP, SAP, SPP, SSP Payment Increases  
Sex Discrimination  
New Tax Provisions  
Charity Commission Annual Returns  
Increasing Transparency in Fundraising  
Voluntary Sector Staff Satisfaction Survey  
Equality Schemes & Public Bodies  
Approval of New Minimum Wage Rate  
Legal Surgeries  
Development: Are you Prepared for Contracts...?

## Legal Surgeries 2008

The legal surgeries planned so far for 2008 are as follows:

**Wed 21st May**

**Tue 15th July**

**Thu 4th Sep**

Please contact our office if you wish to book an appointment.

Tel: 0845 231 1313

If you would like to receive this Legal Update in an alternative format, please contact us and we will try to meet your requirements. If you do not have access to internet facilities for seeking further information on a particular subject, please contact us so that we may obtain the information on your behalf.

Supported by



This project is part-financed by the European Union  
European Regional Development Fund



# LEGAL UPDATE

## DISCLAIMER STATEMENT

Whilst every care has been taken to ensure the accuracy of this work, no responsibility for loss or damage occasioned to any person or organisation acting, or refraining from action as a result of any statement in it, can be accepted by the authors or by Voluntary Action Barnsley.

## INDEPENDENT SAFEGUARDING AUTHORITY update...



Independent Safeguarding Authority

Following recent discussions, the Independent Safeguarding Authority has now announced that the new ISA scheme will go live on **12th October 2009**.

The cost of registration will be:

### Part 1- £28.00 covering:

- Cost of administering the registration process with ISA
- Cost of the instant online registration checking system
- Cost of volunteers registering with the scheme
- Cost of continuous monitoring and updating whilst registered with the scheme.

**Part 2—£36.00** covering the CRB costs as administrators of the applications.

**Thus a total cost of £64.00**

The members of the ISA publicly appointed Board are due to be announced in the near future. Watch this space for further info...

**For further details on the new ISA registration, please contact Jane Jefferson or Ann Moffatt on 01226 286841 or 0845 231 1313**

# LEGAL UPDATE

## Student Loan Deductions

An employer should start making student loan deductions when they:

- Receive a start notice from HMRC (form SL1)
- Receive either a P45 or P46 from the employee which indicates that student loan payments are due

**For a copy of 'Collection of Student Loans. A quick guide' (Feb 2007), please contact our office on 01226 286841 or 0845 231 1313**

## Employee Consultation

From **6th April 2008**

- Employers with more than **50 employees** will be obliged to negotiate an information and consultation agreement if more than 10% of employees request it
- Employers with more than **50 employees** will have a duty to consult with employees if they propose to make changes to occupational pension schemes

**Please contact Ann Moffatt or Jane Jefferson for further guidance on 01226 286841 or 0845 231 1313**

## Maternity, Adoption, Paternity Pay, & Sick Pay

From **6th April 2008** the rates of statutory Maternity Pay (SMP), Statutory Paternity Pay (SPP), and Statutory Adoption Pay (SAP) will be increased to **£117.18** per week. The weekly rate of Statutory Sick Pay has increased to **£72.55**

**For further information regarding pay please contact Jane Jefferson on 01226 286841 or 0845 231 1313**

# LEGAL UPDATE

## Sex Discrimination

The **Sex Discrimination Act 1975 (Amendment) Regulations 2008** came into effect on **6th April 2008**. The regulations have introduced various changes:

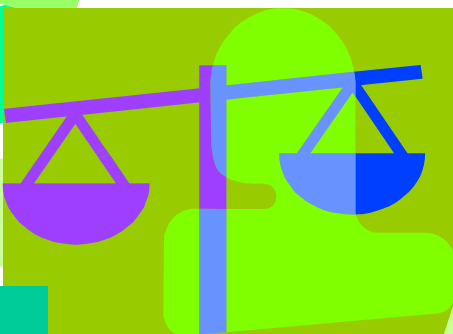
- Expanding the definition of sex harassment meaning that the recipient of harassment need no longer be the primary recipient. For example, it could now include claims for unwanted conduct by witnesses of sexual harassment.
- Employers must take reasonably practicable steps to protect employees from harassment by 3rd parties where it is known that it has occurred on at least two other occasions (whether the 3rd party is the same or a different person).
- The requirement for a discrimination claim on the grounds of pregnancy or maternity leave no longer requires a comparator who is not pregnant nor on maternity leave.
- Women whose expected week of childbirth begins on or after **5th October 2008** will have increased rights in relation to terms and conditions.

**For further information or advice on Sex Discrimination or any other equality matter please contact Jane Jefferson on 01226 286841 or 0845 231 1313**

## New Tax Provisions

From **April 2008** Gordon Brown has abolished the lower 10p income tax rate and raised the National Insurance thresholds.

**For further information or advice on deductions please contact Jane Jefferson on 01226 286841 or 0845 231 1313**



# LEGAL UPDATE

## Charity Commission Annual Returns

Registered Charities should note that from **November 2007** Charities that fail to provide evidence that they are active within 22 months of their Financial Year End will be taken off the Register.

The Chair of the Charity Commission has announced that she wishes to tighten up on the whole procedure, so be prepared for future updates on this...

**For further information or advice on Charity Commission requirements please contact Ann Moffatt on 01226 286841 or 0845 231 1313**

## Increasing Transparency in Fundraising

From **April 2008** the **Charities Act 2006** will introduce important changes to assist the general public to make more informed choices about whom they wish to donate to.

New rules have been introduced tightening up statements made by fundraisers in relation to public collections.

**For further information on fundraising and Charity Law please contact Ann Moffatt on 01226 286841 or 0845 231 1313**



## Voluntary Sector Staff Satisfaction Survey

For your chance to complete the national **Charity Pulse 2008** voluntary sector staff satisfaction survey, go to:

**<http://www.bird-song.co.uk/charitypulse.html>**

Those who participate will receive a free copy of the results.

# LEGAL UPDATE

## Equality Schemes & Public Bodies

The Government has just finished consulting on whether all voluntary organisations and other bodies delivering public services should also be regarded as public bodies within the **Freedom of Information Act 2000**.

Groups who are considered public bodies would be required to meet requests for information under the **Freedom of Information Act 2000**.

Furthermore, public bodies have a general duty to promote equality of opportunity, eliminate discrimination and promote positive attitudes. Part of this duty requires public bodies to prepare equality schemes to show how this duty will be fulfilled within the organisation. Thus groups who are considered public bodies are likely to be required to show evidence of equality schemes covering race, disability, and gender.

Funders are increasingly requesting evidence of such schemes.

Watch this space for further information regarding equality schemes...

## APPROVAL OF NEW MINIMUM WAGE RATE

The Government has recently approved the new minimum wage for adults, which will rise from **£5.52** to **£5.73** in **October 2008**.

The rate for 18-21 year olds will also increase from **£4.60** to **£4.77**, and the 16-17 year old rate will rise from **£3.40** to **£3.53**.

Nearly one million low paid employees, two thirds of them women, will benefit from the increase.

The Government has also boosted funding for enforcement of the National Minimum Wage and tougher penalties.

**For further information on the National Minimum Wage, please contact Jane Jefferson on 01226 286841 or 0845 231 1313**

# LEGAL SURGERIES

The Advice Team at VAB is pleased to announce Surgery dates for 2008.

On these dates, groups have the opportunity to come in and have an informal and private 1 hour session on any 'legal' matter that is of concern to the group, such as:

- Governing documents
  - Charity issues
  - Company issues
  - Policies
  - Employment issues
  - Leases
  - VAT
  - Data Protection
- AND MORE...**

The surgeries will be held at 23 Queens Road, Barnsley, S71 1AN.

Call 01226 286841 and speak to Ann Moffatt or Jane Jefferson to book a session.

**SURGERY SESSIONS ARE FREE OF CHARGE**



CROSS KEYS LAW  
SOLICITORS

Legal Help For  
Older People  
Wills  
Powers of Attorney  
Probate and Trusts  
Charities  
Employment  
Business & Commercial

Contact Alan Robinson

01724 710910

info@robinsons-solicitors.com  
visit our website at  
www.crosskeyslaw.com

## Dates for 2008

Wed 21<sup>st</sup> May

Tue 15<sup>th</sup> July

Thu 4<sup>th</sup> September

Supported by



# DEVELOPMENT

## ARE YOU PREPARED FOR CONTRACTS..?

For organisations who have taken the decision to prepare themselves for contracts, please contact our office for advice on the requirements of being tender prepared.

Do you have an externally accredited internationally recognised quality mark?

Have you assessed your organisation against the 'Tender Readiness Toolkit'?

Are you CHAS (Contractors Health & Safety Assessment Scheme) accredited?

Have your Trustees read the Charity Commission document CC37?

Has your organisation registered its services on SCMS (Supplier Contract Management System)?

Do you have robust financial systems and procedures, including a policy on reserves?

Does your governing document permit you to tender for a particular contract?

Do you have robust performance management systems in place?

Please contact Jane Jefferson or Ann Moffatt for assistance on 01226 286841 or 0845 231 1313

# CATS TEAM



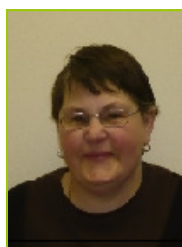
**Linda Johnson**  
**Project Manager**  
linda.johnson@vabarnsley.org.uk  
Tel: 01226 206294



**Pam Jamieson**  
**IT Support & Training Officer**  
pam.jamieson@vabarnsley.org.uk  
Tel: 01226 286841



**Ros Winsor**  
**Development Worker**  
ros.winsor@vabarnsley.org.uk  
Tel: 01226 206294



**Pat Miller**  
**A4E Administrator**  
Tel: 01226 206294



**Ann Moffatt**  
**Senior Organisation Advisor**  
ann.moffatt@vabarnsley.org.uk  
Tel: 01226 286841 or  
0845 231 1313



**Jane Jefferson**  
**Organisation Advisor & HR Specialist**  
jane.jefferson@vabarnsley.org.uk  
Tel: 01226 286841 or  
0845 231 1313

Please note that although our building has disability access, the CATS office is based on the first floor and is accessed by stairs only. We do however have use of a ground floor room if and when required.

Should you have a meeting with any of our staff and require a ground floor room please call our office and let us know so that we may make arrangements with the room provider. The team also offers 'outreach' facilities for many of its services should your organisation require this.

If you have any suggestions on how we might change or improve our update, or you would like to talk to someone about anything contained in this newsletter please contact our office.

**Community Advice Training & Support**  
**Voluntary Action Barnsley**  
23 Queens road  
Barnsley  
S71 1AN



INVESTORS IN PEOPLE