

BULLETIN JANUARY 2010



This is a monthly bulletin going out to around 10,000 clients, contacts, friends, friends of friend's and so forth, to keep them in touch with what's going on in the world of charities. Tip: if like me you have a low attention span or this came to you by mistake, scroll down to the ...And Finally.

Daryl Martin

CHARITIES HOSTED BY THE NHS:

One of our clients, providing services to the local community is hosted by the NHS. Changes are afoot, specifically that a service provider cannot sit within a commissioning body, which it can at present. We are talking to them about becoming independent and registering with the Charity Commission. This will give them greater freedom, particularly where fund raising and decision

making are concerned. If you work for an organisation where this might apply, please get in touch with us so we can share with you some of the lessons we have learned.

CHARITIES 'OWNED' BY THE NHS:

Where any NHS body is the sole trustee of a charity, NHS guidance has been issued saying that the charities assets must be moved off the balance sheet of that body. This has put them onto a collision course with the Charity Commission who rightly say that this is wholly inappropriate. This leaves a number of charities and corporate trustees wondering just who they should listen to. All part of the same old same old and mirrors that we so often find these days in public life. Could you imagine the outcry if a commercial PLC were to incorporate assets belonging to a charity it funds into its own balance sheet to strengthen it!

STANTIAL DONOR LEGISLATION:

There has been a thorn in the side of charities ever since it was brought in. It's just possible that the government has heeded the criticisms as the pre-budget report contains proposals to make changes. No point going into any detail until the changes are enacted; Mick Brooks of Kingston Smith LLP says, 'the devil will be in the detail of any draft legislation'. It does appear that errant donors will be penalised rather than charities. Readers will be kept informed.

HOLIDAY ENTITLEMENT OF WORKERS WHO WORK IRREGULAR HOURS:

This can be tricky working out statutory entitlement where staff don't work regular hours and this must apply to a lot of charities. The 28% holiday for staff working a 5 day week is equivalent to 12.07% of the hours worked. You can find the full calculation and example online by going to www.russellhrconsulting.co.uk

QUESTIONS:

We get requests for help almost weekly from charities puzzling over how they can recruit staff without falling foul of equal opportunity laws against discrimination. I had thought of answering questions in this bulletin, but issues are getting so complex these days that I have decided not to do this. I'd hate to mislead someone who is grappling with a similar but not identical situation. If you have a specific issue contact us and if we can give you an answer we will. Where recruitment is concerned, do make sure you keep records of interviews and rationales of decisions made. And you should never recruit anyone without taking up appropriate references.

SURVEY:

To give you a start on writing a reminder to readers to back up their laptops and mobiles regularly. I wondered if I was hitting a problem that didn't exist, so I undertook a survey of about 60 people. There's a problem alright. About half of those surveyed had no effective backup system. I will address this in a future bulletin after getting Tony (our IT director) to give me his thoughts. Meantime: will your marriage stand you losing for ever all those amazing photos of your grandchildren?

FINANCING:

When we send out an invoice for training or consultancy (or anything else for that matter) we always offer a 10 month payment plan at no extra cost. I got the idea from auditors (who charged an astonishing rate of interest!). We really should provide this information more prominently. I'm sure we've had people who didn't take up training they needed because of cash constraints. So remember, you can pay by standing order over 10 months at no extra cost. About 40% of our clients do this already.

VOLUNTEERS NOT COVERED BY DISABILITY DISCRIMINATION ACT:

A volunteer at the Mid-Sussex CAB left in circumstances which she alleged amounted to discrimination on grounds of her disability. It was held that the EU directive governing this area did not include unpaid employment. (For further details see [Daniel Barnett, aided by Will Dobson of Cloisters](#), to both thanks for this one)

FUND RAISING – TIP OF THE MONTH:

Don't write a simple message of thanks personalised to your supporters telling them how grateful you are for their support. Keep it

Daryl's Blog

Updated: 31/12/09



Induction Programme for New Trustees:

We will agree a plan to induct new trustees and work with you to implement it.

Contact us for further details: www.iel.org.uk



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separate from any appeal for funds. They're not stupid, they know you need money. A few telephone calls won't go amiss, but don't ask for money even indirectly. Make friends. Listen to what they have to say, their ideas.

2010 DEAL:

Following my mention of this in my last bulletin, we were asked about the separation between book-keeping and the account separation and examination process, with an appropriate degree of independence. The simple answer is 'Yes', we have an entirely separate team carrying out the book-keeping process. I think auditors call it Chinese Walls. We are amazed with the response to this, which highlights that many charities are looking to simplify their processes. [Check out our website](#) or [e-mail us](#) for more details.

STEEL GOVERNANCE TRAINING:

If you are the pastor or lead elder of a busy and growing church or the CEO of a charity I can understand that your heart might sink at the mention of byelaws, and poring over the minutiae of a governing document doesn't exactly set your heart racing. You didn't get this calling with dreams of reworking your constitution. You need us. We can help keep you legal and safe, and we look carefully at the relationship between the trustees and the executive to make sure it's as good as it can be.

As the new year is coming in for the New Year. Let me know if you would like a synopsis of the training manual. I have written some notes on Charity Governance which is getting some good reviews. A synopsis of this work is also available. Most of the time I travel to do training, but we do run training days in the office in West Sussex, which gets the cost down a bit. Contact us if this might interest you. I don't like to do too many Saturdays, but still have a few available for 2010.

RIGHT OF NEW TERM:

Hopefully this will go out in good time to be able to wish you all a wonderful new year. Yes, it is going to be tough, but there will be winners as well as losers. I think there will be an end of gimmicks, political correctness and the idea of a fast buck. We will see a return to core values of integrity, faithfulness, and excellent service quality, and lots of common sense. Look at John Lewis/ Waitrose, up over 12%. We know why: they make their customers feel special. (Also they seem to have some good buyers in evidence.) Set out your stall and be a winner. And don't cut salaries unless you really really have to (I'm talking to the private sector here, it's clearly going to be very tough in the public sector).

QUESTIONS FINALLY... (being the main or only thing a lot of people read)

These items were posted on an Australian Tourism Website and the answers were the actual responses. No political correctness here!

Have you ever seen it rain in Australia on TV, how do the plants grow? (from the UK)
We import plants all fully grown, then sit around and watch them die.

Will I be able to see kangaroos in the street? (USA)
It depends how much you've been drinking.

I want to walk from Perth to Sydney – can I follow the railroad tracks? (Sweden)
Sure, it's only 3,000 miles, take lots of water.

Are there any ATMs in Australia? Can you send me a list of them in Brisbane, Cairns, Townsville and Harvey Bay? (UK)
What did your last slave die of?

Can you give me some information about hippo racing in Australia? (USA)
AFRICA is the big triangle shaped continent south of Europe. AUSTRALIA is that big island in the middle of the Pacific which does ... oh forget it. Sure, the hippo racing is every Friday night in Kings Cross.

Can I bring cutlery into Australia? (UK)
Why? Just use your fingers like we do.

Are there supermarkets in Sydney and is milk available all year round? (UK)
No, we are a peaceful civilization of vegan hunter gatherers. Milk is illegal.

Can you send me the Vienna Boys' Choir schedule? (USA)
AUSTRIA is that quaint little country bordering GERMANY which is ... oh forget it. Sure, the Vienna Boys' Choir plays every Friday night in Kings Cross after the hippo racing.

Please send a list of all doctors in Australia who can dispense rattlesnake serum (USA)
Rattlesnakes live in AMERICA which is where you come from. All Australian snakes are perfectly harmless, can be safely handled and make good pets.

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