

# Legal Considerations

## **Consider your Health & Safety obligations**

As someone who is involved in community activities, your aim should be to create a safe environment for all concerned and to ensure compliance with the law. This in turn will raise the positive profile of your group. To find out more about this, risk assessments and other things you might need to consider, go to the [Health & Safety considerations](#) page. For additional guidance and useful templates, read what the HSE have to say about your type of event or activity on [www.hse.gov.uk/voluntary](http://www.hse.gov.uk/voluntary).

## **Ensure you have adequate insurance cover for your activity**

However careful you are in your activity, you cannot eliminate all risks and therefore it's probably worth considering insuring yourself or your group in respect of your community activities. There are legal requirements related to insurance and you can refer to the Insurance considerations section to find out more.

## **Consider data protection and privacy**

During the course of your activity, you may collect personal data, for example names and addresses of volunteers, or people you help. Personal data is protected by the Data Protection Act 1998. Some not for profit organisations are exempt from having to register with the Information Commissioner (although you should still take sensible steps to protect personal data). Guidance on whether you need to register can be found here: <http://www.ico.gov.uk/> ([PDF Download](#))

Where you must observe the requirements of the Act, you should comply with the eight data protection principles.

These are that personal data must be:

1. fairly and lawfully processed
2. processed for limited purposes
3. adequate, relevant and not excessive
4. accurate and up to date
5. not kept longer than necessary
6. processed in accordance with the individual's rights
7. kept secure
8. not transferred to countries outside the European Economic Area unless the country has adequate protection for the individual

In practice, the most important points are: only to collect information you need, never use information except for your activity, always keep it safe, and keep it up to date and delete it when you no longer need it. So, for example, do not share details with other organisations, and destroy any information about people who leave your group.

### **The best practice for handling money**

Whilst this isn't always an area of legal obligation, it is invariably worthwhile putting appropriate systems in place if your group will handle money, to have clear rules in place to protect the money and those who handle it. This will help avoid misunderstandings. A simple test is "if someone said we had misused our group's money, how would we prove that we hadn't?"

You might want to think about how any money or assets will be accounted for. If group money is mixed with private money (eg in a bank account) what are the rules so that you will be able to show which is which, and how the group money was spent? You should all be clear that no one can "borrow" group money for private expenses or use private money to run up group expenses without agreeing this in advance. Having at least two people to agree the amount of all money received and authorise any money paid out is good practice. There is no strict requirement for a group to have its own bank account but if you are at all uncomfortable mixing group money with private money in an individual's bank account, or if the group funds become significant, you might consider opening a separate account.

If the group handles cash (through fundraising) you may consider having some basic rules around cash handling (for example, promptly count up the cash received in the presence of a witness, agree and record the figure, and bank any significant amount of cash promptly).

The law governing the collection of donations is complex. You will need to take advice before collecting donations from the public (for instance, standing on a high street with a collecting tin). However, you can take money in return for services, for example selling tickets to an outing, providing a barbecue at a sports day and organise sponsored events to raise money for other bodies, for example local charities.

There is a threshold, at an income of £5000 pa, above which a community group/activity must register with the Charity Commission. It's unlikely that a community group will be a charity, but it is not impossible. If your annual income approaches this level you may want to contact the Charity Commission to be sure you do not need to register. As you are involved in smaller community activities, it's unlikely that your group income will approach any tax thresholds, but again, if your group really takes off, you should have these thresholds in mind. For further info, please visit <http://www.charity-commission.gov.uk/>.

## **Equality Act**

Some individuals and organisers can feel uncertain about whether the Equality Act will affect their activities. The Act does not prevent you from targeting your activities towards certain groups, if you have a good reason for doing so. For example, if your idea was to run errands for the residents of a local care home, obviously only those residents will benefit and that is fine. But as a general rule you ought to be open to involving anyone who wants to play a part in your group. If in doubt you can find guidance here:

<http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/>.

## **Police and permission**

Generally, there is no need for a community group to notify the police of their activities, but think about whether your activity may be an exception. For example you must contact the local police if you are organising a sponsored bicycle ride on public roads.

If you need an event licence your local authority will usually notify the police on your behalf but you should check this. Some events may need a "temporary event licence" from your local authority (usually where you are serving alcohol or providing entertainment such as live music, and the land or premises you are using are not already licensed). Make sure you apply in plenty of time (10 working days is the minimum but it makes sense to give more notice if you can). Follow your local authority's instructions on how to apply carefully and don't forget the fee. Finally, do think if your event or idea needs permission from anyone else. Cleaning up a patch of waste ground and planting it with flowers and shrubs is a great idea but you need to ask the owner first!

## **Volunteering while claiming benefits**

You may be able to volunteer while claiming benefits although it's always best to check with your benefits adviser before you start just to make sure. The general guidance is that you can volunteer as many hours as you want as long as the work you do is unpaid (you're allowed to claim expenses such as travel, but not an allowance) and you continue to meet the rules of your benefit. For up to date information on this subject, please visit [GOV.UK from Directgov](http://gov.uk).