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Governance Handbook – Section 7 Policy

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Legal Stuff

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While the authors have used their best efforts in preparing this handbook and the resources contained within it, they make no representations or warranties with respect to the accuracy or completeness of this document.

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Due to the dynamic nature of the internet, certain links and website information contained in this publication may have changed. The authors make no representations to the current accuracy of the web information shared.

In Queensland, as an incorporated association, most organisations will be subject to the Associations Incorporations Act and its Regulations. The relevant Government regulator is known as the Office of Fair Trading. There is substantial information available on their website about the legal aspects of both the Act and its Regulations and during the service of this guide, it is possible that some information may change to reflect changes in the legislation. We have added some important links here for you to easily remain up to date.

HELPFUL LINKS

[Incorporated Associations Smart Business Guide](#)

(A must for your association, on the laws and how they apply to you in simple to understand terms)

[Associations Incorporations Act 1981](#) (For rules about running an association)

[Office of Fair Trading Queensland](#) (For information about your responsibilities)

[Australian Charities & Not-for-profits Commission](#) (For those who are registered charities)

[Australian Taxation Office](#) (To keep up to date with changes in tax law)

[Department of Justice OFT Fundraising](#) (For information on raffles & donations)

[Australian Consumer Law](#) (What claims you make in advertising and to “sell” membership & activities)

[Workplace Health & Safety Queensland](#) (For your obligations to members, staff & volunteers)

[Fair Work Ombudsman](#) (When volunteers are bullied)



Introduction

Good Governance - two little words full of meaning that should be at the heart of all the work undertaken by your board/committee and your subcommittees.

The Good Governance Health Check guides users through the essential concepts, principles and activities needed to ensure a healthy and productive organisation.

Most incorporated Associations are small, volunteer-driven organisations, with limited resources and in need of practical guidance to meet the many challenges of the modern not-for-profit environment.

The Health Check contained within this Handbook will give you a snapshot of your Association's governance health status and will identify areas where improvement is needed. Levels of understanding and familiarity will vary amongst your board members according to the purpose, structure, scale and sophistication of your organisation, but the Health Check can be applied to any incorporated entity.

And - to help you work smarter not harder - we've included a Toolbox full of simple tips, techniques, templates and examples to help your organisation on its governance journey.

How does it work?

It's simple. The Handbook is divided into 11 sections, starting with the big picture and moving through the detail of specific areas of operation. Each section contains Questions and Toolbox tips, techniques and examples.

Carefully read each question and the explanation. If you can confidently answer "yes", then tick the box. If the answer is "no" or you don't know, then leave it blank for now. You'll get most value from the Good Governance Health Check if you're completely honest. Most questions are objective - they ask for evidence of something factual or tangible.

When the question asks if you have a particular plan or policy or procedure, only say yes if you can actually put your hands on an example or on the finished item. Some questions are subjective - they ask for an opinion or perception. Glossing over problem areas puts your organisation at further risk and means you miss out on important opportunities to diagnose issues and work out solutions. And - hey - it means you're wasting your time and your money - and that's never smart. Honesty is the best policy!

After you've answered all the questions for that section, review your answers. If you find blank check boxes then you have the start of your Good Governance To Do list. It's simple! Good Governance is complex, but the step-by-step Health Check breaks it down into bite size chunks and makes it do-able.

At the end of each section you'll find the Toolbox. It contains tips, techniques and examples relevant to that particular topic. You can work through the Checklist and Toolbox one section at a time or you can come back to the Toolbox after you've answered all the questions in all sections.

Work through all of the sections. You can do this at your own pace - take all the days, weeks or months that you need. The speed isn't important - but achieving continued forward progress is. It's all about having a strategy and the right tools to achieve genuine continuous improvement.

Good luck and good governing!

Policy

Good policy makes good sense for your Association. Policies define ‘the way we do things around here’ and provide a degree of certainty about how you will respond to various situations. Policy is an essential guide to decision-making and helps shape your organisational culture.



Policy Checklist

<p>Have you identified the essential policies for your organisation?</p>	<p><i>Policy creates a framework for action and decision-making within your organisation. Policies are the big-picture guidelines that set out, in clear language, the boundaries within which you operate. The ‘must have’ policies required by your organisation will be determined by the things you do.</i></p>	<input type="checkbox"/>
<p>Are you clear on the difference between policy and procedure?</p>	<p><i>Policies describe the big picture and Procedures provide the step-by-step instructions on how to put them into practice. Often policy and procedure are combined in a single document, but it is essential to make sure the two are clearly defined and that your document has a logical flow that people can follow.</i></p>	<input type="checkbox"/>
<p>Are all your policies kept together and are they easily accessible?</p>	<p><i>Policies are only useful if people can find them! It’s good practice to keep all your policies together in one place. Often your website or intranet will have a section for policies, but it’s also a good idea to keep at least one hard copy of all your policies in a central location.</i></p>	<input type="checkbox"/>
<p>Do you have a policy development framework?</p>	<p><i>You should have a standard process for developing policy, and also a policy template so that there’s consistency in your documentation.</i></p>	<input type="checkbox"/>
<p>Are your policies written in plain English and are they easy to understand?</p>	<p><i>For policies to be useful, they need to be clear, unambiguous and written in plain English. They need to contain enough information to give the appropriate guidance but shouldn’t be longer or more complicated than absolutely necessary.</i></p>	<input type="checkbox"/>
<p>Are your policies living documents (used and reviewed regularly)?</p>	<p><i>Policies are tools designed to provide guidance in a range of circumstances. They are not designed to collect dust on a shelf. While it is certainly the case that some policies will be used more often than others, they should all be ‘living documents’ that serve a purpose. They must be reviewed regularly to ensure they remain current and relevant.</i></p>	<input type="checkbox"/>
<p>Do you know when to review your policies?</p>	<p><i>There should be a review date included in your policy template. However, there may also be triggers for review as your environment or circumstances change. An incident, legislative change, or new information or technology can trigger a policy review.</i></p>	<input type="checkbox"/>



SECTION N 7

Tips & Techniques

Identifying Policy
Developing Policy





TIPS & TECHNIQUES

What Policies You Need

Policies, Procedures, SWMS, SOP... what is what? And where do they fit with laws and standards?

Policies and Procedures provide information about “the way we do things around here”.

Policy - is a clear and definite statement of the organisation’s views on a particular matter or of its intent to act in a certain way (the ‘what’).

Procedure - is a step-by-step sequence of activities or course of action that must be followed to implement a Policy (the ‘how’).

Standard Operating Procedure (SOP) – is a set of written instructions that document a routine or repetitive activity. SOPs should provide enough details so that someone with limited experience or knowledge of the procedure, but with a basic understanding, can successfully reproduce the procedure when unsupervised. SOPs need to be readily accessible in the work areas of those individuals actually performing the activity. Where they pay particular attention to meeting Health and Safety requirements SOPs can be called **Safe Work Method Statements (SWMS)**.

Every organisation needs policies:

- to provide the ethical framework for everything the organisation does
- to set boundaries (generally - what’s in is ok , what’s out is not!)
- to meet legal requirements
- to help manage risks
- to increase accountability
- to meet requirements of funding / registering bodies
- so that everyone has the same ‘authoritative’ information
- so everyone knows what they can expect from the organisation
- so that similar treatment is applied to similar circumstances
- to give ability and flexibility where circumstances vary
- to avoid or minimise confusion, disagreement, disruption and disputes
- to save time, cost, delays and effort
- to improve your organisation’s image and reputation
- to improve your organisation’s internal and external performance.

At the end of this worksheet you’ll find a diagram that illustrates the hierarchy or authority, starting with legislation (eg Health and Safety Act) at the top as the highest authority. Most organisations divide their policies into two categories – ***governance and operations***.

GOVERNANCE POLICIES

These are the ‘higher order’ policies which relate directly to the work of the Board/Committee (eg. meeting procedure, conflict of interest, sponsorship).

There is no definitive list of Governance Policies, but here are some you might consider:

- meeting attendance policy
- grievance policy
- meeting procedure policy
- committee member induction policy
- confidentiality policy
- legislative compliance policy
- risk management policy



TIPS & TECHNIQUES

What Policies You Need

Delegations Policy

One of the 'must have' governance policies for any organisation is a Delegations Policy. This is the document that defines who within your organisation has the authority to do what. In particular it will define spending and decision making authorities and limits. It also defines those matters reserved for consideration and decision by the Committee.

Committee Charter

Organisations can choose to combine their governance policies into a single document, often called a 'Committee Charter'. This allows you to keep governance policies together and ensures that they are a useful reference for all Committee members.

OPERATIONAL POLICIES

These are the policies that relate to the 'front-line activities' of the organisation (eg. volunteer screening, food handling, use of logo).

Your organisation's list of 'Must Have' policies is dependent on your range of activities. Unless you are a unique 'start up' organisation, the best place to understand which policies you must have is to talk to similar organisations. You should also check with your peak body. The common policy themes are:

- Managing People (staff, volunteers, members)
- Managing Money
- Managing Facilities
- Managing Risk
- Managing Equipment
- Managing Contracts
- Managing Relationships (funders, partners, sponsors, donors)

Once you've developed and approved your 'Must Have' policies, you can start on the 'Should Have' list.

DEVELOPMENT AND APPROVAL

As a general rule, the Committee develops and approves Governance policies and the 'subject experts' (the people on the ground) develop and approve Operational policies. You need to decide what works best for your organisation, taking into account its purpose, structure and range of activities. Some organisations decide that the Committee should be responsible for approving all Policies.

As a general rule, Procedures are developed by the people who are performing the task and are approved by their manager or responsible Committee member.

As a general rule, Safe Work Method Statements and Standard Operating Procedures are developed by the people who are performing the task and are approved by their supervisor. Equipment operating instructions and Materials Safety Data Sheets are often used as the basis for developing SWMSs and SOPs.

Policies, Procedures, SWMSs and SOPs must always be accessible to the people who need to use them.

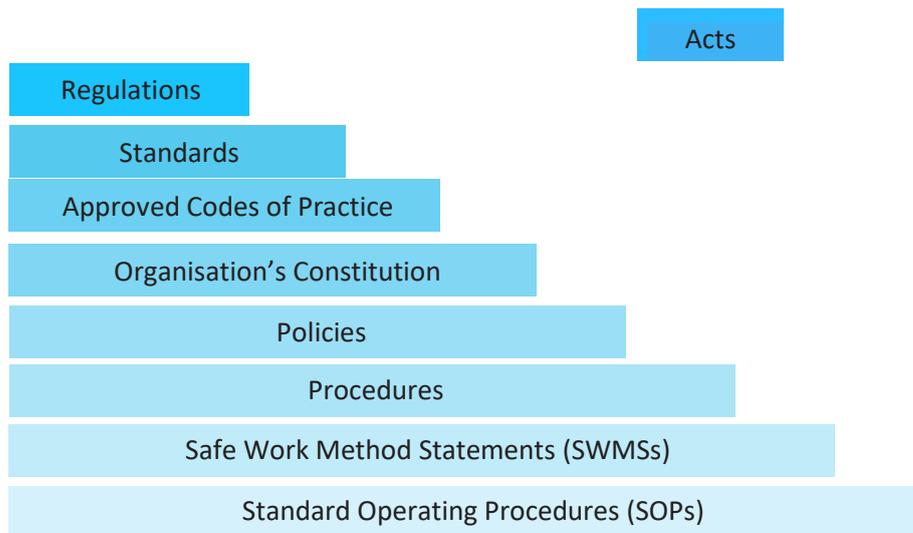


TIPS & TECHNIQUES

What Policies You Need

HIERARCHY OF AUTHORITY

This diagram illustrates the hierarchy or authority, starting with legislation (eg Health and Safety Act) at the top as the highest authority.





TIPS & TECHNIQUES

How To Develop Policy

Developing a set of policies for your organisation can seem a daunting task. But if you have a clear idea of what you want to achieve, follow some simple processes and use a consistent template you can make the task relatively painless.

A **Policy** is a clear and definite statement of the organisation's views on a particular matter or of its intent to act in a certain way (the what).

A **Procedure** is a step-by-step sequence of activities or course of action that must be followed to implement a Policy (the 'how').

Common triggers for developing (or changing) a policy (and/or procedure) include:

- changes to the external operating environment
- changes to legislation, codes or standards
- changes to funding arrangements
- new information
- new opportunities
- an incident
- review of your strategic direction
- new initiatives within the organisation
- need to better align policies... The process goes like this:

Identify a need * Research * Consult and test * Refine * Approve

The Committee, a Subcommittee, members, clients, staff or volunteers can identify the need for a policy or for the revision of an existing policy. The Committee will then identify someone to take responsibility for writing the draft (the author).

The author/s should consult with internal and external 'experts' and people who may be affected by a change. Then they'll write the first draft of the policy.

All policy and procedure documents should use a standard policy template so they will have the same "look and feel" across your organisation.

The format of the policy template should like something like this:

HEADING	DEFINITION
Policy Name	A few words that describe the general subject matter of the policy
Purpose	A short statement about what the policy seeks to achieve
Responsibilities	Person or position responsible for the day-to-day implementation of policy and procedure
Principles	A short statement about beliefs that underpin the policy
Definitions	A short explanation of key terms



TIPS & TECHNIQUES

How To Develop Policy

Policy	The actual content of the policy, being the position taken by the organisation on the topic. A policy document may include several sub-headings under this topic depending on how complex it needs to be.
Procedures	These might be in a separate document. If included in the Policy document the procedures outline how the policy is implemented on a day-to-day basis.
References	Identifies any other documents that are relevant or important to the policy. While all written material within the organisation are related in one way or another, there will often be particular documents that should be read in conjunction with the policy. Examples may include legislation, Codes, Standards, your Constitution and other policies. Not all policies need to have references.
Forms or Attachments	Documents that are directly connected to the implementation of the policy.
Approving Authority	Identifies who approves the policy and who approves the procedure. This could be the Committee, a sub-committee or the individual responsible for a particular policy area.
Approval Date	The date that the policy or procedure was approved by the Approving Authority.
Next Review Due Date	The date set for review of the policy and procedure. How often the policy needs to be reviewed will depend on the nature and volatility of the policy area. For example, a policy on the reimbursement of expenses may need less frequent review than, say, your Social Media policy. Two years is the default period.

Well crafted policies:

- use the standard template
- have content that is reliable (ie the content has been checked against legislative requirements, standards etc.)
- have content that is consistent with your other documents
- have short sentences using everyday language
- contain enough information, but not too much
- are free from misinterpretation or ambiguity
- have proper version control

When the author is satisfied that the key information is included, the draft policy should be circulated to interested people and relevant stakeholders for 'testing' and feedback.

The author/s will consider the feedback and write the next draft for presentation to the Committee. (For complex or controversial matters it might require a number of drafts before the policy is ready to be put to the Committee or other Approving Authority.)

The Approving Authority will have the opportunity to provide feedback and suggest amendments BUT this should only happen once. Otherwise you run the risk of your policy entering an endless loop of draft and amendment without a final policy ever being approved! There will be another opportunity for comment and amendment at the next review period.



Use of Images

1. Purpose

The purpose of this policy is to explain what images can be captured on the Club's premises and during Club activities and under what circumstances those images can be used.

2. Responsibilities

It is the responsibility of the Club's Committee to ensure that this policy is implemented.

It is the responsibility of the Club's Manager to ensure that the procedures are implemented.

3. Principles

The Club aims to achieve a sensible balance between protecting children, vulnerable people and Club members, employees, officials, players and volunteers from exploitation for sexual, commercial or other purposes and avoiding undue restrictions on the taking of images by the Club and by supporters, parents, guardians, carers, family and friends.

4. Definitions

The Privacy Act protects personal information that is held, or collected for inclusion, in a 'record'. A 'record' is defined to include a photograph or other pictorial representation of a person.

5. Policy

An image is not covered by the Privacy Act if it was taken by an individual who is acting in their private capacity.

If an individual's identity is apparent, or can reasonably be ascertained, from a video or photograph or other image, then the use and disclosure of that image may be covered by the Privacy Act.

However, the Club has a responsibility to safeguard the welfare of children and vulnerable people in relation to issues of child protection, consent and data protection.

The Club also acknowledges that everyone is comfortable with having their photo-graph taken.

This policy applies to all forms of publications using photographs and moving pictures, including all forms of media, DVDs and websites.

All contractors, organisations or individuals providing services or activities at the Club are required to comply with this policy.

Committee members, employees, team managers, coaches, officials, volunteers and players will be asked to sign a consent form which gives permission to publish photographs in public places (including websites).

The name of the Policy that describes what it is about.

A short statement that explains the purpose of the Policy.

Identifying who takes responsibility for the policy &

This is where the underlying principles can be explained.

Definitions explain any terms or references that appear in the policy.

This is where the policy itself is stated and can be divided into sub-headings if necessary.

Sample Policy (Cont)

Parents, guardians or carers of children or vulnerable people attending Club activities will be asked to sign a consent form which gives permission to publish photographs in public places (including websites). If parents/guardians/carers disagree over consent for their child or for a vulnerable person, it will be treated as if consent has not been given. Only images of children and vulnerable people suitably dressed will be allowed to reduce the risk of images being used inappropriately.

The taking of images when anyone is dressing or changing clothes will not be permitted.

Every effort will be made by the Club to prevent capturing of the image of any child or adult who should not be identified.

Every effort will be made to ensure that images which may be perceived as offensive, demeaning or indecent are not captured.

Where images are likely to be used again they will be stored securely and only accessed by those people authorised to do so.

Mobile phones (MMS Multi-media messaging service, video phones etc) and other devices can take and transmit images and the same rules apply as for other forms of photography. Any images taken at the Club other than professionals brought in for that purpose are for personal use only.

Parents, carers, supporters and others must follow guidance from employees, officials and coaches as to when photography and videoing is permitted and where to position themselves in order to minimise disruption to activities.

People with no obvious connection to the Club will not be allowed to take photographs – employees, coaches or officials are expected to question anyone they do not recognise who is using a camera or other recording device at Club events and activities.

The media operate under their own Code of Ethics. If media are invited into the Club for publicity purposes, adults who must not be identified or parents or carers of children who must not be identified must be informed beforehand.

The Club will not use the personal details or full names (which means first name and **family name**) of any child or adult in a photograph on its website or in any of other printed publications without consent.

The Club will only use images which are true and accurate. Any manipulation likely to mislead must be disclosed.

The Policy should clearly state what people involved in the organisation should and should not do. Short sentences and clear language make it accessible and easy to understand

Sample Policy (Cont)

6. Procedures

The Club will produce, provide, collect and securely store an Images Consent Form which will contain wording such as:

Occasionally, we may take photographs, or make video recordings of people at the Club. We may use these images on displays around the Club, in printed publications that we produce or on our website.

The Club may also agree to the use of photographs to promote activities in publications and publicity material produced by the State or National Association or other bodies.

Sometimes the media (print, radio, television or digital) may visit our Club and interview Committee members, employees, officials, coaches and players and may take photographs, videos or sound recordings of these interviews. These images may then be used in the local, state or national programs and publications.

Please answer the questions below, then sign and date the form where shown, and return the completed form to Reception as soon as possible.

Please circle

1. Do you agree to your photograph being taken when you are taking part in Club activities? Yes / No
2. Do you agree to having your photograph published in the media? Yes / No
3. Do you agree to having your photograph recorded on video? Yes / No
4. Do you agree to having your photograph published in publications or publicity materials produced by the Club, including on our website or our social media pages? Yes / No
5. Do you agree to having your photograph published in publications or publicity materials produced by affiliated bodies, including on its website or social media pages? Yes / No

This form is valid for the time you are registered with the Club plus one year after you have left, to enable us to publicise the activities of the Club. We will not re-use any images after this time. We will not include personal email or postal addresses, or telephone or fax numbers on video, on our website or in printed publications.

7. References

- Privacy Act 1988 (Commonwealth)

8. Forms or Attachments

- Images Consent Form

9. Approvals

	Policy	Procedure
Approving Authority	Committee	Club Manager
Approval Date	21/01/2019	28/01/2019
Next Review Date	21/01/2021	28/01/2021

Depending on their length and complexity, Procedures can be included in the policy document or put into a separate document and referred to in the Policy.

Procedures give detailed instructions on how to implement the Policy on a day-to-day basis and can include templates and forms to be used in situations covered by the Policy.

References should include any legislation, Codes, Standards or other Policies referred to in the document.

Details who approves the policy and procedure, when it was approved and when it should be reviewed.



Congratulations

You've worked the whole way through the Good Governance Health Check. Take a bow!

It doesn't matter how long it took you to get here - the important point is that you've taken the time and put in the effort to carefully consider how well your Association is performing.

By now you'll have a plan for continuous improvement (Organisation Development Plan - call it whatever you like, we're plain and simple so we like 'To Do List' - but whatever works for your Committee is fine by us).

You'll also have developed a much greater understanding of what good governance really means - in practice, not just in theory and we're confident you'll have a much greater appreciation of its value to any organisation.



If you ever need assistance you can contact us:

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About Us

The original concept and development The Good Governance Handbook and the online Good Governance Health Check are the result of an original collaboration between Kate Hartwig and Kate Reynolds. Leisa Donlan & Adrian Hart from www.goodgovernanceconsultants.com.au have tailored this guide & updated the content specifically for your organisation and the regulatory framework you work in and added a few templates and other information.

We've all been working in the not-for-profit sector for most of our working lives (hooley dooley, that's about 120 years between us!) and we know what works and what doesn't. Our approach - as you can see with this Handbook - is plain and simple - we provide no-nonsense, proven, practical assistance with governance and organisational development.

We've pooled our good, bad and ugly experiences and some of the many publications, tools, tips and techniques we've developed over the years into one, easy to access Handbook. We hope you've found it useful.