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TRUST

Charity Policies

## **Health and Safety Policy and arrangements for Shiva Trust Charity**

The Health and Safety at Work etc Act 1974 (HSW Act) is the primary legislation aimed at protecting employees and others who may be affected by work activities. It is enforced mainly by HSE and local authorities.

Health and safety legislation does not, in general, impose duties upon someone who is not an employer, self-employed or an employee.

HSE and local authority health and safety officers have no power to investigate incidents or pursue enforcement action in relation to most purely voluntary activities (subject to limited exceptions such as where a volunteer is in control of non-domestic premises).

However, at the Shiva Trust we are committed to ensuring the health and safety of our employees, volunteers and the people we work with.

Anand Ennis-Cole has overall and final lead responsibility for Health and Safety.

All staff and volunteers will be committed to the policy, and responsible for ensuring it is put into practice daily.

### **Our aim's of the policy:**

- Prevent accidents and cases of work related ill health, by managing the risks in the workplace and outreach venues
- Provide clear instructions, information and adequate training to ensure employees and volunteers, where necessary, are competent to do their work safely
- Consult with employees and volunteers on the day to day health and safety conditions
- Implement emergency procedures – evacuation in case of fire or other significant incident.
- Maintain safe and healthy working conditions, provide and maintain appropriate equipment, and ensure the safe use / storage of substances

### **How we implement these aims:**

- Relevant risk assessments are completed for the building and any issues arising are implemented. Responsibility – Anand Ennis-Cole
- Relevant risk assessments are completed for the activities/events taking place in the building or at an outreach venue. Responsibility – Anand Ennis-Cole
- Employees, subcontractors and volunteers are given the necessary health and safety induction
- Employees and volunteers are given the necessary health and safety training
- Where staff and volunteers have a disability, physical or mental health conditions, reasonable adjustments will be made
- A fire risk assessment is completed by the Health and Safety Lead and kept on the premises. A fire evacuation plan is in place, tested and reviewed quarterly. All staff, volunteers, teachers and other subcontractors are made aware of this.

- Escape routes are clearly signed and kept clear at all times
- Employees and volunteers are:
  - consulted appropriately on health and safety
  - are clear who they report to as matters arise on a day to day basis
  - are given the chance to discuss issues in team meetings
- Health and Safety Lead is kept up to date with changes in Health and Safety Management
- There is an annual Health and Safety Inspection of the premises and annual self audit carried out by the lead
- Toilets and washing facilities are provided
- Systems are in place for the appropriate testing of equipment and machinery, and issues arising are dealt with swiftly
- There are an appropriate number of people trained in first aid – and this training is renewed periodically.
- There is a first aid box available within the building, and a portable first aid kit will be taken to outreach venues unless the venue have verified there is already one available.
- The first aid box at the Pashupati Ashram is located in the barn.
- All accidents and ill health are reported to the lead, recorded in the accident book kept in the main office, and investigated where necessary
- There is a no smoking policy on the premises
- Where contractors are used, reference's and quotes are obtained to ensure their safe working
- Anand Ennis-Cole is responsible for identifying substances for COSHH assessment
- All food handlers are food hygiene trained and this training is renewed periodically
- Gas safety – equipment is maintained annually and records kept
- Lone Working – there may be a time when staff have to work alone in the building, this will be risk assessed and there is a procedure in place
- New and expectant mums – where a member of staff or volunteer become pregnant they must inform the health and safety lead, confidentially will be kept where requested, and a risk assessment must be completed to ensure their safety at work
- Equipment will be checked and maintained regularly
- Hand Safety at work poster is displayed where staff and volunteers can easily access it

**Staff and volunteers are made aware of:**

- The details of this policy in their induction
- How and where to report concerns
- Their commitment to this policy's guidelines
- Their responsibility for their own health and safety

Date:

This policy will be reviewed: 28.08.2020

Signed:

## Risk Assessment Form

Please complete in BLOCK CAPITALS (Please photocopy more sheets if you need to)

Company Name:	The Shiva Trust
Address:	Shiva Trust, Meadows Farm, Dean Lane, Water, Rossendale, BB4 9RB
Responsible Person:	
Date Assessment undertaken:	
Signature of Assessor:	
Products to be exhibited:	

HAZARD	Location	HAZARD SEVERITY RATING*	Hazard Probability rating	Who is at risk	CONTROLS TO MINIMISE RISK
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		N	M	S staff, volunteers and public	S
ris			ni	Stasstaff, volunteers and public	

### \*Hazard Severity Rating:

- 1 – **Negligible** (remote possibility of harm)
- 2 – **Marginal** (slight injury, minor first aid)
- 3 – **Slightly dangerous** (some injury, not too serious)
- 4 – **Dangerous** (serious injury or damage)
- 5 – **Very dangerous** (could cause death or widespread injuries)

### \*\*Hazard Probability Rating:

- 1 – **Improbable** (unlikely to happen)
- 2 – **Remote** (may occur at some time)
- 3 – **Possible** (likely to occur at some time)
- 4 – **Probably** (very likely to occur)
- 5 – **Very probable** (very likely to occur soon)

## **Safeguarding Children and Adults at Risk Policy**

The Shiva Trust are committed to both safeguarding and promoting the well being of all children, young people and adults with whom it has contact.

We recognise that :

Everyone involved in the care of children, young people and adults at risk has a responsibility for the protection of those individuals from harm. It is also essential that we honour the trust of those who allow us to care for their children, young people and adults at risk.

We understand there is a duty placed on public agencies under the Human Rights Act (1998) to intervene to protect the rights of citizens. Also the Children Act (1989) makes it clear that the welfare of the child is paramount and that everyone involved in the care of children has a responsibility to protect those children from harm.

In order to protect everyone from potential and actual abuse we make it essential for all staff and volunteers to have an understanding of the issues involved and that appropriate procedures are in place that are shared and understood.

The Shiva Trust safeguarding policy arises from the following principles:

The welfare of the child, young person or adult at risk is paramount; Everyone, regardless of age, gender, disability or ethnic origin has a right to be protected from all forms of harm, abuse, neglect and exploitation It is not our responsibility as members of Shiva Trust to decide whether or not abuse is occurring, but it is our responsibility to act on any concerns and do something about it.

### **Objectives**

The key objectives of this policy are to:

Set out the responsibilities that the Shiva Trust, its staff, volunteers, and trustees have in safeguarding children and adults.

Provide staff, volunteers, trustees and directors with an overview of child protection and safeguarding.

Provide a clear procedure that will be implemented where a safeguarding issue arises.

### **Definitions**

A child is a child before their birth (i.e during pregnancy) and until their 18th birthday.

An adult at risk is any adult needing community care services due to a mental or other disability, age, illness, who are unable to protect of themselves against harm or exploitation.

### **Identifying abuse**

The term abuse is used to describe the ways in which a person can be harmed or mistreated.

Child abuse is split into four categories: Physical, neglect, sexual and emotional.

Abuse of adults is split into seven categories, including the afore mentioned and including, financial, institutional and discriminatory.

## Physical abuse

This may involve hitting, kicking, shaking, throwing, squeezing, suffocating, drowning, burning or scolding, or biting the child or adult. Giving a child alcohol is also a form of physical abuse. Giving a child or adult at risk (against their free and informed consent) drugs, poison or over medicating using prescribed medications. Parents fabricating the symptoms of, or deliberately inducing illness in a child.

## Neglect

Neglect is a persistent failure to meet a child's or an adult's basic physical and psychological needs. This may include failure to meet basic needs such as providing food, shelter, warm clothing or medical attention. Neglect can occur before the birth of a child, for example, substance misuse in pregnancy, also failure to provide appropriate supervision (including leaving children with appropriate carers)

## Sexual Abuse

Sexual abuse involves forcing or enticing a child or adult at risk to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. Activities may involve penetrative or non penetrative acts or non contact activities such as forcing a child or adult at risk to look at or take part in the production of pornographic materials. For children it can also include encouraging them to behave in sexually inappropriate ways. Sexual abuse includes grooming a child in preparation for abuse, for example, via the internet.

## Emotional Abuse

For children emotional abuse is the persistent emotional ill treatment of a child, such as to cause severe adverse effects on that child's emotional development. This may involve a lack of love and affection, telling a child they are worthless, serious bullying or being constantly shouted at. Emotional abuse also occurs when the child is only valued insofar as they meet the needs of another person. Also when the child is overprotected and unable to explore and learn on their own, or when they witness the ill treatment or abuse of another, for example domestic violence or animal cruelty. Other examples include serious bullying, including: cyber bullying, making fun of what the child says and how they communicate.

For adults at risk, emotional or psychological abuse can include threats of harm or abandonment, blaming or controlling behaviour, or enforced isolation.

## Financial Abuse

This type of abuse is mainly for adult at risk, unless you feel a child is also at risk you should report this in the usual way. Financial abuse is when an adult is exploited for financial gain. This includes: theft, fraud, pressure regarding wills or inheritance, exploitation, the misuse of property, possessions or benefits.

## Institutional Abuse

Again this is mainly regarding adults at risk, however if you feel a child is being exploited in this way you should report this in the usual way and consider contacting the Local Authority Designated Safeguarding Officer.

Institutional abuse occurs when the routines, systems and regimes of an institution results in inadequate standards of care or poor practise which affects the whole setting. It denies, restricts or curtails the privacy policy, choice independence, or fulfilment of adults at risk. It also includes decisions that are made in the best interests of staff rather than the adult at risk.

## Discriminatory Abuse

This is behaviour that makes or sees a distinction between people, and uses it as a basis for prejudice or unfair treatment. This can include: racism, sexism, homophobia, disabilism and not respecting individuals rights to worship.

## How we will keep children safe and respond to concerns

### Prevention

The Shiva Trust follows the safer recruitment policy for all staff and volunteers.

The Designated Safeguarding Lead will undertake appropriate child safeguarding training. The training will be refreshed every two years. In addition to this they will keep up to date with developments relevant to their role.

Regular supervision is carried out with all staff and volunteers.

Safeguarding policies and information is regularly shared by the Designated Safeguarding Lead in team meetings.

Information on our safeguarding policy and procedures is made available to all who access our service.

### What to do if abuse is suspected

If any member of the Shiva Trust suspects that abuse is taking place they should immediately inform the Designated Safeguarding Lead – Ramana Ennis-Cole on 07792788627 who will decide whether or not to take the matter further.

A log of concern will be kept.

If it is felt that further investigation is required to keep a child safe then this will be referred to Lancashire County Council Children's Social Care team. In the event of a referral being made, all relevant information will be shared, including log of previous concerns, supervision notes or any conversations with the child and parents.

If it is felt that further investigation is required in order to keep an adult at risk safe then the matter must be referred to Lancashire County Council Adult's Social Care Team.

In the event that the Designated Safeguarding Lead is not available or contactable, then the deputy Helen Blackburn will be contacted. If this is also not possible this should not delay any action being taken to protect a child or adult at risk. Any member of the Shiva Trust may contact – Lancashire County Council Social Care Team's to raise their concerns directly.

**If there are any concerns about the immediate safety of a child or adult at risk then the police must be contacted on 999 without delay.**



Designated Safeguarding Lead	Ramana Ennis-Cole	07792788627
Deputy Safeguarding Lead	Helen Blackburn	07508713579
Lancashire County Council Children's Social Care Team		0300 123 6720
Lancashire County Council Adult's Social Care Team		0300 123 6721
Local Authority Safeguarding Officer	Tim Booth, Donna Green, Shane Penn	<b>01772 536694</b>

### **Allegations against staff or volunteers**

All staff and volunteers should feel able to raise concerns about poor or unsafe practise. There are appropriate whistleblowing procedure in place, see whistleblowing policy.

Any suspicion that a child or adult at risk has been abused by a member of staff or volunteer must be reported to the Designated Safeguarding Lead. The Designated Safeguarding Lead will consider the necessary safety of the child in question and any other child who may be at risk.

The Designated Safeguarding Lead will refer the allegation to the Local Authority Safeguarding Officer who may involve the police.

For allegations of abuse of children the Designated Safeguarding Lead and Lancashire County Council Social Care Team will liaise with the Local Authority Designated Officer – who is Briony Martin on 0300 123 6720

The parents or carers of the child or adult at risk will be contacted as soon as possible following advice from Lancashire County Council Social Care Team's.

If the Designated Safeguarding Lead is the subject of the suspicion or allegation, the concern must be made directly to Lancashire County Council and their Local Authority Designated Safeguarding Officer.

### **Internal enquiries and suspensions**

The Designated Safeguarding Lead will make an immediate decision about whether any individual suspected of abuse should be temporarily suspended pending further investigation with police and social care.

Where an individual is suspended it is advisable that other employees make no contact with them until enquiries have concluded.

Irrespective of findings of social care or police, the Shiva Trust will assess all individual cases to decide whether a member of staff or volunteer can be reinstated. The welfare of the child remains paramount at all times.

### **Partnership with children**

We will ensure children under our care are made aware of who they can talk to. They will be informed of our responsibility for their safety and their right to be listened to.

## Partnership with parents and carers

We share a purpose to educate and keep their children safe from harm.

We will share with parents any concerns we may have about their child, unless to do so may place the child at risk of harm.

We will in most circumstances endeavour to discuss all concerns with parents or carers about their child. However, there may be exceptional circumstances when we have to discuss concerns with professionals without parental knowledge. We value our relationship with parents and carers and will endeavour to keep this relationship positive.

## Partnerships with others

The Shiva Trust recognises its responsibility to share information with other agencies to ensure the safeguarding of children.

## Record Keeping

Records will be kept relating to safeguarding concerns securely and confidentially in an agreed place. Records will be factual, accurate and clearly written or typed, with a legible date, time and signature.

All members of staff and volunteers will receive a copy of this policy and undergo the appropriate training as part of their induction to the organisation. See table below for training requirements.

Role	Training required
Designated Safeguarding Lead	Designated safeguarding lead training Safer recruitment training
Deputy Safeguarding Officer	Designated safeguarding lead training
Teacher of children	Level 1 & 2 Safeguarding children
Volunteer	Provide in house training as part of induction

Our policies that support this include:

Safer Recruitment policy

Health and Safety policy

Managing allegations about staff or volunteers

Code of conduct for staff and volunteers

Whistleblowing Policy

Equality and Diversity Policy

Complaints Procedure

Disciplinary Policy

Grievance Policy

This policy has been formally agreed and adopted by the trustee's of Shiva Trust.  
The policy will be reviewed by the Designated Safeguarding Lead on a yearly basis.

Signed

Name

Position

Revised Date: 28.08.2019

Review date 28.08.2020

## **Safer Recruitment Policy**

This policy includes the Induction process of staff and volunteers. It applies to anyone involved in the recruitment process of inducting staff and volunteers to the Shiva Trust.

### **Principles**

The Shiva Trust is committed to:

- Promoting the welfare of children, young people and adults at risk, and keeping them safe
- Equality, valuing diversity and working inclusion across all its activities
- Having a workforce that represents a variety of backgrounds and cultures, which provides different and relevant skills, knowledge and abilities

### **Aims of the policy**

- To take reasonable steps to prevent unsuitable people joining the organisation
- To ensure candidates are judged to be competent before we make them an offer of a job
- To ensure that new members of staff and volunteers are given a proper induction

### **The Shiva Trust recognises that:**

- Our workforce is one of our most valuable resources
- Unsuitable individuals sometimes seek opportunities via working or volunteering with children with an intent to harm them
- Children and adults at risk benefit from our efforts to recruit suitable, competent and skilled people from a range of backgrounds
- New staff and volunteers need an efficient induction to enable them to perform their role to the best of their ability
- Staff and volunteers require ongoing support and supervision to enable them to continue to perform their role to the best of their ability

### **The Shiva Trust safely recruits and inducts its staff and volunteers by:**

- Advertising posts in an appropriate way that ensures we attract quality applicants from a range of backgrounds
- Providing the appropriate information regarding the role for applicants
- Involving more than one person in the selection process
- Where appropriate involving the views of children and adults at risk in the selection process
  
- Obtains two references followed up with a phone call
- Obtains two pieces of identification and original copies of any necessary relevant qualifications
- Carries out DBS checks and any other necessary vetting procedures for each member of staff or volunteer working with children and adults at risk, in line with DBS and other official guidelines
- Provides an appropriate induction for all new staff and volunteers
- Provides all new staff and volunteers with the relevant information on keeping children and adults at risk safe in the organisation
- Appoints staff and volunteers for an agreed trial period with a review before confirming their post
- Follows the recruitment process

The Shiva Trust are committed to reviewing our policy and good practise annually.

Signed:

Position:

Date:

Review date: 28.08.2020

## **Complaints Policy and Procedure**

The Shiva Trust recognises that there may be times when the people we provide a service for are unhappy with a circumstance or situation relating to the organisation. The Shiva Trust endeavours to provide the best service possible for all who we work with, and we are committed to learning, development and positive progress, therefore we welcome feedback of a positive and negative nature.

Making a complaint is not the same as whistleblowing. A complaint is where the individual is saying they personally have been poorly treated. A whistleblower is usually not directly or personally affected by the concerns. The whistleblower raises the concerns so others can address it.

### **If a direct member of the public wishes to make a complaint:**

- They can inform a member of staff or volunteer in person who will :
- Take their details, and the factual details of the complaint they wish to make on the complaint form
- Telephone: 07792788627
- Email the complaint to : [info@shivatrust.org](mailto:info@shivatrust.org)

If a member of staff or volunteer wishes to make a complaint:

- Make the complaint in writing or email to Anand on the above email
- If the complaint is about Ramana Ennis-Cole herself or Anand Ennis-Cole then contact a Trustee of the charity

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate there are reasonable grounds for your concern.

### **How the organisation will respond**

The complaint will be given to Anand who will determine if the concern raised should:

- Be investigated by internal investigation or through a disciplinary process
- Be referred to the police
- Be referred to an external organisation

In order to protect the individual and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it will take. Complaints falling under the scope of other policies, for example safeguarding, will be dealt with under these policies.

Some complaints may be resolved by the organisation without the need for further investigation.

Within 10 days of the complaint being raised the organisation will write to you :

- Acknowledging the concern has been received
- Indicating the matter is being dealt with
- Giving an estimate of how long it will take to provide a final response
- Explaining if further investigations will be made, if not, why not

If necessary the organisation will seek further information from you.

The organisation will try to eliminate any difficulties you may experience as a result of raising the complaint. For example if you have to give evidence in a disciplinary procedure we will arrange for you to be given advice about this.

Where there is an investigation the organisation will endeavour to inform you the matter has been addressed, and subject to any legal constraints, will inform you of the outcome of the investigation.

The responsible officer, Anand, or Trustee, will maintain a record of the complaint and the outcome.

### **How the matter can be taken further**

The procedure is aimed at providing you with a safe way to make a complaint, which we hope you are satisfied with. If you are not satisfied and feel it appropriate to take the complaint further then you can contact the Shiva Trust Trustees:

If you make a complaint in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an complaint frivolously, maliciously or for personal gain, then action may be taken against you.

Date:

Review date: 28.08.2020

Signed:

## **Grievance Policy**

The Shiva Trust aims to create an environment where staff and volunteers feel valued in the contribution they make. We also recognise that there may be occasions when staff and volunteers have concerns or grievances. This grievance procedure enables individuals to raise grievances more formally. The procedure provides an open and fair way for staff and volunteers to make known their problems and aims to enable grievances to be resolved quickly before they fester and become major problems.

### **The process for making a Grievance is:**

#### **Informal Discussions**

In the first instance, if the grievance is about their volunteering or a colleague they should discuss it informally, as soon as possible, with their manager. If the grievance involves the manager they should speak to CEO. The Manager/CEO will take the grievance seriously and ensure that everything is done to try and resolve the issue informally. It is hoped that the majority of concerns will be resolved at this stage.

#### **Formal Procedure**

##### **Stage 1**

If a member of staff or volunteer feels that the matter has not been resolved through informal discussions, they should follow the complaints procedure.

A meeting will be held between the individual and manager/CEO (or other appropriate person) to respond to the complaints raised. The meeting will be an opportunity for the volunteer to explain their complaints and share how they would like them to be addressed. They have the right to be accompanied to the meeting.

Following the meeting, the manager/CEO (or other appropriate person) will give a written response within 5 working days of the meeting outlining how the complaint(s) will be responded to. If the complaint is against another member of staff or volunteer or requires further investigation, the manager (or other appropriate person) will need to carry out further meetings or investigations. In this case, the 5 working days limit above, may need to be extended. The response will follow this meeting and include a reference to the right of appeal.

##### **Stage 2**

If the individual feels the issue has still not been resolved satisfactorily, they must raise the matter, in writing, to a director. The director will invite them to a meeting where they can discuss the matter and establish how best to resolve the situation. The staff or volunteer has a right to be accompanied to the meeting.

Following the meeting, the chair will give a written response within 5 working days of the meeting outlining how the complaint will be responded to. If the complaint is against another member of staff or volunteer, or requires further investigation, the director will need to carry out further meetings or investigations. In this case, the 5 working days limit above, may need to be extended. The response will follow this meeting and include a reference to the right of appeal.



**Right of Appeal**

If the member of staff or volunteer wishes to appeal against any grievance decision, they must appeal, in writing within five working days of the decision being communicated to them. The alternative director will convene an Appeals Sub committee to hear the appeal and they will be invited to a meeting with the Appeals Sub committee. They will have the right to be accompanied to the appeal meeting.

The initial director dealing with the issue will not form part of the Appeals sub. The Appeals sub committee's decision will be final.

Date:

Signed:

Name:

Date reviewed: 28.08.2020

## WhistleBlowing Policy

Employees or volunteers are often the first to realise that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or organisation. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. The Code applies to all staff and volunteers of the organisations and to persons employed by bodies in a contractual relationship providing goods or services.

The organisation is committed to the highest possible standards of openness and accountability, along with being committed to improving the performance of all its functions. The organisation expects its staff and volunteers who have serious concerns about any aspect of the organisations work to raise those concerns. The organisation accepts that employees may prefer to do this in a confidential way that avoids any public disclosure of their identity.

This Code makes it clear that staff and volunteers can do so without fear of victimisation, subsequent discrimination or disadvantage. In April 2011, the Equality Act 2010 was introduced. This Act ensures discriminations (direct and indirect), harassment and victimisation are challenged to ensure equality. This policy is written and reviewed in light of this Act to ensure the organisation is fulfilling its statutory duty.

WhistleBlowing is not the same as making a complaint. A complaint is where the individual is saying they personally have been poorly treated. A whistleblower is usually not directly personally affected by the concerns. The whistleblower raises the concerns so others can address it.

### Aims

The code aims to ensure staff and volunteers are:

Encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice.

Provided with a way to raise a concern and be sure of the action to be taken

Ensured that they will receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.

Reassured that they will be protected from possible reprisal or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

This Code is intended to deal with concerns not covered within the Staff Complaints Procedure, for example:

- Conduct which is an offence or a breach of a law
- Disclosures relating to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual or physical abuse of pupils in our care
- Other unethical conduct

Any serious concerns you have about any aspect of our organisation and provision, the conduct

of staff or volunteers, or others acting on behalf of the organisation, can be reported through this code.

This could be something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the organisation adheres to
- Is against the organisations other policies and procedures
- Falls below established standards of practice or
- Amounts to improper conduct.

## **Harassment or victimisation**

The organisation is committed to maintaining high standards, good ethical practice, and wants to be supportive of its staff and volunteers. It realises the decision to report a concern can be a difficult one to make, however if what you are saying is true then you have nothing to fear as you are doing your duty to your employer and for those who you are providing a service.

The organisation will not tolerate any harassment or victimisation and will take appropriate action to protect you when you raise a concern in good faith.

## **Confidentiality**

Concerns reported will be treated confidentially. Unless you agree your identity will not be disclosed. In the event the concern is regarding alleged criminal activity, you may be asked to help the police or other appropriate enforcement agencies. If the concerns involved a disciplinary procedure you may be asked to give evidence under the disciplinary procedure.

## **Anonymous allegations**

The code encourages people to put their name to the allegations wherever possible, however when we receive anonymous allegations they will be considered with discretion.

The factors taken into account will be:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

## **Untrue allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **How to raise a concern**

The first step would be to raise the concern with CEO.

If the concern is regarding the CEO then you should approach the trustees of the Shiva Trust.

Concerns may be raised verbally or in writing. Staff or volunteers who wish to make a written report are asked to use the following format:

- The background and history of the concern (giving relevant dates)
- The reason why you are concerned about the situation

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate there are reasonable ground for your concern.

### **How the organisation will respond**

Initially the CEO will determine if the concern raised should:

- Be investigated by internal investigation or through a disciplinary process
- Be referred to the police
- Be referred to an external organisation

In order to protect the individual and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it will take. Concerns falling under the scope of other policies, for example safeguarding, will be dealt with under these policies.

Some concerns may be resolved by the organisation without the need for further investigation.

Within 10 days of the concern being raised the organisation will write to you :

- Acknowledging the concern has been received
- Indicating the matter is being dealt with
- Giving an estimate of how long it will take to provide a final response
- Explaining if further investigations will be made, if not, why not

If necessary the organisation will seek further information from you.

The organisation will try to eliminate any difficulties you may experience as a result of raising the concern. For example if you have to give evidence in a disciplinary procedure we will arrange for you to be given advice about this.

Where there is an investigation the organisation will endeavour to inform you the matter has been addressed, and subject to any legal constraints, will inform you of the outcome of the investigation.

The responsible officer CEO will maintain a record of the concern and the outcome.

### **How the matter can be taken further**

The code is aimed at providing you with a safe way within the organisation to raise concerns which be hope you are satisfied with. If you are not satisfied and feel it appropriate to take the concerns further then you can contact other relevant organisations such as:

- Inland Revenue
- Audit Com mission
- Charity Commission
- Commission for Social Care Inspection

You can also find further information here:

<https://www.gov.uk/whistleblowing>

Signed:

Position:

Date:

Review date: 28.08.2020

## **Managing Allegations against staff procedure**

This procedure should be followed when an allegation is made that a member of staff or volunteer has:

- Behaved inappropriately towards a child or adult at risk in a way that has harmed or may have harmed them
- Committed or possibly committed a criminal offence against a child or adult at risk or related to a child or adult at risk
- Behaved in a way towards a child or adult at risk that indicates that they are unsuitable to work with them

### **All staff and volunteers are made aware of the following:**

- Concern or allegation brought to the attention of CEO
- Stage 1 – Managers assessment and initial response – possible outcomes
- No further action
- Internal management response
- Discussion with Local Authority Safeguarding Officer
  
- Discussion with Local authority Safeguarding Officer may then lead to
- Stage 3 – section 47 strategy discussion
- Social care and / or police enquiries
- Criminal proceedings
  
- Internal management response may lead to:
- Joint evaluation discussion with social care (section 47 enquiry)
- Organisation taking action and completing a disciplinary investigation
- Disciplinary hearing which could lead to
- Dismissal and referral to independent Safeguarding Authority and or regulatory bodies
- Disciplinary procedures

Signed:

Position:

Date:

Review date: 28.08.2020

## Disciplinary Policy

The Shiva Trust aims to create a team who are passionate in achieving and maintaining effective standards of performance and conduct to meet the Shiva Trust's objectives.

The Shiva Trust aims to minimise the use of the formal disciplinary procedure by attempting to resolve problems through supervision and informal discussions between the manager and the employee as far as possible.

Where informal measures fail to achieve the required level of performance or conduct, this procedure aims to offer a clear and consistent way of dealing with such problems. It is recognised that formal disciplinary action should be used, but that both parties will have explored informal disciplinary proceedings before formal proceedings are undertaken.

## Disciplinary Procedure

### Introduction

It is necessary to have a code of conduct, and expected behaviours in the interests of the whole organisation. The code of conduct and equality and diversity policy help promote fairness and expectations for staff and volunteers. Shiva Trust aims for the disciplinary procedure to encourage and improve the conduct of individuals, where they are failing to meet the required standards, and not be a means of punishment.

Every effort will be made to ensure that any action taken under this procedure is fair, with the staff or volunteer being given the opportunity to state their case and appeal against any decision that they consider to be unjust.

### **The following rules and procedures should ensure that:**

Staff and volunteers are fully aware of the code of conduct, standards of performance, action and behaviour required of them.

Disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner.

Employees will only be disciplined after careful investigation of the facts and the opportunity to present their side of the case. On some occasions temporary suspension on full pay may be necessary in order that an uninterrupted investigation can take place. **This must not be regarded as disciplinary action or a penalty of any kind.**

Other than for an "off the record" informal reprimand, employees have the right to be accompanied by a fellow employee, a trade union official or a trade union representative who may act as a witness or speak on their behalf, at all stages of the formal disciplinary process.

Being accompanied by someone other than the above will be considered sympathetically by the Shiva Trust.

To exercise the right to be accompanied, an employee must first make a reasonable request. What is reasonable will depend on the individual circumstances. However it is not normally reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the hearing.

The companion is allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and to confer with the employee during the hearing. The companion does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

Employees will not normally be dismissed for a first breach of discipline, except in the case of major or gross misconduct.

If an employee is disciplined, they will receive an explanation of the penalty imposed and they will have the right to appeal against the finding and the penalty.

## **Disciplinary rules**

It is not practical to specify all disciplinary rules or offences, which may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of minor misconduct, major misconduct and gross misconduct shown here, a breach of other Shiva Trust conditions, procedures, policies, etc. will also result in the disciplinary procedure being used to deal with such matters.

### **Rules covering minor misconduct**

(These are examples only and not an exhaustive list)

Employees will be liable to disciplinary action if they are found to have acted in any of the following ways:

- Absenteeism
- Unsatisfactory standards or output of work
- Unauthorised use or negligent damage or loss of Shiva Trust property
- Failure to report immediately any damage to property or premises caused by the employee
- If the employee's work involves driving on Shiva Trust business, failure to report immediately any type of driving conviction or summons which may lead to their conviction

### **Rules covering major misconduct**

(these are examples only and not an exhaustive list)

Employees will be liable to disciplinary action if they are found to have acted in any of the following ways:

- Being under the influence of alcohol whilst at work (This will cover coming to work in the morning still under the influence and also coming back to work after drinking at lunch time.)



- Being under the influence of alcohol at an event the result of which brings the into disrepute
- Inappropriate behaviour, including rudeness, towards members, stakeholders, funders, members of the public or other employees, objectionable or insulting behaviour or bad language
- Deliberately not adhering to the policies and procedures made clear to you by the Shiva Trust
- Employee's continual failure to devote the whole of their time, attention and abilities to the Shiva Trust business during their contracted working hours, unless previously agreed by a manager
- Failure to carry out all reasonable instructions or follow Shiva Trust rules and procedures
- Misuse of the internet in order to download offensive material such as pornography, or material used by the employee for personal financial gain
- Excessive or unreasonable personal use of Shiva Trust telephones, email, internet, photocopiers and printers and any other equipment
- Bringing Shiva Trust into disrepute by lying, spreading malicious gossip or negative comments about Shiva Trust or its management, staff or volunteers

### **Rules covering gross misconduct**

(these are examples only and not an exhaustive list)

You will be liable to summary dismissal if you are found to have acted in any of the following ways:

- Being found to be guilty of a an allegation of safeguarding against children or adults at risk
- Grossly indecent behaviour, deliberate acts of unlawful discrimination or serious acts of harassment
- Dangerous or aggressive behaviour, including fighting or physical assault
- Incapacity at work or poor performance caused by misuse of intoxicants or illicit drugs
- Serious insubordination and/or continuing refusal to carry out legitimate instructions
- Theft or fraud
- Possession or use of illicit drugs.
- Deliberate falsification of any records
- Undertaking private work on the premises and/or in working hours without express permission
- Working in competition with Shiva Trust
- Taking part in activities which result in adverse publicity to the Shiva Trust or which bring the Shiva Trust into disrepute, or which cause the Shiva Trust to lose faith in the employee's integrity
- Intentional destruction/sabotage of the Shiva Trust property, or any property on the premises

- Intentional destruction/sabotage of property belonging to a third party but being used by the Shiva Trust staff e.g. exhibitors stands at conference
- Serious breaches of health and safety rules, including those which endanger the lives of or may cause serious injury to employees or any other person
- Interference with, or misuse of, any equipment for use at work that may cause harm
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- A serious breach of confidence eg performing some part of the employee's role so badly that complete confidence in ability is lost
- A serious breach of confidentiality eg releasing confidential information into the public domain
- Action which results in the loss of income to the Shiva Trust

## **Disciplinary process**

### **Informal action**

Minor breaches of performance or conduct will result in an informal discussion with the manager about conduct or standards expected of employees. The manager will ensure that the employee understands what needs to be done and how conduct/performance will be reviewed and over what time period. Although informal, the manager will keep a note of this action. The notes to be agreed by both parties, should the parties fail to agree on the notes then the manager's record will be put on file along with a copy of the staff member's area of disagreement on the notes.

Where informal actions have failed to resolve a problem, or the issue is serious enough to warrant going straight to the disciplinary procedure, managers may invoke the formal disciplinary procedure. Any line manager may initiate the procedure, after discussion with their line manager or another director or if the Director is the initiator, after discussion with the one of the board of Trustees.

### **Alleged criminal offence**

Where a criminal offence is alleged to have taken place within designated working hours on Shiva Trust premises or in any way connected with Shiva Trust business, and which has an impact on the employee's suitability to do the job and their relationship with the employer, work colleagues or customers, Shiva Trust reserves the right to carry out its own disciplinary investigation and action, irrespective of any police investigation and without waiting for the courts to come to a decision.

### **General points**

A general principle applying to all stages of the procedure is that the manager is responsible for taking action and he/she should always inform and discuss this with his/her line manager prior to taking that action.

No manager should attend a disciplinary interview on his/her own, He/she must have a note-taker.

Summary notes of all disciplinary meetings will be taken and a copy kept on the employee's personnel file.

NB No formal disciplinary action will be started against a trade union official without informing the union branch concerned first.

### **Investigation process and meetings**

The manager conducting a disciplinary meeting will gather any evidence necessary prior to the meeting.

It may be possible to gather that evidence without talking to the employee concerned for example if the topic of the disciplinary is poor timekeeping or issues about absence; copies of timesheets or absence records can simply be collated without discussing them at an investigation meeting. However, the investigation process might require an investigation meeting with the employee concerned or with other employees prior to a disciplinary meeting. An investigation meeting is necessary when:

- An allegation has been made about an employee's conduct and the manager needs to hear their side of the story before deciding how to proceed.
- The manager needs to gather evidence from the employee to decide what else to investigate prior to the disciplinary meeting. For example who else to talk to about the issue
- The issues under investigation are complex and would benefit from an investigation.

An employee is not entitled to be accompanied at an investigation meeting as it is does not form part of the formal disciplinary process.

### **Process**

•If it is deemed necessary to suspend an employee before the commencement of the disciplinary process the employee will be invited to a meeting and informed about the suspension and the process that will be followed.

•If suspension is not necessary the employee will be invited to a meeting and informed of the intention to invoke the disciplinary process.

•A letter will then be sent to the employee detailing the alleged offence, time and date of the disciplinary hearing and the employee's right to be accompanied. The letter will also enclose any documents that will be discussed during the hearing.

•The hearing will normally be set for 5 working days from the date of the letter.

•At the hearing the employee will be asked to put forward their explanation and to answer any questions that will contribute to the understanding of the facts.

•A decision will not be given at the meeting. The manager hearing the case will reflect on all of the information provided and then make a decision. The result of the hearing will be made known to the employee in writing within five working days after the hearing.

## Possible penalties of disciplinary action

Possible disciplinary penalties will be based on the following table:

Offence	First stage of formal process for minor offences	Second stage of formal process for minor offence or first stage of major offence	Final stage
Unsatisfactory performance	Issue of an improvement note*	Final Written warning	Dismissal
Misconduct	A first warning	Final Written warning	Dismissal
Gross misconduct	Dismissal		

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a first written warning/issue of an improvement note, final written warning, or dismissal, and full details will be given to the employee. In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the procedure in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

\* A performance note is used when the disciplinary action is performance related. The improvement note details what improvement is needed and in what timescale.

## Disciplinary authority

The operation of the disciplinary procedure contained in the section above is based on the following authority at the various levels of disciplinary action.

### PERSON AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF

	Chief Executive	Directors	Managers	Other employees
First Written warning/ improvement note	Chair	Chief Executive	Director or in the absence of the appropriate Director the Chief Executive	Manager or in the absence of the appropriate manager the appropriate Director
Final written warning	Chair	Chief Executive	Director or in the absence of the appropriate Director the Chief Executive	Manager or in the absence of the appropriate manager the appropriate Director
Dismissal	Trustee board		Chief Executive	Director or in the absence of the appropriate Director the Chief Executive

## **Period of warnings**

a. First Written warning - **A written warning will normally be disregarded after a 6 months' period. (This might be longer in exceptional circumstances)**

b. Final written warning - **A final written warning will normally be disregarded after a 12 months' period. (This might be longer in exceptional circumstances)**

## **Disciplinary appeal procedure**

The disciplinary rules and procedures incorporate the right to lodge an appeal in respect of any disciplinary action taken against an employee.

If an employee wishes to exercise this right they should apply in writing to the Chief Executive or in his/her absence a trustee.

An appeal against a first or final written warning or dismissal should give details of the grounds for the appeal in writing for example the penalty imposed is either too severe, inappropriate or unfair in the circumstances.

The disciplinary appeal procedure will normally be conducted by a member of staff not previously connected with the disciplinary process so that an independent decision into the severity and appropriateness of the disciplinary action can be made.

If the employee is appealing on the grounds that they have not committed the offence then their appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.

The employee may be accompanied at the appeal hearing by a trade union official, trade union representative or fellow employee of their choice, who may act as a witness or speak on their behalf, and the result of the appeal will be made known to the employee in writing within five working days after the hearing.

Date:

Signed:

Review Date: 28.08.2020

# **Equality and Diversity policy**

## **Policy Statement**

Shiva Trust is committed to promoting equality, valuing diversity and working inclusively across the organisation and all of our activities. These principles are upheld in our behaviours and practises.

Overall responsibility for this policy sits with Ramana Ennis-Cole who will ensure it is reviewed annually in line with changes and requirements of equalities and/or human rights legislation.

The Shiva Trust opposes all forms of discrimination and intolerance in the workplace and services settings and will take a zero tolerance approach to bullying, harassment and victimisation. Any such behaviour will be treated as a disciplinary offence.

As an organisation that provides services for children, young people and adults, we will ensure that staff and volunteers are equipped to challenge all forms of discrimination. We will proactively identify and remove any barriers and inequalities in access to service provision.

## **Equality**

The Shiva Trust adheres to the relevant equality legislation – the Equality Act 2010, which makes it unlawful to discriminate against people with a protected characteristic:

- Race
- Gender
- Marriage and civil partnership
- Religion or Belief
- Sexual orientation
- Disability
- Gender re-assignment
- Age
- Pregnancy and maternity

This list is not comprehensive and we recognise that people can be discriminated against in other ways to. The Equality and diversity policy applies to recruitment, training, promotion, discipline and dismissal.

We will ensure our workplace, employment policies and practices do not unreasonably exclude or disadvantage anyone with a disability, and will comply with the duty to comply with any reasonable adjustments in relation to such persons.

## **Principles**

The Shiva Trust is committed to:

- Ensuring diversity and human rights are at the core of its values
- Encouraging people with different backgrounds and attitudes to contribute to our organisation so it can draw upon the widest range of experiences

- Maintain an environment where people feel comfortable expressing how they feel and what they need, knowing they will be treated with respect and that their contribution is valued
- Endeavor to deliver services in a way that genuinely recognises the importance of an inclusive society and that brings opportunities and access, not barriers to individuals
- Ensure that diversity is managed so that everyone has equality of opportunity, through a fair and consistent approach
- Ensuring equal access to jobs, volunteer opportunities, membership, services and activities
- To promote equal opportunities in other areas not currently covered by legislation
- To maximise the use of resources in the best interests of staff, volunteers and service users
- To confront and challenge discrimination where and whenever it arises, whether it is between colleagues, or in any other area relating to our work
- To ensure, through positive action and so far as is practicable, that our premises and services are accessible to all people
- To ensure that employment and advancement within the organisation is determined by objective criteria and personal merit

## **Equality and Diversity Framework**

In applying this policy the Shiva Trust will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act 2010, age, disability, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sexual orientation and political opinion or any other personal characteristic.

Responsibility for implementing and developing the policy rests with the Trustees. However, we believe that all who work with or for the organisation have an individual responsibility: to accept the policy and ensure a personal involvement in its application; to co-operate actively to ensure that the environment we desire is a reality.

## **Recruitment**

- All posts will be advertised internally or externally as appropriate
- We will endeavour to recruit staff, trustees and volunteers from all sections of the community.
- Recruitment is done on the basis of matching skills, qualifications and experience with a person specification, in accordance with recommended best practise for ensuring equality of opportunities
- Training and development opportunities are available to all staff as appropriate
- Some posts involve the opportunity for unsupervised access to children or adults at risk, and are exempt from the Rehabilitation of offenders act, 1974. Applicants therefore are required to declare any criminal convictions, including those normally regarded as spent under the act. All candidates offered an exempt post are required to obtain a Enhanced Disclosure from the Disclosure and Barring Service
- All other posts fall in the category of regulated positions as defined in the criminal Justice and courts act 2000, and applicants are required to obtain a standard Disclosure
- In the event that the Disclosure reveals a criminal record or other information of concern this will be discussed with the candidate before a decision is made to confirm the post or not. The organisation will consider the nature of of the offence and whether or not it makes the applicant unsuitable for the work to be undertaken, how long ago the offence was committed and the age of the person at the time, together with any other factors that may be relevant

- The organisation will make reasonable adjustments or arrangements for people to attend an interview
- The organisation will make reasonable adjustments for any staff or volunteers with a disability
- All applicants will be made aware of this policy and our commitment to equal opportunities within their induction
- Any staff or volunteers who are not satisfied that this policy has been properly applied can make a complain in accordance with the grievance procedure

#### Monitoring, evaluation and review

- The policy will be reviewed every year by operation managers
- The policy will be placed on the website
- The trustees will be informed of the working of the policy where necessary

#### **Service provision**

The Shiva Trust will:

- Record concerns and complaints about services to ascertain if there are trends to suggest discrimination. Where a trend is identified action will be taken to rectify this.
- Seek the views of the people accessing services to ensure that information is utilised to provide services accordingly and monitor the quality of the provision

#### **Discrimination and Harassment**

The Shiva Trust will:

- Investigate all complaints of discrimination and harassment thoroughly
- Take disciplinary action against any employee, volunteer or trustees found to have discriminated against another employee, member of the public , trustee or volunteer on the grounds of the protected characteristics
- Take disciplinary action against any employee found to have harassed another employee, volunteer or trustee on the grounds of the protected characteristics

Date:

Signed :

Name:

Review Date:28.08.2020



# **Volunteer Policy**

## **Purpose of our volunteer policy**

Our volunteer policy has been created to show our volunteers and potential volunteers that we have spent time and care in planning how volunteers will be welcomed at the Shiva Trust. It also outlines that all volunteers will be treated in a fair and consistent way. It should also help our volunteers understand what support is available to them and what they can expect from us.

## **Our vision and mission for volunteering**

Volunteering is a great way to share your enthusiasm, skills and ideas whilst having fun and meeting like-minded people. By volunteering for the Shiva Trust you will be making a positive contribution to community development in our area. Volunteers are vital to our work and we have a range of opportunities for volunteers to get involved in.

Once we receive your enquiry a member of our team will get in touch with more information on specific opportunities and we can decide together which option best matches your interests and time availability and also our needs. Your help will be greatly appreciated and really will make a difference.

## **Relevant recruitment process's**

Initially you will complete a volunteer application form where you will be asked to state which area of work you are interested in.

Some volunteer roles will require an Access DBS check to inform the Shiva Trust of any criminal convictions that a person wishing to volunteer may have. For example, any volunteer position which involves regulated activity with children or vulnerable adults will be subject to an Enhanced DBS

Following our Safer Recruitment policy, we will also require two forms of identification, a character reference, and any evidence of qualifications that relate to skills you have stated you have and we wish you to use.

## **Induction and training**

The induction will include:

Some information about the Shiva Trust and Pashupati, our vision and mission

A discussion about your area of interest from your form

A tour around our office and animal sanctuary

A copy of all the relevant policies including this volunteer policy, how we safeguard children and adults at risk, and also our Health and Safety and Equality and Diversity.

Essential practical procedures such as timekeeping, and expenses will be completed on your induction

## Information about training and ongoing learning opportunities

There will be a trial period to give both parties time to discover if you are suited to each other. A review will be made midway through the trial period and also at the end. This is not an assessment, it is just so that we can be sure that you benefit the most from the volunteering experience and maximize the time you are giving freely.

## Support

You will receive a comprehensive induction followed by ongoing support through a key contact throughout your volunteering with us. This will include regular meetings with you to discuss how you are getting on, discuss any training needs and deal with issues arising. This will also ensure we are doing all we can to make your volunteering experience an enjoyable and meaningful one.

## Recognition and reward

We value our volunteer contributions and to acknowledge this we will always say thank you and show appreciation and recognize your

## Expenses

We value our volunteers and want to ensure that there are no barriers to volunteer involvement. All reasonable out of pocket expenses, if required, will be reimbursed including expenses for travel and meals (if working more than 4.5 hours in one session). In order to claim expenses, an Expenses Form must be completed, a valid receipt provided and this should be handed in at the office

## Insurance, health and safety, accidents and risk assessment

The Shiva Trust has a valid insurance policy so that volunteers are covered by public liability insurance, which you are advised to read. It covers the volunteering activities you will be doing. We will keep reminding you of our Health and Safety Policy and give simple instructions on how to perform each task safely. We have a risk assessment that will be shared with you, and the hazards and risks will be highlighted during the induction.

We have clear procedures for accidents and emergencies and will always have a first aider available.

## Resolving problems

We hope that you will have a very enjoyable experience volunteering with us. However if your role as a volunteer does not meet with your expectations or with the commitments we have made to you, we want you to feel comfortable about letting us know. First of all, talk to the key contact. If you do not feel this will or has resolved things then please speak to Ramana Ennis Cole.

## Confidentiality

We expect all volunteers to adhere to the confidentiality policy which will be explained to you before you begin volunteering with us and this also includes use of social media and contact with any press.

## **Equality, Diversity and Inclusion:**

The Shiva Trust is committed to embracing diversity and promoting equality and inclusion. When representing The Shiva Trust as a volunteer we will share with you our Equality and Diversity policy, which we will expect you to support.

## **Volunteering whilst on benefit**

You can still volunteer with us if you are receiving benefits provided that we follow the legal guidelines. We have information from the Jobs and Benefits Department which we can talk through with you regarding the hours you can do and what you can claim for expenses incurred through volunteering.

Date:

Signed:

Name:

Date of review: 28.08.2020

## **Confidentiality Policy**

### **This policy is to:**

- To protect the interests of the public we work with
- To ensure all people we work with have trust and confidence in the charity
- To protect the charity, its trustees, staff and volunteers
- To comply with data protection law

### **We will ensure:**

- Staff and volunteers receiving personal information about members of the public treat this information as confidential.
- Under no circumstances should staff and volunteers share personal information with their own partners, family or friends.
- All personal information will be treated as confidential. Information will only be collected that is necessary and relevant to the work in hand. It will be stored securely, only accessible on a need to know basis to those members of staff and volunteers duly authorised. The retention periods of personal information is covered in the retention section of the Data Protection Policy which should be read in conjunction with this policy

### **Our staff and volunteers:**

- Colleagues are able to share information with their line manager in order to discuss issues and seek advice.
- Colleagues will avoid exchanging personal information or comments about individuals with whom they have a professional relationship.
- Talking about the private life of a colleague is to be avoided at all times, unless the colleague in question has instigated the conversation.
- Colleagues will avoid talking about organisations or individuals in social settings.
- Colleagues will not disclose to anyone, other than their line manager, any information considered sensitive, personal, financial or private without the knowledge or consent of the individual, or an officer, in the case of an organisation.

There may be circumstances where colleagues would want to discuss difficult situations with each other to gain a wider perspective on how to approach a problem. The organisation's consent must be sought before discussing the situation, unless the colleague is convinced beyond doubt that the organisation would not object to this. Alternatively, a discussion may take place with names or identifying information remaining confidential.

Where there is a legal duty on The Shiva Trust to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

## **Why information is held**

- On an individual basis, enabling us to send out required information about our services
- Voluntary, community organisations and self-help groups so we can work with them and signpost people to them where necessary
- Employees, students, volunteers and trustees personal details

Information about students is given to the training organisation and the college, but to no one else.

Information about ethnicity and disability of users is kept for the purposes of monitoring our equal opportunities policy and also for reporting back to funders where appropriate.

## **Access to information**

Information is kept confidential as an organisation and may be passed to colleagues, line managers or trustees to ensure the best quality service for users.

Where information is sensitive, i.e. it involves disputes or legal issues, it will be confidential to the employee dealing with the case and their line manager. Such information should be clearly labelled 'Confidential' and should state the names of the colleagues entitled to access the information and the name of the individual or group who may request access to the information.

Colleagues will not withhold information from their line manager unless it is purely personal.

The public may have sight of their Shiva Trust records held in their name or that of their organisation. The request must be in writing to Shiva Trust giving 14 days notice and be signed by the individual, or in the case of an organisation's records, by the Chair or Executive Officer. Sensitive information will only be made available to the person or organisation named on the file.

Employees, volunteers and students may have sight of their personnel records by giving 14 days' notice in writing to the Anand Ennis-Cole

When photocopying or working on confidential documents, colleagues must ensure people passing do not see them. This also applies to information on computer screens.

## **Storing information**

General non-confidential information about organisations is kept in unlocked filing cabinets and in computer files with open access to all Shiva Trust colleagues.

Personnel information on employees, volunteers, students and other individuals working within The Shiva Trust will be kept in lockable filing cabinets by and will be accessible to the appropriate managers.

Files or filing cabinet drawers bearing confidential information should be labelled 'confidential'.

In an emergency situation, the Director may authorise access to files by other people.

## **Duty to disclose information**

Information will only be shared with other agencies only under the following circumstances:

- To ensure the safety and welfare of the person
- Where there is a safeguarding concern, allegation, grievance, or complaint that requires this
- To protect the safety and welfare of a child or other adult who may be at risk.
- If there is a legal duty to disclose information, such as:  
Safeguarding concern for children or adults at risk  
Drug trafficking, money laundering or acts of terrorism will be disclosed to the police.

In addition colleagues believing an illegal act has taken place, or that a user is at risk of harming themselves or others, must report this to the Anand Ennis-Cole who will report it to the appropriate authorities.

- Users should be informed of this disclosure.
- The public are made aware of their right of access to their records.
- The public will be made aware of their right to complain if they feel confidentiality has been breached.
- Breaches of confidentiality will be dealt with through the Charity's compliant, grievance or disciplinary policy.

## **Glossary**

Personal Information: By personal information we mean both:

- (a) The data protection definition which is any information which enables a living person to be identified (eg name, address, phone number, email address, nhs number etc or Special Categories of Personal Data which requires the individual's explicit consent for it to be held by the Charity, eg ethnicity, sexual life, political interests, religious beliefs, trade union affiliations etc.
- (b) Information, written or verbal, about a client that relates to their health, circumstances, family or experiences that is either provided to you for context so that you can provide a personalised service and/or information you glean directly as a result of your contact with the client.

Date:

Signed:

Name:

Date Reviewed: 28.08.2020

## Conflict of Interest Policy

All staff, volunteers and trustees of Shiva Trust will strive to avoid any conflict of interest between the organisation on one hand, and personal, professional and business interests on the other. This includes avoiding actual conflicts of interest as well as perceptions of conflict of interests.

The purpose is to protect the integrity of the organisations decision making process to enable our stakeholders to have confidence in our integrity, and to protect the integrity and reputation of volunteers, staff and trustees.

Example of conflict of interest include:

- A trustee who is also a user who must decide whether fees from users should be increased
- A trustee who is related to a member of staff and there is decision to be taken on staff pay and/or condition
- A trustee who is also on the Board of another organisation that is competing for the same funding
- A trustee who has shares in a business that may be awarded a contract to do work or provide services for the organisation

The Trustees will make a full declaration when appointed, of their disclosure of interests, such as relationships, and posts held, that could potentially result in a conflict of interest. This written Disclosure will be kept on file and will be updated as appropriate.

In the course of meetings or activities, trustees will disclose any interests in a transaction or decision where there may be a conflict between the organisations best interests and the trustees best interests or a conflict between the best interests of two organisation that the trustees is/are involved with.

The possibilities if there is a conflict of interest are:

- After disclosure, they may be asked to leave the room for the discussion and may not be able to take part in the decision depending on the judgement of the other committee members present at the time
- After disclosure, that may be asked to leave the room for the discussion and will not be able to take part in the decision

Date:

Signed:

Name:

Date reviewed: 28.08.2020

## **Code of Conduct**

Our code of conduct covers the conduct of staff and volunteers both inside and outside of the organisation, including via external media.

All staff and volunteers of Shiva Trust are expected to work within the parameters of this code of conduct to maintain our high expectations of a supportive, nurturing and ethical environment.

### **When dealing with our colleagues we agree to:**

- Treat each other with respect, trust and courtesy as fellow professionals
- Promote a positive approach to working as a team
- Ensure all staff and volunteers have a voice and feel listened to
- Make every effort to be accepting of change and respond in an appropriate way
- To value each other's differing view points
- To seek a solution rather than a portion blame, and work together to solve problems positively and with the best interests of the people we provide a service for at heart
- To share our ideas and resources which may help our colleagues to maintain the best service they can for the organisation
- Value the different talents of each other and work together to utilise these
- Respect confidentiality
- Not make derogatory comments or purposeful hurtful remarks
- Not question decision making in the public domain, but to follow the appropriate procedure outside the public domain
- Avoid personnel disputes and agree to settle conflict immediately in a calm and rational manner

### **When dealing with children, young people and adults at risk we:**

- Maintain their best interests in our decision making
- Keep their safety as paramount importance
- Show genuine interest in them
- Respect and treat them as individuals, including their differing belief systems
- Treat them appropriately for their age and ability
- Model positive behaviour
- Promote an atmosphere of trust and safe environment
- Motivate and inspire at every opportunity
- Celebrate their success, encourage, praise and support them
- Take time to listen to them with respect and confidentially
- Remain calm and display empathy
- Are honest in our communication with them
- Keep appropriate and accurate records where required

### **When working with parents and carer's we:**

- Ensure we work together in the best interests of the child or adult at risk
- Take time to listen to them with respect and confidentially, unless this poses a risk to the child or adult at risk
- Respect parents and carers come from differing backgrounds and their differing belief systems
- Are honest in our communication with them
- Remain calm and display empathy



- Remain professional, support our colleagues where necessary
- Pass on concerns as appropriate in a professional and supportive manner
- Keep appropriate and accurate records where required

**When talking about our organisation we:**

- Respect our position as positive ambassadors of the organisation
- Show loyalty to the organisation
- Are sensitive to our audience
- Support and uphold the policies and structures put in place

Signed:

Position:

Date:

Reviewed: 28.08.2020

## Privacy Notice

The Shiva Trust aims to keep the data you share with us private and confidential. In this policy we demonstrate the types of information we might process, how and why we process it, who we share it with and for how long we keep it. We also outline to your rights in relation to the information and how to contact us regarding this.

### •How do we collect information about you?

We collect information about you when you physically access our services, communicate with us by phone or email to request information or access to services, and when you visit our website to purchase products.

### •What information do we collect?

We collect information that may be used to identify you. This might include your name, address, email address, mobile phone number, date of birth.

To process orders you inform us of your payment information, we do not store this information.

To find the right service for you we may collect specific information to define this. This will be done with your consent to store this information.

### •What do we use the information for?

To provide you services, and monitor that the organisation is providing the right services to the community.

To comply with fire regulations within our buildings

To provide you with the products you purchase

To liaise with external agencies regarding the courses you purchase and to provide you with your certification

To keep you up to date with on going information about our services, promotions (but only where you have told us you want to receive these communications)

To feedback to funding organisations

For business, regulatory and legal purposes  
such as obtaining and maintaining insurance policies  
Dealing with any requests or complaints you submit

Complying with any court order or applicable law, regulation or governmental request

### •How do we protect your information?

We hold personal data about you a our own premises. This information where in paper form is kept in a locked secure place at all times, with only the appropriate people accessing this.

We use third party service providers to perform functions on our behalf including to host our platform, to send messaging on our behalf and to process transactions for the purchase of goods and services?

Where we do use third parties to provide functions for us, we take all reasonable steps to ensure that your privacy rights continue to be protected under the applicable data protection legislation.

We do not however share your data with any marketing or sales organisation, we will not sell your information on to any company wishing to use it for promotional purposes. The information we collect is solely for our organisations use and your benefit as a customer of our service.

We do not store card details, and apply information security practises to keep card data safe. Whenever you enter your card information the details are encrypted and passed directly to our payment service providers.

- Who do we share your personal data with and why?

We share this with Royal Mail in order to deliver your order

We share it with the external agencies to facilitate your educational requirements

We may share some information with funding organisations who have provided us funding to deliver our services and require feedback on the outcome. We envisage, however this data would be anonymised and it will be only given where we have your consent to do so.

We there is a legal obligation to do so, for example if there were a safeguarding or legal concern we may share your information with the relevant services. We would inform you in the event of this.

- How long do we process your information for?

In most cases we will process your information only for as long as we need to in order to provide you services

You can ask us to stop processing your information or change the way we use it by emailing [info@shivatrust.org](mailto:info@shivatrust.org)

Or writing to us at: Shiva Trust, Meadows farm, Rossendale, BB4 9RB  
There are some exceptions to this however, if we have to comply with statutory or regulatory duties or orders of a court.

- Your rights

You can request a copy of the personal data we hold about you, its origin, and any recipients

You can correct, restrict our use or ask us to delete your personal data at any time

You can enquire or make a complaint about how we process your information

This is all done by emailing [info@shivatrust.org](mailto:info@shivatrust.org)

We may update our privacy notice from time to time. When we do so we will put the new version on our website.

# General Data Protection Regulation Policy

## 1. Data protection principles

The Shiva Trust chooses to collect, use and retain information about the individuals with whom it deals with in order to provide the most appropriate services. The organisation interacts with the public, community organisations, educational establishments / awarding bodies, employees, suppliers and other business's, as part of its day to day operations. The Shiva Trust is committed to processing data in accordance with its responsibilities under the GDPR.

Article 5 of the GDPR requires that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

## 2. General provisions

- a. This policy applies to all personal data processed by the the Shiva Trust
- b. The Responsible Person shall take responsibility for the Shiva Trust 's ongoing compliance with this policy
- c. This policy shall be reviewed at least annually
- d. The Shiva Trust shall register, when necessary, with the Information Commissioner's Office as an organisation that processes personal data
- e. The Shiva Trust will ensure that all staff and volunteers are given appropriate basic data protection training and overviews of this policy as part of their induction

## 3. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, the Shiva Trust shall maintain a data mapping system which logs how consent is obtained and where it is kept
- b. The Register of Systems shall be reviewed at least annually
- c. Individuals have the right to access their personal data and any requests to have information corrected, suspended, deleted or accessed will be acknowledged and acted on with in a calendar month. Requests should be made to [info@shivatrust.org](mailto:info@shivatrust.org)

#### **4. Lawful purposes**

- a. All data processed by the Shiva Trust will be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interest
- b. The organisation shall note the appropriate lawful basis in the Register of Systems
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data
- d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the systems

#### **5. Data minimisation**

- a. The Shiva Trust shall ensure that personal data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed

#### **6. Accuracy**

- a. The Shiva Trust shall take reasonable steps to ensure personal data is accurate
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date

#### **7. Archiving / removal**

- a. To ensure that personal data is kept for no longer than necessary, the Shiva Trust shall put in place an archiving process for each area in which personal data is processed and review this process annually
- b. The archiving process shall consider what data should/must be retained, for how long, and why

#### **8. Security**

- a. The organisation shall ensure that personal data is stored securely using modern software that is kept-up-to-date. See Privacy Notice for more details. All employees and volunteers using personal IT for any Shiva Trust work will sign an agreement stating that any information containing personal details, or organisational details shall be stored on software and deleted from their IT system
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information
- c. When personal data is deleted this will be done safely such that the data is irrecoverable.
- d. Appropriate back-up and disaster recovery solutions shall be in place

#### **9. Breach**

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Shiva Trust shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO. An incident log is kept and completed by the responsible person / data protection lead

## **Archiving Policy and Retention Schedule**

The aim of the archive and retention policy is to enable the Shiva Trust to have the appropriate management of records to support the organisation in making decisions.

This policy is required to support the organised creation, retrieval, proper storage and preservation of essential records, and to enable identification and destruction of information where there is no continuing business, legal or historical significance. It also helps us to comply with the requirements of relevant legislation.

As a Charity and accountable organisation we must maintain records of potential interest to staff, stakeholders and members of the public. Records of activities and achievements contain accumulated experience, expertise and knowledge. Shiva Trust has 3 key principles that determine what information needs to be retained.

### **1. Information that needs to be kept by law**

Certain pieces of legislation set out types of information that should be kept and how long they should be kept for, for example, the Health and Safety at Work Act. Where there is a legal requirement to keep information by law, we must do this. There are limits as to how long information needs to be kept for legal purposes.

### **2. Information that has ongoing business value**

This is information that is of value to the Shiva Trust, which is needed for both day to day activities and longer term strategic planning.

### **3. Information that is of archival value**

Information of historical value is that which reflects the 'what, why and how' of government and should be selected for permanent preservation at The National Archives. This will include significant policy documents, records of significant decisions, documents about notable events, persons or public issues broadly encompassing:

- the principal policies and actions of the UK central government
- the decision making process in government
- the state's interaction with its citizens and the physical environment

We need to keep some information permanently to meet this need. For other types of information, we can safely destroy it after a certain period.

Most information is scheduled to be retained for 6 or 7 years. This is because of a concept known as the liability period, and is particularly relevant where we hold a contract with either a grant holder, supplier or where we have provided a service to another organisation.

You may find that some documents aren't listed within the retention schedule. The retention schedule lists the documents that it is essential to keep in line with the three principles above. If you have a definable ongoing business need to keep some information then it will generally be acceptable to retain it for as long as you need it.

Good archives support our business by enabling us to use knowledge to make better decisions and to have records available that can help to understand how decisions were made or how we followed our processes if there is a query or challenge.

Retaining information for longer than necessary creates cost for the business. There is the actual cost of storing information that is no longer needed either in offsite archives or within our IT infrastructure, as well as the cost to the organisation of not being able to use our information resources effectively to support us in our work.

This policy applies to all records at the Shiva Trust, including electronic records.

## **Data Protection**

This policy ensure's that's complying with the Data Protection Act which requires that we do not store material about our customers, staff or other people who could be identified that has no business use.

To comply with the principles of the Data Protection Act 1998, an organisation must:

- only keep information for as long as there is a business need
- keep records secure, whether electronic or paper
- allow a person access to information held about them, should they request it.

All employees must:

- destroy papers and electronic data for which there is no continuing business need and send papers that cannot be destroyed to archive for as short a time as possible
- keep data secure while it remains in any office
- keep track of where information is stored
- continue to apply these good practices to avoid stockpiling papers in the future.

## **Freedom of information**

The Freedom of Information Act 2000 does not require organisations to keep all information in case it is requested. Shiva Trust must however, be able to locate and retrieve information that we hold when it is requested. Failure to respond to a request in the allocated time can have repercussions for the Shiva Trust, including action from the Information Commissioner.

The Shiva Trust staff can continue to destroy records in line with our archive and retention policy. The only exception is where information has been requested by a member of the public before the scheduled destruction date.

### **Who owns the records**

All records created by or on behalf of the Shiva Trust and staff in the course of their duties will belong to the Shiva Trust. This includes any rights or copyrights in the content, except where specifically provided under copyright legislation.

All records received on behalf of the Shiva Trust as part of its business will be its property, which may be disposed of or released as Shiva Trust and its officers see fit or as required by law. Originators' and owners' rights will be fully respected in accordance with legislation.



## **Who is responsible**

Directors and appointed managers are responsible for ensuring that depositing and disposing of archive records happens effectively within their business areas.

It is their responsibility to ensure that complete and accurate records are retained in line with legislative requirements and good practice.

Staff will create, use, manage and preserve the records in accordance with all statutory requirements including the Freedom of Information Act 2000.

The cost of storage and retrieval is significant and many business records have little value beyond accountability purposes. However, directors/divisional heads may choose to retain records for longer than the indicative periods given in the retention schedule, for example if they consider records to be of significant historical value or if the issue with which they are concerned remains 'live'.

## **Disposal**

Shiva Trust cannot retain all data indefinitely. This is due to the financial cost of data storage, the need for well structured records to aid information retrieval and legal challenges in retaining personal data about our customers for longer than there is a clear need to do so.

At the end of their useful life, records should be confidentially destroyed. In general, records will not be retained beyond the lifespan indicated in the retention schedule unless the director/appointed manager indicates otherwise.

## **Specialist storage**

If there is a need for off-site storage we will ensure it complies with appropriate industry standards on archiving.

## Retention Schedule

Information	Retention Period	Additional Information
Strategic Plan and Business Plan	6 years from completion	
Trustee meetings / Board meetings minutes and papers	Permanent preservation	
Other board / trustee documents and emails of appointments, reports and agendas	6 years from creation	
Insurance : Public liability, product liability, employers liability	Life of organisation	
Correspondence with inland revenue	Review every three years	
Internal correspondence	1 year	
All other financial records	6 years from creation	
Property acquisition	Length of ownership	
Personal exposure to hazardous materials by identifiable employee	40 years	
Job applications and interview records for unsuccessful applicants	6 months after notifying unsuccessful candidates	
Employee Training history	2 years	
Current basic details	Until superseded	
All other HR documents	6 years after end of employment	
Details of complaints	6 years from resolution	
Freedom of information And data protection	20 years	
Back up of email server	6 years	
Emails contained in archive	6 years	
Records on establishment and development of the organisations legal framework and governance	Life of organisation	
Contracts	6 years	
All project documents	6 years	
Student registration forms	6 years	
Student course work	6 years	



## **INTELLECTUAL PROPERTY POLICY (IP)**

This policy sets out the Shiva's Trust's position regarding its Intellectual Property (IP) developed by Ramana Ennis-Cole, its trustees, directors, employees, staff, volunteers, apprentices, consultants, subcontractors, students and occasionally others. This policy also covers the procedures in place for the gain of Shiva Trust beneficiaries and the commercialisation and protection of its IP. It covers all aspects of Shiva Trust streams of work. Namely: Publishing, Education, Trading, Alleviation of Human Suffering Food Provision, Pashupati Ashram, & Animal Sanctuary, and Life Skills and Support services.

### **STATUS OF THIS POLICY**

This policy is incorporated into all Trustee agreements, Employee contracts, Volunteer contracts, Apprenticeship and Intern contracts, consultants and Sub-Contractors, directors, employees, volunteers, apprentices, students and beneficiaries and occasionally others.

### **INTELLECTUAL PROPERTY**

There are many definitions of IP. In short it is 'knowledge and its creative application'. Examples of IP are; - copyright, trademarks, patents, design rights and performance rights. It is advisable to assume that all work generated by staff, volunteers, students, consultants, apprentices is IP protected. It should be noted that the 'recipe' or ingredients / process related to beauty creams and skin products are IP, and they are usually by not always, protected by patents.

### **SHIVA TRUST and POSITION / GENERAL APPROACH.**

- Ramana Ennis-Cole has produced valuable material in the form of books, education programmes and course material over many years. The copy right and Intellectual properties for this all lie with Ramana Ennis-Cole
- The Shiva Trust encourages the wide dissemination of its valuable IP for the benefit of its beneficiaries. It is fundamental to our work as publishers, educators and traders that our IP is shared widely. The existence of copyright patents and trademarks can co-exist with the widespread sharing of valuable IP.
- Where Ramana Ennis-Cole, a member of staff, trustee, or volunteer, in the carrying out of their work for Shiva Trust creates IP, Shiva Trust will own the IP.
- Where a student or beneficiary creates the IP as part of their education, the student or beneficiary will generally own the IP. (Exceptions are where student work is built on top of Shiva Trust work, or where students are on placements with another organisation and this organisation owns the IP.)

### **OWNERSHIP OF IP AND THE SHARING OF BENEFITS**

The law on IP is complex, as is its interpretation. Shiva Trusts position reflects the general law that unless there is specific written agreement to the contrary, that Shiva Trust will normally be regarded as owning the Intellectual Property of all work its:

trustees, staff, sub – contractors, volunteers and consultants create in the course of their employment / apprenticeship or volunteer / work placement or consultancy work. There is an exception to the general rule:

- Where it is Shiva Trusts policy to choose, as part of its policy to vest IP in the member of staff or volunteer or person carrying out work for Shiva Trust, who produces the work. Ideas are not protected as IP, however Shiva Trust, may protect their sensitive ideas with its Confidentiality Policy which all staff, volunteers, apprentices and consultants sign up to.

## **STUDENTS, STAFF AND VOLUNTEERS**

Students, who create IP as part of their study course, are sole owners of their IP unless: -

- A third party regulatory body own the said IP
- A student's work is built upon a considerable amount of IP owned by the Shiva Trust.
- A student's work is co-authored with a Shiva Trust staff member or volunteer.
- Where the exceptions 1b and 1c exist the Shiva Trust will be the sole owner of the IP, but they are committed to sharing the benefits of this ownership.
- Where the student, staff member, volunteers generate IP outside of their study, or work, but has used Shiva Trust IP, or substantial resources to create the work, then Shiva Trust also own the IP.
- Where a student owns the IP the student grants the Shiva Trust free license to carry out its commitments to its students, beneficiaries, funders and regulatory bodies, e.g. to supervise and mark the student work.
- Where the Shiva Trust owns IP as in 1.b and 1c the Shiva Trust will not exploit the student by generating income from same without clear, agreed benefit to the student.
- Where the Shiva Trust publish IP created and developed by staff and volunteers, the Shiva Trust will acknowledge authorship appropriately.
- Where at student / staff member / volunteer, apprentice, is in dispute with Shiva Trust over IP, they should request to speak to a member of the Management Team initially, who will look into the matter and clarify any confusion.

## **AUTHORS AND ARTISTS**

Where Shiva Trust publish the work of authors and artists whose work is done in their own time, i.e not while carrying out work for Shiva Trust, then copyright lies with the author and artists in line with the law, except where a written agreement exists to the contrary.

## **COMMERCIAL EXPLOITATION AND PROCESS**

The definition of Commercial Exploitation and Process in context of this policy is where the main element of an activity falls outside of our core work as defined in the first paragraph of this Policy. This may include Licensing or other formal processes which grant rights to a third party to use Shiva Trust's valuable IP. All consents for such activities are only gained through formal application to the Sri Ramana Devi Organisation Advisory Committee, which is part of the Shiva Trust.

Financial gain by a third party from Shiva Trust commercially valuable IP is only allowed through formal legal Licensing, or such a process, where an agreed percentage of the gain will go to Shiva Trust.

Members of staff, volunteers, and apprentices / interns are expected to protect the Shiva Trusts Intellectual Property. If they are in any doubt about these matters they must seek clarity and explanation from the management team.

For the purposes of clarity and avoiding doubt the Shiva Trust accept that in the case of any inconsistency in this policy, the Shiva Trust are bound by their responsibilities in law to all their staff, volunteers and apprentices / Interns.

## **SOCIAL WORK STUDENTS / RESEARCHERS / CONSULTANTS**

Unless another written agreement is in place to the contrary, for the purposes of clarity, visiting social work students / researchers / consultants etc, will be treated as staff in terms of Shiva Trust Intellectual Property, as they may have access to our Intellectual Property.



SHIVA TRUST HEADQUARTERS, MEADOWS FARM,  
ROSSENDALE, BB4 9RB