

POSITIVE THOUGHTS – MALVERN MENTAL HEALTH SUPPORT GROUP

Registered Charity Number 1078796

GOVERNING DOCUMENT

Revised December 2017

Forward

Positive Thoughts, Malvern Mental Health Support Group came into being as an independent local charity in January 2010 having previously been known as *Malvern Mind* and part of the national Mind charity. Our founders, the late Zella and Ken Shawyer had developed the group for over 30 years and Positive Thoughts has sought since to continue their good work by providing a support group to Malvern people through the provision of drop-ins and other supportive activities.

This Governing Document sets out the rules and procedures under which our group operates. The detail is not exhaustive and from time to time volunteers and trustees may need to operate on the basis of common-sense but the principles of providing empathic, non-judgemental, safe and fair practice in our activities are themes which can be found throughout. This document is the latest revised version of its predecessor and reflects our current practices.

Bob Leverett
Chairman, November 2017

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Abbreviations

Throughout this document the following abbreviations will be found:

PT Positive Thoughts – Malvern Mental Health Support Group

DBS Disclosure and Barring Service (formerly CRB i.e. Criminal Records Bureau)

AGM Annual General Meeting

Use of Terms

“the group” refers to Positive Thoughts

“the responsible trustee” refers to the trustee given a specific area of interest to oversee and develop.

“the Committee” refers to the Committee of Trustees

1. CONSTITUTION

1. Introduction

1.1 The name of the group shall be:

Positive Thoughts -- Malvern Mental Health Support Group

1.2 Positive Thoughts shall be an independent local charity registered with the Charity Commission.

2. Objects

The objects of Positive Thoughts shall be as follows:

2.1 To provide help and support to those people in the Malvern area who have experienced, or who are currently experiencing, mental health problems.

2.2 To promote the preservation of mental health through peer-support activities and the sharing of information conducive to good health.

2.3 To promote an understanding of mental illness in the wider community in Malvern.

3 The Structure of the Group

3.1 Membership

3.1.1. All people participating in the group, having attended the drop-ins at least three times in the year prior to the AGM, shall be known as members.

3.1.2 A Register of Membership shall be kept by the Secretary containing limited user information that is compliant with the Data Protection Act.

3.1.3 Members shall have the following status, either singly or jointly

- Trustees – who have management responsibility for the Group
- Volunteers – who actively contribute to the provision of the Group's services
- Users – who take up the services offered by the Group

3.1.4 There shall be no joining fee or membership subscription.

3.1.5 Membership of the Group shall be open to all, with the only proviso that individuals agree to act in a socially respectful and appropriate manner in their dealings with one another and Positive Thoughts as an organisation.

3.1.6 The Trustees, acting on behalf of the Group shall be entitled to refuse membership or request the resignation of any existing member.

3.1.7 Those members (or others) wishing to become Trustees and Volunteers shall need to apply for the respective positions as and when these become available and be successful in the process according to the recruitment procedure of the Group.

3.2 The Trustees' Committee

3.2.1 The Group shall be managed, both strategically and operationally by a Committee of Trustees, ("the Committee"), comprising:

- Chairperson
- Vice Chairperson
- Secretary
- Treasurer
- And up to three other Trustees, each having a specific managerial area of responsibility
- The minimum numbers of Trustees shall be three: Chairperson, Secretary and Treasurer.

3.2.2 The Trustees shall have the duty to run the day to day business of the group in accordance with the law and the Group's Governing Document.

3.2.3 Each Trustee shall have equal status and each shall have one vote at Committee Meetings. Decisions shall be reached through simple majority voting. In the event of a tie, the Chair shall be entitled to cast a further vote.

3.2.4 Members of the Committee shall be elected or re-elected every year by the Annual General Meeting of the Group.

3.2.5 In the event of the number of Trustees falling below the minimum number or as may be required for the effective management of the group, the Committee shall co-opt new Trustees.

4. Governance

4.1 The Group shall institute policies and procedures to cover all aspects of the governance of the group. This will be in accordance with legal requirements, the principles enshrined in *Good Governance: A Code for the Voluntary and Community Sector (edition one)* and the ethical demands of fair and safe practice. All relevant policies and procedures shall be collated into one document to be known as "Positive Thoughts -- Malvern Mental Health Support Group Governing Document and periodically reviewed by the Committee of Trustees to maintain its currency.

4.2 Policies and procedures shall not conflict with the provisions of the Constitution.

5. Finance and Assets

5.1 The income and property of the Group shall be applied solely towards the promotion of the Objects.

5.2 The Group at all times shall have a bank account in its own name and the mandate shall require all cheques to be signed by two Trustees. All monies received by the Group shall be paid into such account.

5.3 Accounts of the Group shall be prepared annually and shall be audited by an independent Auditor and shall be available for inspection by members and the Charity Commission from time to time. The Group may accept any payments including donations, grants and receipts from fund-raising activities.

5.4 Positive Thoughts shall own no land, buildings or vehicles. Rooms and vehicles shall be rented/hired as necessary to ensure that services are delivered.

5.5 Assets shall be:

- Monies donated to Positive Thoughts and held in a bank account in the name of Positive Thoughts -- Malvern Mental Health Support Group
- Monies accruing as interest on these financial assets
- Any monies raised through fund-raising activities and lodged in Positive Thoughts' bank account
- Any equipment purchased by Positive Thoughts for the purposes of providing its services.

These assets shall be the property of the Group and overseen by the Trustees.

5.6 The Group shall not borrow or lend any money from/to any other organisation or person

5.7 The Group must at all times remain solvent. All expenditures must be authorised by the Committee of Trustees against agreed budgets for any one planning year.

5.8 The Group may not owe any money to any other person or organisation, save that of bills incurred and pending and which have been appropriately authorised and budgeted.

5.9 The Group shall ensure that Positive Thoughts as an organisation and its Trustees as individuals is/are appropriately insured against corporate and personal liability.

5.10 The Group shall reimburse any member who has incurred expenses in the performance of their duties provided that such expenditure was sanctioned previously by the Trustees. The Treasurer shall be entitled to call for and be satisfied as to such evidence of actual expenditure as is reasonable in the circumstances.

6. General Meetings and Committee of Trustees Meetings

6.1 Three weeks prior notice of any General Meeting of the Group shall be given to all members of the Group.

6.2 An Annual General Meeting shall be held as soon as possible after 1st April in each year. An annual report and statements of accounts shall be presented to the Annual General Meeting.

6.3 At each Annual General Meeting the Group shall:

- Elect at least three principal officers, namely a Chair, a Treasurer and a Secretary together with such other officers as the Group thinks fit
- Agree an external competent person to oversee the annual accounts

6.4 Any member shall have the right to present a motion for discussion at a General Meeting. Motions can be received at any time up to, and including, the General Meeting, subject to the discretion of the Chair.

6.5 The Committee of Trustees or any five members of the Group shall have the right to call a General Meeting of the Group.

7. Dissolution of Positive Thoughts -- Malvern Mental Health Support Group

7.1 If a majority of the members, in a vote at General Meeting, decide to dissolve the Group then the organisation can be wound up. The Trustees must take all reasonable steps to ensure that all members are fully informed of this meeting in advance (in accordance with clause 6.1).

7.2 If the members resolve to dissolve the Group the Trustees will remain in office as Charity Trustees and be responsible for winding up the affairs of the Group in accordance with this clause.

7.3 The Trustees must collect in all the assets of the Group and must pay or make provision for all the liabilities of the Group.

7.4 All assets shall either:

- a) be transferred to a charity or charities that has (or have) a mental health support function, particularly those operating within the county of Worcestershire; or
- b) in such other manner as the Charity Commission for England and Wales may approve in writing in advance.

7.5 In no circumstances shall the net assets of the Group be paid to or distributed among the members of the Group.

7.6 The Trustees must notify the Charity Commission promptly that the Group has been dissolved. After this the Chair or Treasurer shall send a copy of the final accounts (showing a nil balance and how the remaining assets were distributed) to the Charity Commission with a request to have the charity removed from the Register of Charities.

8. Changes to the Constitution

8.1 No amendments shall be made to the Objects in clause 2 or any item of clause 7 without the prior permission of the Charity Commissioners and no amendments shall be made to the remainder of the Constitution that may affect or prejudice the charitable status of the Group.

8.2 All proposed amendments must be approved by Special Resolution of the Group in General Meeting (requiring a majority vote of two thirds of those members present and entitled to vote).

This amended Constitution was adopted on 13th December, 2017 in Extraordinary General Meeting to take effect from 1st January 2018

2. MISSION STATEMENT, AIMS AND VALUES

Our Mission -- What We Are About

Our group is first and foremost a coming together of like-minded individuals who understand the experience of mental distress and who believe that meeting up in a sharing and supportive way can be really helpful to each of us in living our daily lives.

Our Group is also about promoting an understanding of mental illness and mental distress in the wider community in Malvern through education and networking.

Our Group is for and driven by, our members.

Aims and Activities of the Group

To achieve the Objects of our Constitution, we aim to:

- Provide weekly drop-ins to provide a safe social setting for social expression and peer support.
- Provide volunteers at the drop-ins who will, as required, provide one to one listening support and refer onto other voluntary or statutory agencies (as required and agreed by any member).
- Organise social events that promote social activity and interaction between members.
- Organise short talks/lectures at drop-ins by relevant health professionals to give guidance on aspects of treatment, illness and wellness.
- Organise short talks/lectures at venues in the wider community with the objective of promoting the understanding and acceptance of mental illness and mental distress.
- Develop communication networks with local health and local authority agencies to promote the Objects of this charity.

Our Values and Beliefs

- We respect everyone's experience and ensure inclusion is at the heart of our work. We strive not to judge others.
- c) We challenge stereotypes and discrimination against people who have experienced mental illness and/or mental distress.
- We respect diversity and difference, believing that each individual has unique qualities.
- We believe in a user-led group that promotes recovery and independence in daily living.
- We strive to network and campaign for better mental health services.

3. RECRUITMENT OF VOLUNTEERS AND TRUSTEES

When recruiting new volunteers and trustees to PT the following should be followed:

- The recruitment procedure should be as informal as possible with minimal exchange of paperwork/emails.
- The applicant should be encouraged to attend several drop-ins to meet users, volunteers and trustees. It's important that the potential recruit gets "a good feel" for what PT is all about. Trustees can also use this opportunity to get to know the new person and to assess her/his suitability.
- When an enquiry has been received, the responsible trustee should respond by sending an email (or mail if no email) the following information:
 - A welcoming message thanking the person for their enquiry, allusion to the other information attached (i.e. a copy of the *Constitution, Mission Statement and Values* and a fact sheet detailing contact details) and also a note that DBS clearance will be required if person wishes to join PT.
 - a role description
 - The lead will copy the Secretary, for records, any correspondence sent.
 - The lead will list all enquiries received and make a note of the outcome of each and report back to the Trustees' meeting.
 - Having interacted with the applicant after a period of time, trustees must make a decision regarding suitability.
 - For volunteers:* three trustees, having met the new person should decide an outcome after eliciting the opinions of other volunteers/trustees.
 - For new trustees:* applicants should be invited to attend the next scheduled meeting of the Committee of Trustees to informally meet the other trustees and to experience a 'typical' Committee meeting. The applicant will be invited to leave the meeting prior to its end so that the time remaining can be used to discuss the suitability of the candidate.
 - A request for references will only be followed-up if the applicant is not well known to PT and the decision to accept or reject is border-line. An outcome decision in this case will be held in abeyance until references are received.
 - The applicant will be informed verbally by the responsible trustee or other nominated trustee of the outcome of the Trustees' decision.
 - N.B. All newly appointed volunteers/trustees who attend drop-ins must always work under the supervision of an experienced volunteer/trustee until a satisfactory outcome of the search is known. Working alone with users is not permitted until DBS clearance is known.

4. MANAGEMENT OF DROP-INS

1. General

- Drop-ins should be covered by volunteers for each scheduled drop-in. A clear rota should be established and known to the participants.
- An attendance book should be signed to record attendance at every drop-in.
- Volunteers should welcome and engage with all users at each drop-in in a friendly and non-judgemental way taking due regard to the user's emotional and mental state.

2. Safety

- PT aims to ensure that our small charity operates in a safe and healthy way.
- Users of PT's services, trustees, volunteers and visitors are all required to act in a safe manner appertaining to themselves and others at all times. This requirement also applies to members of the public, users and members of other organisations while on PT rented premises, whether or not they are involved in activities run by PT.
- Volunteers should always be aware of the safety aspects at drop-ins and take action to avoid any undue risk.
- At least one volunteer should possess a mobile phone at each drop-in in the event that emergency services need to be called.
- If a user's behaviour is not acceptable at a drop-in volunteers have the right to ask the person to leave. If required, trustees can ban the offending person.
- If an accident or untoward incident occurs then volunteers/trustees must make a note of the details on an Accident/Incident Form and report these to the Trustees' meeting.
- PT does not require any volunteer to visit the home of a user. If such a visit is made then it is in a personal capacity and does not constitute PT business.

3. Information, Training and Supervision

- Volunteers should have access to contact details of mental health support organisations so that they can sign-post individuals to relevant helpers.
- Established volunteers at drop-ins should ensure that newly appointed volunteers and trustees are supported sufficiently to develop their role.
- The responsible trustee should organise access to training, as and when required.

4. Confidentiality

- PT trustees and volunteers are required to respect the right of users and of other trustees and volunteers to privacy and confidentiality as far as possible within the constraints of legal requirements and the safety of other people.

- Where it is thought necessary to pass on information to another individual or organisation this will be on a strictly "need to know" basis.
- If possible, volunteers/trustees should discuss issues of confidentiality amongst themselves as they arise and decide as a group the best approach to take.
- This approach covers not only information given directly by the person concerned (the user or carer) or by other people about the person, but also information acquired accidentally or through observation.

5. Equality and Diversity

- PT is committed to achieving equal opportunities in the experiences and services it provides. No user, trustee, volunteer or applicant (for trustee or volunteer post) should receive less favourable treatment because of:- sex, colour, ethnic origin, age, race, disability, religion, sexual orientation, marital status, or any other criterion not relevant to the point at issue.
- As a provider of a service to the community, PT accepts the responsibility to promote equal opportunities and challenge discrimination wherever it occurs.
- It is the responsibility of all trustees, volunteers and users to ensure that no person receives less favourable treatment than any other on the grounds stated above.

6. Arranging Visits Out At Drop-ins

- Ideally two volunteers should act as "the leads" in order to arrange and co-ordinate the event. This will involve checking on bus/train times, admission times and entrance fees. If a bus/mini-bus is involved obviously the cost will have to be ascertained and a decision made as to what to charge users. This should be done between trustees/volunteers before the final details are given out. PT may decide to subsidize certain trips in order to attract users that otherwise could not afford the event.
- One lead person should compile a list of names with all essential information about the visit apparent at the top. This should include: Visit 'title' e.g. Trip to Dudley Zoo, the date, the time(s) of meeting/coach pick-up, the meeting place(s)/pick-up point(s), the cost. In addition, it will be good practice for the lead to find out if there are any potential access problems or other potential hazards (e.g. flashing lights) that may cause distress to users.
- Users should be asked to print their names and also their mobile telephone numbers. Care must be taken to record any money given at the time of giving. When complete, the 'master list' should be photocopied and a copy given to the second lead. Both leads should carry their copy whilst on the visit.

7. Records

- As mentioned above at drop-ins, a Register of Attendance book and also a Petty Cash Book should be available.
- A Report of Accident/Incident form should be completed as necessary and used to report back to the Trustees' Committee. The Secretary will keep such forms on record.

8. Complaints

- If any member has reason to complain about any issue in their experience with Positive Thoughts then he/she should:

1. Seek to resolve the issue informally by talking with a volunteer/trustee. The latter should take reasonable action to ensure the issue is dealt with in a satisfactory manner.

2. If the complainant is not satisfied with the outcome he/she should be asked to write, phone or or email the Secretary (or Chairperson, if the Secretary is not available) giving the relevant details. The Secretary should then bring this to the attention of the Trustees' Committee. Two trustees should be nominated to investigate and respond to the issues raised. The Secretary should write to the complainant within two weeks of receipt of the complaint with details of the outcome clearly stated.

5. SAFEGUARDING VULNERABLE ADULTS

1. Introduction

The safety and welfare of vulnerable adults is of the utmost importance. We believe that PT has a duty of care to our users to ensure that adults who are vulnerable to abuse receive the help and support they need. This situation appertains to actual abuse and potentially abusive positions involving our users. We believe that all workers for PT need to be alert to the possibility of abuse.

2. Some important aspects to bear in mind

Vulnerable adults are people who are 18 and over, who are in need of care and unable to protect themselves because of any or a combination of the following:

- mental distress
- a mental or learning impairment.
- a physical disability or physical illness
- older age leading to frailty

People who abuse are:

- often well known to their victims but can be strangers.
- might be a relative, partner, son or daughter, friend or neighbour, a paid or voluntary worker, or a health or social care worker.
- could be another vulnerable adult or service user.
- may not realise they are abusing and can sometimes act out of character and abuse because of the stress of caring.

Abuse can take place in a wide range of settings such as:

- the vulnerable adult's own home.
- a carer's home.
- a day centre, care home, hospital.
- a workplace.
- educational institutions.

3. Recognising Abuse in Others

All members have a duty of care to one another and to be alert to the possibility of abuse occurring. The most common types and signs of abuse are:

Physical abuse: this is usually the use of force to cause pain and injury and signs might include burns, bruising, scratches, or accidents that cannot be explained. Also included is misuse of medication or forcing someone, for example, to stay in a care home against their wishes.

Neglect: this is when a vulnerable adult does not have their basic needs met, such as adequate food or warmth or help with personal hygiene. Signs might include

deteriorating health, weight loss, falling off in appearance or uncharacteristic mood change.

Financial abuse: this is when a vulnerable adult is exploited for financial gain. Often valuables will go missing or there may be a change in financial circumstances that cannot be explained.

Sexual abuse: this includes rape and sexual assault or sexual acts which the vulnerable adult has not or could not consent to or was pressurised or manipulated into. Signs can include changes in behaviour or physical discomfort.

Psychological abuse: this might be emotional abuse such as threats of harm or abandonment, enforced isolation, blaming or controlling behaviour, or verbal and racial insults. Signs may be fear, confusion or disturbed sleep.

Discriminatory abuse: this includes any sort of abuse based on a vulnerable adult's race, gender or impairment such as their mental or physical health.

Institutional abuse: this is poor professional practice, including neglect, and can take the form of isolated incidents right through to ill treatment or gross misconduct.

4. Reporting Procedures

- Gather relevant facts. Only ask the person sufficient questions to establish what has happened. Avoid leading questions.
- If abuse is admitted or suspected, inform the Chair or other trustee at the earliest opportunity.

Only gather facts. Do not record hearsay or relate your suspicions. What did you see?, What was told to you? and/or.... elicit this information from any witness. Make a note of these facts as soon as possible. Record any incident on an Incident Form.

Trustee Action....

High risk or emergency situations at a drop-in:

- Ensure that the emergency services have been notified. Depending on the nature of the incident 999 or 101 (for non-emergency police services) should be called.
- A trustee or volunteer should ensure the user has support at this time. One volunteer/trustee should stay with the person. Next of kin should be contacted if the person so wishes it.
- Ensure the person is safe and "appropriate others" have been informed.
- Complete an Incident Form. Inform the Chair.
- The Chair should subsequently report to the Committee of Trustees detailing the facts and action taken.

Medium to low risk situations:

- A trustee should convene a meeting with at least two other trustees. Discussion of the facts should be considered in detail.
- A decision should be made as to whether or not to inform any other essential agency deemed appropriate, e.g. Social Services, Safeguarding Vulnerable Adults

Section, a CPN/ Mental Health Services, the Police.

- If so, a named trustee should lead the contact, having all relevant details to hand.

6. Confidentiality

People have the right to expect that all staff and volunteers will deal sensitively and sympathetically with their situation. It is important that information remains confidential and that only those with a 'need to know' should be privy to it. However, it may be necessary to tell a user that any disclosure involving abuse or breach of the law will have to be passed onto a trustee and subsequently may involve other support agencies.

7. Safe Recruitment Procedures

Those working directly and having regular, sustained contact with vulnerable adults are required to have an enhanced check through the Disclosure Service before any commencement of volunteer work that involves substantial client contact. Copies of all returned DBS checks and documentation pertaining to any vulnerable adult issues will be kept confidentially by Community Action (Malvern), on behalf of PT.

Staff can undergo training and induction whilst waiting for the checks to clear, but cannot undertake any unsupervised face-to-face work until satisfactory checks have been received.

8. Children Accompanying Adults

The service offered by Positive Thoughts is primarily for adults i.e. people who are 18 or over. Young people below this age who attend a drop-in seeking help should be received sensitively by trustees/volunteers on duty. Direction should be given to the young person to seek an age-appropriate support group that will better serve his or her needs.

From time to time a young person and/or child will attend a PT event accompanying a relative or adult friend. Where this occurs volunteers/trustees should ask the adult concerned to keep the young person in his/her company whilst attending the drop-in/event. The young person (or people) should also remain within sight of the volunteers/trustees on duty. The latter should ensure that any special safety needs concerning children are met, as far as is practicable.

Sections 3, 4 and 5 above also appertain to children and young people. If a volunteer/trustee suspects that abuse has taken place or potentially might happen in the near future then the same responsibility to report the situation applies. In the case of a medium to low risk situation a lead trustee should contact the Safeguarding Children and Young People Section of Social Services, after due discussion, as outlined above.

6.FINANCIAL ASPECTS

PT upholds a prudent and sensible approach to the management of its financial assets. The Constitution of the group clearly states the parameters of financial and asset governance in Clause 5 (5.1 to 5.10).

The Committee of Trustees will be singly and collectively responsible for the management of PT's assets and income. Trustees will ensure Positive Thoughts' Constitutional position with regard to assets.

Role of the Treasurer

The treasurer will act in accordance with the agreed role description for treasurer.

The treasurer will....

- manage the budget of PT
- stay within budgetary constraints as required by the Committee
- produce regular verbal reports on income and expenditure and a written Annual Report to the AGM of PT
- keep appropriate records to the standard required by auditors
- establish a system for claiming expenses that is clear, fair and transparent
- report any concerns regarding income and expenditure issues to the Committee at the earliest opportunity
- liaise with fund-raisers regarding fund-raising events

Claiming Expenses

Any member may claim expenses from the group provided that:

- the expenditure was authorised by the trustees in advance
- the expense incurred was reasonable, within agreed budget and for the sole business of Positive Thoughts
- the claim is made via the submission to the treasurer of a standard Claims Form with receipts attached
- all claims submitted must be made within the financial year (April to April) within which they were incurred.

Paying in Monies

Monies received by the group may be from several sources, for example, donations, monies raised from organised fund-raising events and "profit" from tea and coffee selling at drop-ins.

It is important that the sources of income are known to our group and that the exact sums received are paid into PT accounts. Due care should be taken in counting out the monies received and in its safe storage and transit to the bank. Monies received by the treasurer should be accompanied with a chit from a Paying-in Book (the book should have a carbonated sheet so that entry is made into the book and onto a detachable sheet).

Petty Cash Handling Procedure

Petty cash should be held for the purpose of handling small amounts of money, mainly the buying and selling of tea and coffee at drop-ins. Petty cash will be the responsibility of the trustee in charge of the drop-in and held safely and securely.

Petty cash at any one time (held at the drop-in) should be no more than a maximum of £20.

A trustee will be delegated with the task of overseeing the Petty Cash. She/he should ensure that the float remains a relatively small amount (i.e. under £20) and that sums above this amount are counted out periodically and passed to the treasurer with a chit from the Petty Cash Book.

Positive Thought's Chequebook

- The chequebook must be held by the treasurer and kept in a secure place.
- There must always be two signatures (as agreed and accepted signatories) to any cheques written.
- A signatory of a cheque cannot be the payee. An accepted signatory who is also a payee must arrange for two other trustees to sign the cheque.
- Cheques must be clearly written.
- Blank cheques must never be signed.

Records

Total transparency in all financial dealings is required by Positive Thoughts by all trustees and volunteers. Paper records in the form of receipts, Paying-in Books, Expenses Claims forms and financial reports must be kept on file by the treasurer for a minimum of five years. Trustees and volunteers must ensure that all records are returned to the treasurer, as appropriate and within a reasonable time-scale.