

# CONSTITUTION OF LOWESTOFT SHOPMOBILITY

The name of the Organisation shall be: "Lowestoft Shopmobility"

1. The Registered Address of the Organisation is at:

15 Station Square  
Lowestoft, Suffolk  
NR32 1BA

2. Purpose

The Purpose of the Organisation is to promote the welfare and independence of persons with impaired mobility in the town of Lowestoft and in the Waveney District by:

- a) Promoting ease of access to local facilities through provision of direct services and through working with other groups and organisations to improve the local, built and attitudinal environment.
- b) Providing for hire or loan electric and manual wheelchairs and scooters to enable access to the shops, businesses and places of interest in Lowestoft and its environs.

3. Powers

In furtherance of the above purposes but not otherwise, the Management Committee may exercise the following powers:

- a) To seek to improve facilities for disabled people and to this end liaise with local authorities and other organisations concerned with disabled people.
- b) To collect and disseminate information on all matters affecting the said objects and exchange such information with other bodies having the same or similar objects.
- c) To raise funds by means of subscriptions, donations, etc., and any other means as approved by the Management Committee PROVIDED that the Organisation shall not undertake any permanent trading activities in raising funds as its primary purpose.
- d) To employ such staff as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for their payment.
- e) To appoint and constitute such advisory committees as the Management Committee may think fit.

- f) To do all such other lawful things as are necessary to the attainment of the objects of the Organisation.
- g) To affiliate to other organisations with similar charitable objects.
- h) To organise conferences, seminars, training courses, exhibitions and other events.
- i) To publish and distribute pamphlets, newsletters, books, recorded tapes (whether audio, visual or both) and other materials.
- j) To promote research and to publish the useful results of that research.
- k) To co-operate with other charities, voluntary bodies or statutory authorities and to exchange information with them.
- l) To buy, lease or otherwise acquire any property needed for the work of the Organisation and to maintain and equip it for use.
- m) Subject to any consents required by law to sell, license, hire or dispose of all or any part of the property of the Organisation.
- n) To invest the funds of the Organisation not required for immediate working purposes in such manner as the Management Committee shall think fit but having regard to their duty of care as charity trustees.

#### **4. Equal Opportunities**

In pursuance of the purposes and powers, to ensure that an equal opportunities policy is actively implemented.

#### **5. Management**

The Management of the Organisation shall be vested in a Committee of at least six and no more than nine members, to be appointed as follows:

- a) A Committee member may appoint a Deputy to attend a meeting on his behalf if he is unable to attend himself and the deputy may vote on any particular matter in accordance with the directions of the committee member.
- b) The Management Committee may invite any person to attend its meetings as an observer but without the power to vote.
- c) The Management Committee may co-opt persons having special knowledge or experience, PROVIDED THAT the number of co-opted members shall not exceed one fourth of the Management Committee, until the conclusion of the next Annual General Meeting.
- d) Every member shall at the Annual General Meeting have one vote.

- e) The proceedings of the Committee shall not be invalidated by any failure to elect or defect in the election, appointment, co-option or qualification of any Member.

## **6. Membership**

- a) Membership shall be open to all people with a disability over eighteen years of age and to organisations which support the objects of the Organisation.
- b) A nominal fee may be payable in such sums as shall be fixed by the Committee.

The Management Committee have the right:

- a) to approve or reject applications for membership, and
- b) for good and sufficient reasons to terminate the membership of any individual provided that the individual concerned shall have the right to be heard by the said Management Committee before a final decision is made.

## **7. Honorary Officers**

- a) At the Annual General Meeting the Organisation shall elect a Chairman, Vice Chairman, Treasurer and Secretary, and other such Honorary Officers as the Organisation shall from time to time decide.
- b) The Chairman shall hold office until the conclusion of the Annual General Meeting of the Organisation next after their election, but shall be eligible for re-election PROVIDED THAT no Chairperson shall hold office for more than five consecutive years. On expiration of such period, one further year must elapse before the Chairperson shall be eligible for re-election.
- c) If vacancies occur among the Honorary Officers the Committee shall have the power to fill these vacancies from amongst its members. Any person appointed to fill such a casual vacancy shall hold office until the conclusion of the next Annual General Meeting of the Organisation and shall be eligible for election at that meeting.
- d) Election (as opposed to co-option) to the Committee shall be for three years. One third of the members of the Management Committee shall retire annually but shall be eligible for re-election, the members so to retire being those who have been longest in office since their last appointment, but not reckoning co-opted members. As between members who have been in office the same length of time, those due to retire shall be chosen by lot in the absence of agreement.

## **8. Determination of Membership of Management Committee**

A member of the Management Committee shall cease to hold office if he or she;

- a) is disqualified from acting as a member of the Management Committee by virtue of Section 45 of the Charities Act 1992 (or any statutory re-enactment or modification of that provision).

- b) becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs.
- c) notifies to the Management Committee a wish to resign (but only if at least three members of the Management Committee will remain in office when the notice of resignation is to take effect).

## **9. Paid Officers**

- a) The Committee may appoint or dismiss and fix the remuneration of such staff as may in its opinion be necessary. No paid member of the Organisation staff shall be a member of the Committee.
- b) The Committee may determine which, if any, persons employed by or seconded to the Organisation shall be invited, in a non-voting capacity, to attend meetings of the Organisation and the Committee.

## **10. Duties and Responsibilities**

- a) The Chairman and the Committee as a whole shall be responsible for the administration of the Organisation and shall, in all things, act for and on behalf thereof.
- b) The Secretary shall record the names of the Officers and Committee members present at meetings and cause minutes to be kept of all the proceedings. The Secretary shall, on all occasions in the execution of duties in such capacity, act under the instruction of the Chairman and Committee.

## **11. Property**

- i) Subject to the provisions of sub-clause ii) of this clause, the Management Committee shall cause the title to
  - A) all land held by or in trust for the Organisation which is not vested in the Official Custodian for Charities; and
  - B) all investments held by or on behalf of the Organisation

Be vested in a corporation entitled to act as a custodian trustee or in not less than three individuals appointed by them as holding trustees. Holding trustees may be removed by the Management Committee at their pleasure and shall act in accordance with the lawful directions of the Management Committee; the holding trustees shall not be liable for the acts and defaults of its members.

ii) If a corporation entitled to act as custodian trustee has not been appointed to hold the property of the Organisation, the Management Committee may permit any investments held by or in trust for the Organisation to be held in the name of a clearing bank, trust corporation or any stock-broking company, which is a member of the International Stock Exchange (or any subsidiary of any such stock-broking company) as nominee for the Management Committee, and may pay such a nominee reasonable and proper remuneration for acting as such.

## **12. Removal from Office**

An Officer of the Organisation may be removed from his/her office by resolution of the Committee, provided that the Officer shall have the right to be heard before a decision is made. If any member of the Committee misses four consecutive meetings, without acceptable reason, he or she will forfeit their membership of the Committee.

## **13. Meetings**

The Committee shall hold at least four ordinary meetings each year. At least seven days' notice shall be given of such meetings.

a) Any three members of the Committee may call a Special Meeting by giving fourteen days' clear notice in writing to the Secretary specifying the purpose for which the meeting is to be called.

### **b) Annual General Meetings**

i) The Annual General Meeting of the Organisation shall be held on a date to be fixed by the Committee not later than fifteen months after the preceding Annual General Meeting.

ii) The Secretary shall cause a notice specifying the date, time and place of such meeting to be sent to members of the Organisation at least three weeks before the meeting.

iii) Any member of the Organisation wishing to move a resolution at an Annual General Meeting shall give notice thereof in writing to the Secretary not less than two weeks before the meeting is due to take place.

### **c) Extra-ordinary General Meetings**

i) An Extra-ordinary General Meeting may be called at the request of not less than eight members of the Organisation made in writing to the Secretary. Such requests must be signed by each member subscribing thereto and shall cause the Committee to call an Extra-ordinary General Meeting.

ii) The conditions and notices required for an Extra-ordinary General Meeting shall be those applicable to Annual General Meetings as set out in Clause 13(b)(ii).

## **14. Quorum**

a) No business shall be transacted at a meeting of the Committee unless a quorum of members are present – one third of the Committee members, or three members, whichever is the greater – this is to include two of the Executive Officers, one to act as Chairman.

b) No business shall be transacted at a General Meeting of any kind unless a quorum of members is present.



# EQUALITY AND DIVERSITY STATEMENT AND POLICY FOR LOWESTOFT SHOPMOBILITY

## SECTION A

Lowestoft Shopmobility is committed to the spirit and intention of legislation to eliminate discrimination and promote equality and diversity among our workforce. We recognise that everyone has a contribution to make to our society and a right to equal treatment. We encourage all service users, staff members, volunteers, and trustees to contribute to an environment in which people feel comfortable to express how they feel and what they need, knowing that they will be treated fairly and with respect.

To that end the purpose of this statement and policy is to provide equality and fairness for job applicants, staff members, volunteers, trustees, and service users and not to discriminate because of:

- age
- physical or mental disability or mental ill health
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race, ethnic origin, colour, nationality, national origin
- religion or belief
- sex
- sexual orientation
- caring responsibilities
- employment status
- unrelated criminal convictions
- class
- political persuasion

We oppose all forms of unlawful and unfair discrimination, Failure to follow the procedures in the policy may lead to disciplinary or other appropriate action.

Signed: REDACTED ..... (Chair of Management Committee)  
Date:..... 9-09-2021.....  
Review Date:..... 2023.....

- To promote equal opportunities in other areas not currently covered by legislation.
- To create a working environment free from harassment and discrimination.
- To confront and challenge discrimination wherever and whenever it arises whether it is between staff members, volunteers, trustees, service users or in any other area relating to the work of Lowestoft Shopmobility.
- To ensure that employment and advancement within Lowestoft Shopmobility is determined by objective criteria and personal merit.
- To make all staff and members of this organisation aware of this policy and to make a willingness to accept and implement this policy, a necessary qualification for any position at Lowestoft Shopmobility.

## **SECTION C - IMPLEMENTING THE POLICY**

### **4. Responsibilities**

The ultimate responsibility for implementing and developing the policy rests with the Management Committee. The overall co-ordinating responsibility for equal opportunities and management of diversity is delegated to The Co-ordinator.

It is, however, the responsibility of all individuals who work with or for Lowestoft Shopmobility to accept the policy and to ensure a personal involvement in its application. In particular individuals should not harass, abuse or intimidate any other staff member, volunteer, trustee or service user on the grounds of age, physical or mental disability or mental ill health, gender reassignment, marriage and civil partnership, pregnancy and maternity, caring responsibilities, race, ethnic origin, colour, nationality, national origin, religion or belief, sex, sexual orientation, employment status, unrelated criminal convictions, class or political persuasion.

Any employee who believes that he or she has been treated unfairly and contrary to the intentions of this policy should first raise their concerns through the grievance procedure.

If any employee has been found to have been in breach of this policy, this will be treated as a disciplinary matter. Any job applicant who believes that he or she has been treated unfairly and contrary to the intention of this policy should raise the matter with the Chair of Lowestoft Shopmobility.



'protected characteristics'. Reasons for rejecting candidates at interview must be recorded.

## **7. Training**

In line with the intentions of this policy, Lowestoft Shopmobility will not discriminate in the provision of training courses or professional development opportunities. Appropriate training will be provided to enable staff, volunteers and trustees to perform their jobs effectively. Such training will consider the needs of individuals. Briefing on this policy will form part of the Induction Procedure for staff, volunteers and trustees.

## **8. Enforcement**

Lowestoft Shopmobility recognises the need for a continuing commitment to genuine equal opportunities and diversity within the organisation. The effectiveness of the policy's aims and objectives can only be judged by how the policy operates in practice.

### **Grievances**

Any staff member or volunteer who feels that they have been a victim of unlawful discrimination or unfairly treated in a way which is contrary to the intention of this policy should raise the issue through the Grievance Procedure.

Any service user who feels that they have been unfairly treated in a way contrary to the intention of this policy should make a complaint to the Co-ordinator who must report any such complaint to the Management Committee. If the complaint is about the Co-ordinator this should be made directly to the Chair of the Management Committee.

Any job applicant who feels that they have been unfairly treated in a way which is contrary to the intention of this policy should raise the issue with the Chair of the Management Committee.

All incidents of direct discrimination are disciplinary offences and will be dealt with under the Disciplinary Procedure.

Incidents of indirect discrimination will be investigated in order to determine whether or not they should be dealt with under the Disciplinary Procedure.

Incidents of victimisation or harassment will be dealt with in accordance with the Harassment Procedure. Where incidents of victimisation or harassment are proven they will be dealt under the Disciplinary Procedure.

Lowestoft Shopmobility will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are oversensitive about discrimination.

## **Disciplinary Procedure**

Any member of staff found to be in breach of this policy will be subject to disciplinary action in line with the standard terms of employment.

Any volunteer found to be in breach of this policy will be counselled on their actions and may, where necessary, be removed from the volunteer register.

Any member of the Management Committee found to be in breach of this policy will be counselled on their actions and may, where necessary, be asked to leave Lowestoft Shopmobility.

Any service user found to be in breach of this policy will, where appropriate, be counselled on their actions and may, where necessary, be refused future services from Lowestoft Shopmobility.

## **9. Monitoring and Review**

Lowestoft Shopmobility is committed to measuring the effectiveness of this policy through the collection and analysis of statistics appropriate to equality and diversity matters. We will review the turnover of staff and volunteers and seek information on reasons for leaving.

Recruitment and selection procedures will be monitored and reviewed by the Management Committee on the records of applications, shortlisting, interview: - by gender, age, race, ethnic origin, disability etc. but only for the purpose of measuring the impact of this policy.

All aspects of personnel policy and procedures shall be kept under review to ensure that they do not operate against the Equality and Diversity Policy.

The Equality and Diversity Policy will be reviewed on an annual basis by the Co-ordinator. Any review recommendations will be presented to the Management Committee for their comments and approval.

## VULNERABLE ADULTS POLICY

## LOWESTOFT SHOPMOBILITY

The abuse of vulnerable adults constitutes a clear infringement of their rights and freedom as citizens. This policy aims to protect vulnerable adults who use the Shopmobility scheme from risk or abuse. As a service we are committed to promoting equality of opportunity to all members.

### AIM OF THE POLICY

The aim of this policy is to ensure the safety of vulnerable adults accessing the Shopmobility Scheme.

### Definition of a vulnerable adult

A "vulnerable adult" is a person aged 18 yrs or over "who is or may be in need of community care services by means of mental or other disability, age or illness" and "who is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation".

Thus a vulnerable adult may be someone who is:-

- Elderly and frail
- Has a mental disorder including dementia or a personality disorder
- Has a physical or sensory disability
- Has a learning disability
- Has a severe physical illness
- Is a substance misuser
- Is an unpaid carer
- Is homeless

### What is abuse?

Abuse can include: physical, financial, material, sexual, psychological, discriminatory, emotional abuse or neglect. Abuse can take place in any setting, public or private, and can be perpetuated by anyone.

All staff, volunteers and Lowestoft Shopmobility members have a duty to identify abuse and to report it.

Abuse is a violation of an individual's human and civil rights by any other person or persons. It can take a number of forms:-

- Physical abuse e.g. hitting, pushing, shaking, inappropriate restraint, force feeding, forcible administration of medication, neglect or abandonment.
- Sexual abuse e.g. involvement in any sexual activity against his/her will, exposure to pornography, voyeurism and exhibitionism.

- Emotional/psychological abuse e.g. intimidation or humiliation.
- Financial abuse e.g. theft or exerting improper pressure to sign over money from pensions or savings etc.
- Neglect or acts of omission e.g. being left in wet or soiled clothing, or malnutrition.
- Discriminatory abuse e.g. disability, racial, sexual or religious harassment.
- Personal exploitation – involves denying an individual his/her rights or forcing him/her to perform tasks that are against his/her will.
- Violation of rights e.g. preventing an individual speaking his or her thoughts and opinions.
- Institutional abuse e.g. failure to provide a choice of meals or failure to ensure privacy or dignity.

## **PRINCIPLES**

**This policy is based on the following principles:-**

- The welfare of vulnerable adults is the primary concern.
- All vulnerable adults, whatever their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/ or sexual identity have the right to protection from abuse.
- It is everyone's responsibility to report any concerns about abuse and the responsibility of the Social Work Department and the Police to conduct, where appropriate, a joint investigation.
- All incidents of alleged poor practice, misconduct and abuse will be taken seriously and responded to swiftly and appropriately
- All personal data will be processed in accordance with the requirements of the General Data Protection Regulations 2018.

## **RESPONSIBILITIES**

**Lowestoft Shopmobility will;-**

- Promote the health and welfare of vulnerable adults accessing the scheme by providing opportunities for them to take part in all activities safely.
- Respect and promote the rights, wishes and feelings of all members.
- Promote and implement appropriate procedures to safeguard the well being of vulnerable adults and protect them from abuse.
- Recruit, train, support and supervise its staff, volunteers and members to adopt best practice to safeguard and protect vulnerable adults from abuse and to minimise risk to themselves.
- Ensure all staff working on the scheme have a clear "Disclosure and Barring" check.
- Require members to adopt and abide by this Vulnerable Adult Protection Policy.

- Respond to any allegations of misconduct or abuse of vulnerable adults in line with this Policy as well as implementing, where appropriate, the relevant disciplinary and appeals procedure.
- Review and evaluate this Policy on a regular basis.

### **REPORTING PROCEDURE**

All members and staff have a responsibility to be aware of this Policy and to report any suspicions that they might have concerning adult abuse to the Chairperson, Margaret Oldham, telephone No. 01502 580838, or if necessary directly to Social Services or the Police.

### **Review**

This Policy and these Procedures will be regularly monitored and reviewed:-

- In accordance with changes in legislation and guidance on the protection of vulnerable adults.
- Following any issues or concerns raised about the protection of vulnerable adults within the Lowestoft Shopmobility Scheme.
- In all other circumstances at least annually.

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**Approved by** .....

Chairperson of Lowestoft Shopmobility

**Date** ...6-6-2018.....

**Review date** ...JUNE 2021.....

