**POLICY FRAMEWORK**

**This policy document has been created to cover instances where groups cannot meet their learning needs from within their own membership. The aim of this policy is to clarify the necessary procedures to follow before an external paid tutor or speaker is sought.**

U3A is an organisation based on the mutual aid principle, in which third age members’ interests, skills and experiences are shared for reciprocal benefit. Our self-help learning principle is: by the members for the members. No payments are made to members for services rendered to any U3A. There is no distinction between the learners and the teachers; they are all U3A members.

Committee members are Trustees and are therefore legally and financially responsible for any activities within it’s member groups. The Committee must ensure that any arrangements within it’s groups do not put Upper Bann U3A at risk. This policy document has been drawn up to protect Trustees and group members.

**THE LEGAL AND FINANCIAL IMPLICATIONS OF USING PAID TUTORS**

**WITHIN U3A**

If paid tutors were to be used within a group:

* An individual tutor **MUST** have a ‘self-employed’ status for tax purposes. Failure to check that an individual tutor is compliant can leave U3A liable for any unpaid income tax and NI contributions. The HMRC Employment Status Indicator is the only method accepted by HMRC for checking employment status.
* A tutor can only have an ‘employed’ status if they are delivering the service on behalf of an organisation who employs them. The contract would then be between U3A and the organisation.
* Necessary insurance cover such as Public Liability Insurance must also be investigated as the U3A Insurance Policy covers U3A members only. Proof of insurance would need to be held and checked regularly.
* For insurance purposes, documentation would need to be held proving that these checks have been carried out.
* A written agreement would have to be drawn up stating the terms of the contract for services between U3A and an individual tutor or an external organisation.

**THIRD AGE TRUST NEC RECOMMENDATIONS**

Given the dilution of the unique ethos of U3A, the alternative options available and the difficulties of protecting the U3A and its members from legal challenges and HMRC penalties, the NEC recommends that individual U3A Committees, as the Trustees of their U3A, adopt a general policy of not having interest groups that require paid tutors. In all cases a U3A Committee is strongly recommended to take all precautions, including full consideration of the legalities. Committee should not pressurised by non-Trustee members or group leaders who would not have to shoulder Trustee responsibilities in this matter.

**FILLING THE ROLE OF TEACHER IN A GROUP**

The U3A ethos is that when a group of U3A members identify a shared interest in learning a particular subject, they come together and appoint a group leader and teacher from within. The group leader does not necessarily have to be the member who agrees to take on the role of teacher. The group members then start their journey towards self-help learning. This process is sometimes aided by the Groups Co-ordinator but often happens without help from Committee.

It is a key part of U3A ethos that costs of membership are kept as low as possible to make U3A as accessible as possible. Any additional costs that may arise from self-help learning should fall exclusively on members of the particular interest group.

**INTEREST GROUP RESPONSIBILITIES**

**1 SEEKING INTERNAL/LOCAL EXPERTISE**

Occasionally a number of members identify a shared interest in a subject in which they have no expertise. In this case the following procedure **MUST** be followed by the interest group:

1. Seek a teacher with experience in this subject from the wider Upper Bann U3A. Contact all members, asking if a teacher is willing to share their knowledge with the group.
2. If no teacher is available within the U3A, explore the possibility of self-help learning within the interest group. Many subjects can be self-taught, bringing shared achievement and knowledge. A group leader should be appointed, but this person shares the learning experience equally with other group members.
3. Ask other local U3As if they have any expertise in the subject that they are willing to share. This could be to get the group started, or to contribute on a longer term basis. A member of another U3A cannot be paid a fee, but out of pocket travelling expenses would normally be paid.
4. Investigate if local provision for the subject already exists or could be made available through a non-U3A organisation such as a local authority, community group, charity or college. Any members interested in the subject would than attend an available course as individuals, not U3A members. The trustees would bear no responsibility for delivery of the teaching.

**2 SEEKING OUTSIDE EXPERTISE**

Once **all** procedures outlined in Section 1 have been investigated and documented, then the interest group can consider using a self-employed individual to tutor, or a tutor supplied by an external organisation contracted to provide this service. In either case, this can only be for a limited and specified number of sessions. Any associated payment must be borne by the group members.

To seek outside expertise, the following procedure **MUST** be followed by the group:

2.1 Approval must be sought in advance from the Upper Bann U3A Committee if an interest group wishes to use a paid tutor. Any group making a request for a paid tutor will need to demonstrate that they have carried out the procedures detailed in Section 1 before asking committee if they can seek external expertise . Each request for appointing a paid tutor will be considered on a case by case basis by committee. Any decision will take into account the perceived benefit to U3A members.

2.2 A leader must be appointed by the interest group to handle the setting up and running of the group. In addition to the normal duties of U3A group leader, the leader will be responsible for checking the employment status of an individual paid tutor using the HMRC Employment Status Indicator. The group leader must ensure that the tutor is compliant with the requirement to be self-employed. The group leader will also be responsible for investigating an individual tutor’s insurance cover and any necessary qualifications if relevant. In the case of an organisation providing an external tutor, the group leader must ensure that they also have the necessary insurance and any relevant qualifications. For insurance purposes, documentation needs to be held by the group leader proving that all these checks have been carried out.

2.3 A written agreement must be drawn up stating the terms of the contract for services between U3A and either an individual tutor or an organisation providing the training. This agreement must be overseen and signed by the group leader and a trustee.

2.4 The interest group, led by it’s leader, must demonstrate the following:

The benefit of the external tutor or speaker to the group

The upper limit on the number of sessions using a paid tutor

The aim of growing expertise within the group members

How they plan to move towards the U3A self-help ethos

**COMMITTEE RESPONSIBILITIES**

The Upper Bann U3A Committee has the following responsibilities:

1 To assist the interest group in finding internal/local expertise prior to considering any request for a paid tutor or speaker.

2 To investigate, consider and make a decision on each request for a paid tutor in a timely manner. This will be done within the normal framework of committee meetings. Committee must take into account the overriding self-help ethos of U3A in addition to the circumstances of each request.

3 The Committee, as Trustees, must ensure that the employment status, insurance cover and if relevant any necessary qualifications of a paid tutor or external organisation have been investigated and documented by the group leader.

4 The Committee will assist in the drawing up of any contract between the group and the individual tutor or organisation delivering training. The contract MUST be signed by a trustee in addition to the group leader.

5 The Committee must encourage and monitor the interest group’s move towards the U3A self-help ethos.

**Any group wishing to use a paid speaker at a meeting should seek prior approval from Committee to use U3A funds for this purpose.** Each request for a paid speaker will be considered on a case by case basis. In normal circumstances reasonable expenses can be paid to a speaker.

A group may sometimes wish to make a donation to an organisation, such as a charity, represented by a speaker. Any donation must be collected separately from the attendees or members of the group. It cannot be taken from monies collected to cover the routine costs of the group. U3A is a charity, and as such it cannot use its funds to make charitable donations to other charities.