

Quick Guide to.....The Constitution

What is a Constitution?

A 'Constitution' is basically a written agreement between an association and its members. It can sometimes be referred to as the 'rules' of the association.

It will outline a number of things including how new members can join the association and who is eligible, how the Management Committee is elected, what happens with the finances of the association.

In simple terms the Constitution will :

- highlight the overall purpose or vision of the association (in other words its reason for existing in the first place)
- describe how the association will be managed and controlled
- state what the association, its members, and its Management Committee, can and cannot do



Point to remember!!

It's important to keep the Constitution as flexible as possible as you can't change or add anything without first getting the consent of the membership.

For instance, employing staff may be a long term goal however, it makes more sense to include this 'power' at an early stage rather than having to add it in later.

Common references (or 'clauses') found in a Constitution

- ☞ The **aims** and **objectives** of the group - this is the overall purpose of the group and information about the services or activities the group will provide for its members. If the association intends to apply for charitable status then the wording of this clause needs to meet certain standards. Refer to the 'Quick Guide to Charitable Status' for further information.
- ☞ The **powers** of the Management Committee - what they are allowed to do on behalf of the members eg. employ staff, rent accommodation etc.
- ☞ Who **membership** is open to and how to join the association - details about who is eligible to join eg. anyone over 18 from the area etc. , and how to apply for membership eg. complete a membership application form.
- ☞ Information on the **Management Committee** including how it will be set up - how the committee is made up eg. chairperson, secretary, treasurer, and how they are elected eg. someone nominates, someone else seconds, the membership votes etc.
- ☞ The **quorum** - this is the minimum number of members that must be present at a meeting in order for it to go ahead. It's important to ensure that the number is reasonably representative of the membership.
- ☞ A **dissolution** clause - what will happen with anything belonging to the association if it were to finish. This includes any money left in the bank account and any equipment or resources. They must be transferred to another charitable association with similar aims and objectives.
- ☞ **Adoption** - The constitution needs to be dated and signed as 'accurate' by two committee members eg. the chairperson and secretary.

☞ For help or advice with writing a Constitution or to order this guide in another format contact RCVS (the Council for Voluntary Services)

Airlink Business Centre, 24 Clark Street, Paisley ☎ 0141 587 2487 ✉ info@rcvsweb.co.uk 🌐 www.rcvsweb.co.uk

An example Constitution!

Constitution of Anytown Young Crafty's Club

The objectives of this association are:

- To promote an interest and appreciation of all types of arts and crafts
- To provide young people with the skills and knowledge to produce a range of arts and crafts including card making, decoupage, painting, stenciling etc.
- To provide the opportunity for young people who share a mutual interest to meet together

Powers

In order to meet these objectives the association can:

- Raise funds and invite and receive contributions by way of subscriptions and donations.
- Investigate and make applications to grant giving bodies.
- Take out membership of organisations whose activities and interests are compatible with the aims of the association.
- Purchase, take on lease or exchange, hire or otherwise acquire any equipment or resources necessary for the promotion of the association.
- Maintain appropriate financial records and present a verified statement of these records to the membership at the AGM.
- The Chairperson, Secretary or Treasurer may execute legal documents on behalf of the association. Any two of the association Office Bearers shall sign such documents.

Membership

- Membership will be open to any young person aged 8 to 16 living within Anytown, and who has an interest in arts and crafts.
- The Management Committee shall have the right for good and sufficient reason to terminate the membership of any individual. The individual member concerned shall have the right to be heard by the Management Committee before a final decision is taken.

Management Committee

- The association shall elect from its membership a Chairperson, Secretary, Treasurer, any other officers as the group consider necessary, and ordinary committee members to act as the Management Committee.
- Only those Committee members over the age of 18 will be able to sign cheques on behalf of the association.
- Members of the Management Committee shall be nominated, proposed and seconded by members of the association at the AGM.
- The Management Committee shall meet not less than 4 times per calendar year. Minutes shall be kept of all Management Committee meetings.

Management Committee (Cont./)

- The Management Committee shall hold an Annual General Meeting in June of each year giving the membership 21 days written notice. A verified statement of the accounts, the election of the Management Committee, and the appointment of an independent, competent person to verify the accounts will be carried out at this meeting.

Financial Authority

- A bank account shall be opened in the name of the association. The Management Committee shall authorise three members of the Committee, one of whom shall be the Treasurer, to sign cheques on behalf of the association.
- All monies raised by or on behalf of the association shall be applied to further the aims and objectives of the association and for no other purpose. No payment shall be made to members of the Management Committee other than reasonable out of pocket expenses.
- The accounts shall be verified at least once a year by the independent, competent person or persons appointed at the Annual General Meeting.
- A verified statement of the accounts for the last financial year shall be submitted by the Management Committee to the Annual General Meeting.

Quorum

The quorum for any meeting of the association shall be two thirds of the membership or a minimum of 5 as the case may be.

Alterations to the Constitution

Any alteration to this constitution shall require the agreement of not less than two-thirds of the members of the association present and voting at a general meeting. Notice of any such alteration must have been received by the membership, in writing, not less than 21 clear days before the meeting at which the alteration has to be proposed.

Dissolution

If the Management Committee, by a simple majority, decides that at any time it is necessary or advisable to dissolve the association, it shall call a special general meeting, giving the membership not less than 21 days notice (stating the terms of the resolution to be proposed thereat).

If the decision is confirmed by a two-thirds majority of those present and entitled to vote, the Management Committee shall have power to dispose of any assets held by or on behalf of the association. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to other charitable organisations having similar aims and objectives.

Adoption

The Constitution is signed and dated by two members of the Committee on behalf of the members.

RCVS has produced a full range of 'Quick Guides to.....' including:

📄 Managing the Money 📄 Becoming a Charity 📄 Fundraising 📄 The Committee 📄 The AGM

Just call RCVS on 0141 587 2487 to order.

