GOVERNANCE GUIDANCE

It is a requirement that all organisations who wish to register with Education Authority Youth Service as a Local or Regional Voluntary Youth Organisation provide their Governing documentation. This may be a constitution for an association, a trust deed for a trust, or articles of association for a company.

If you are registered with the Charity Commission, CIC Regulator and/or HMRC, you will be required to provide your organisation's reference/registration number and ensure the Organisation Name does not differ on your Education Authority registration form. You will also be required to submit a copy of your governing document however this will not be assessed as part of the registration process.

If you are not registered with the Charity Commission, CIC Regulator and/or HMRC, your governing document will be subject to assessment. The guidance below outlines what should be contained in your governing document, and this will act as assessment criteria for any organisation who is not registered with the Charity Commission, CIC Regulator and/or HMRC. For convenience, the table is populated as an overview with clear focus on the most common type of registered group, unincorporated associations. All variations are then shown in the respective columns.

UNINCORPORATED ASSOCIATION

Name of the Organisation
Clearly State the Name of Your Organisation

Objects and/or Purpose
This clause expresses the aims of the organisation. It is important that these are written in such a way as to cover everything you may want to do as your organisation develops. When writing the objects of a charity, particular care is required to make sure the objects are exclusively charitable in law. If the objects include a mixture of charitable and non-charitable objects, the organisation cannot be a charity. If an organisation wants to be non-charitable, then there is more flexibility about the wording of the objects. Nevertheless, care should be taken to make sure that the objects are accurate.

Powers and/or Carryout Purpose
This clause usually follows the objects and it sets out the things a particular organisation is permitted to do in order to pursue its objects.

Membership
This clause describes what type of individual or organisation will be eligible to apply for membership of the organisation. It may set out a variety of different types of membership (e.g. individual membership, full membership, associate membership, group membership). It should also make provisions for termination of membership.

Management
This clause describes how the organisation will be managed, e.g. by a management committee elected by and from the members of the association, or by representatives appointed by the member organisations. It should state how and when they may be elected, the maximum number of co-opted members, the minimum number of times the committee/board should meet in a year, and what a quorum for meetings will be. If it is the intention of the organisation at some stage to appoint sub-committees, reference to this should be included.

Ordinary/Special Meetings
This clause should detail:
1.The chairing of meetings
2.Voting and decision making
3.Quorum
4.Who is responsible for keeping minutes of all meetings
This clause should make provision for extraordinary or special meetings - these may be called when some special business has to be considered.

AGM
This clause states when the Annual General Meeting will be held and what business is to be transacted at it, which should always include:
1. Receiving from the committee/board an annual report and statement of accounts
2. Electing a committee/board
3. Appointing an auditor or an independent examiner for the coming year.

UNINCORPORATED ASSOCIATION

Finance or Money
This clause should make clear:
a. Funds of the organisation can only be used to further the objects and for no other purpose.
b. A bank account should be opened and outline the number of signatories required to sign cheques on behalf of the organisation.
This clause should also state if the accounts of the association are to be audited or independently examined.
Please note; to register with and receive funding from Education Authority Youth Service the bank account name must be the same as the organisation name.

Trust and Property
An unincorporated body cannot hold property in its own name. If such a body wishes to own buildings or land or other property, it will need to appoint trustees (otherwise called 'holding trustees'). Holding trustees are people who hold property in their name which is not their own but has been entrusted to them. Sometimes people will act as holding trustees without any formality, but this could lead to confusion (if, say, the people holding the property lose contact with the association). It makes sense, particularly if the organisation has any valuable or important property, that it should formally appoint holding trustees with suitable documentation to make clear what property is being held on behalf of the organisation and by whom.

Amendments/Changes to the Constitution
A constitution may be altered, but only by its members, at a special general meeting or AGM of which proper notice has been given to the members. In the case of an organisation which is a charity, no changes may be made which would alter the charitable nature of the organisation.

Dissolution/Winding up
This states what happens if the organisation decides to wind up, in particular, what will be done with any funds remaining after all liabilities have been met. A charitable association which is dissolved is required to ensure charity assets remain in the charity sector. Any remaining assets are to be transferred to another organisation to be used for the same charitable purposes.

Signed
The document must contain a signature(s) to confirm the adoption of the constitution.

Dated
The document must be dated and the signature(s) must be dated when signed.