

## 1) Draft Constitution.

***If your childcare provision is set up as a voluntary organisation, you will need to draw up a Constitution. This document has been drafted as a guide to give you an idea of what information should be included.***

### 1. Name

The name of the voluntary organisation shall be.....  
(Hereinafter called "the Group")

### 2. Aims

The aims of the Group shall be:

- (a) To provide suitable quality childcare for children up to the age of 5 years.
- (b) To provide opportunities to further children's development up to the age of 5 years (until the term after their 5<sup>th</sup> birthday) whilst involving parents and carers.
- (c) To advance the professional development of individuals working in the childcare provision.

### 3. Powers

To support the aims the Group shall have the following powers:

- (a) To raise funds and apply for, invite, obtain, collect and receive contributions from any other person or persons whatsoever by way of subscription, donation, grant, legacy and otherwise; provided that the group shall not undertake any permanent trading activities in raising funds for the said aims.
- (b) To employ on such terms and conditions of employment as the Group shall determine any paid or voluntary worker or workers to assist in the attainment of the said aims.
- (c) To do all such other lawful things as shall further the attainment of the said aims.

### 4. Membership

- (a) Membership shall be open to all parents or guardians on the attendance register of the Group and to other persons who are interested in furthering the work of the Group.
- (b) The Committee hereinafter constituted shall have the right to:
  - i. Approve or reject applications for membership.
  - ii. Terminate the membership of any member provided that the member concerned shall have the right to be heard by the Committee before a final decision is made.

- (c) The Annual General Meeting hereinafter mentioned and the words “financial year” shall mean the period April 1<sup>st</sup> to March 31<sup>st</sup> inclusive.

## 5. Honorary Officers

- (a) At the Annual General Meeting hereinafter mentioned, the Group shall elect a Chair (person), a Secretary and a Treasurer (hereinafter called “the Honorary Officers”) being persons who are members of the Group.
- (b) The Honorary Officers shall hold office until the conclusion of the next Annual General Meeting after their election but shall be eligible for re-election provided that no Honorary Officer shall hold office for more than three consecutive years. On the expiration of such period, two further years must elapse before any further Honorary Officer shall be eligible for re-election.
- (c) The Honorary Officers shall be ex–officio members of the Committee hereinafter constituted.

## 6. Committee

- (a) The policy and general management of the affairs of the Group shall be directed by the Committee hereinafter constituted.
- (b) The Committee shall consist of the Honorary Officers and not less than two, or more than eight, other members of the Group elected by the Annual General Meeting hereinafter mentioned.
- (c) In addition to the Honorary Officers and the members so elected, the Committee may co–opt to serve on the Committee in an advisory capacity other interested individuals or representatives of statutory or voluntary agencies active in the locality or of such other organisations as the Committee may determine, provided that no such co– opted member shall be entitled to vote.
- (d) The members of the Committee shall hold office until the conclusion of the Annual General Meeting next after their election or co–option, as the case may be, but shall be eligible for re-election or re co–option.
- (e) The Committee shall meet not less than six times per year.
- (f) Five members of the Committee (or one third of the Committee members for the time being – which ever is the greater) shall constitute a quorum.
- (g) Minute books shall be kept by the Committee and the Secretary shall enter therein and record all proceedings and resolutions of the Committee.

## 7. General Meetings

- (a) The first general meeting of the Group shall be held no later than the ..... of ..... 20 ....., and once in each year thereafter, an Annual General Meeting of the Group shall be held at such a time (not being more than 15 months after the holding of the preceding Annual General Meeting) and place as the Committee shall determine. At such Annual General Meeting the business shall include:

- i. The receipt of the Annual Report and the Accounts for the preceding year from the Committee.
  - ii. The appointment of an auditor or independent examiner.
  - iii. The election of the Honorary Officers and the members (other than co-opted members) to serve on the Committee.
  - iv. The transaction of such other matters as may from time to time be necessary.
- (b)
- i. The Committee may at any time, call a special General Meeting of the Group. The Secretary will be responsible for calling the meeting upon written request (signed by no less than one quarter of the members and giving reasons for the request) within 7 days.
  - ii. Notification of a General Meeting shall be given in writing by the Secretary to all members not less than 21 days prior to the meeting.
- (c)
- i. The quorum for a General Meeting shall be one third of the total membership, for the time being, of the Group or such other number as the Group in a meeting shall from time to time determine.
  - ii. Save as otherwise herein provided, all questions arising at a General Meeting shall be decided by a simple majority of those present and voting there at. Any member who is unable to attend any General Meeting may exercise an entitlement to vote by proxy in accordance with any rules drawn up by the committee for that purpose.
  - iii. Provided that no such entitlement shall apply in respect of clauses 9 and 10 hereof. No person shall exercise more than one vote but in the case of all equality of votes the Chair, or in their absence, the member elected to chair the meeting, shall have second or casting vote.

## 8. Finance

### (a) Accounts

*The Committee shall comply with their obligations under the Charities Act 1992 (or any statutory re-enactment or modification of that Act) with regard to:*

- i. The keeping of accountancy records for the Group.
- ii. The preparation of annual statements of account for the Group.
- iii. The auditing or independent examination of the statements of account for the Group.
- iv. The transmission of the statements of account of the Group to the Commissioners.

### (b) Annual Report

The Committee shall comply with their obligations under The Charities Act 1992 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an Annual Report and its transmission to the Commissioners.

### (c) Annual Return

The Committee shall comply with their obligations under the Charities Act 1992 (or any statutory re-enactment or modification of that Act) with regard to the preparation of all Annual Returns and its transmission to the Commissioners.

(d) Funds

The funds of the Group shall be applied in furtherance of its aims and no payment shall be made to any member except for the services actually rendered as the Committee except reasonable and proper out of pocket expenses.

(e) Bank Account

A bank account shall be opened in the name of the Group with..... Bank plc or such other bank as the Committee may from time to time determine. The Committee shall authorise in writing to the Secretary, the Treasurer and two other members of the Committee (not being co-opted members) to sign cheques on behalf of the Group. All cheques must be signed by not less than two of the four authorised signatories.

(f) Notification

The trustees must notify the Commission promptly of any changes to the Charity's entry on the Central Register of Charities.

## **9. Alteration to the Constitution**

No alteration or addition to this Constitution shall be made except at a General Meeting of the Group called for such purpose. No alteration or addition shall be made to Clause 2, Clause 9 and Clause 10, and no alteration shall be made which would cause the Group to cease to be a Charity in Law. Alterations or additions to the Constitution shall receive the assent of not less than two thirds of all members present and voting at a General Meeting.

## **10. Dissolution**

The Group may be dissolved by a resolution passed by a two thirds majority of those present and voting at a special General Meeting convened for the purpose, of which 21 days notice shall be given (to the members). Such a resolution may give instructions for the disposal of any assets held by or in the name of the Group but provided that if any property remains after the satisfaction of all debts and liabilities, such property shall not be paid to or distributed among other members of the Group, but shall be given or transferred to such other charitable organisation or organisations having aims similar to some or all of the aims of the group as the Group may determine and if and in so far as effect cannot be given to this provision, then to some other charitable purpose.

**Signed on behalf of the Management Committee by:**

**Name**.....

**Signature**.....

**Position**..... **(Chairperson)**

**Date**.....

**Signed on behalf of the Management Committee by:**

**Name**.....

**Signature**.....

**Position**..... **(Committee Member)**

**Date**.....

SAMPLE