

Constitution of Ware District Scout Council

Preamble

This constitution describes the role, membership and operation of the Scout Council, and the Trustee Board.

In the interest of openness, especially for new members of the Scout Council, the Scout Council should re-adopt their constitution at each Annual General Meeting.

a. The District Scout Council

The Scout Council is the body which has charity governance responsibility for Scouting in the District. The Trustee Board is accountable to the Scout Council.

Membership of the Scout Council does not provide membership of the Scouts.

There are four categories of membership of the Scout Council:

- a. Ex officio
- b. Nominated
- c. Right of attendance

A Secretary must ensure that nominated and co-opted Scout Council Members are recorded in the minutes of the Scout Council meeting which is normally the Annual General Meeting. Nominated and co-opted Scout Council members must not be recorded on The Scout Association's membership system.

Ex officio Scout Council members must not be recorded as Scout Council Members on The Scout Association's membership system.

District Scout Council membership

The ex officio members of the District Scout Council are:

- a. all adult members of the Scout District - see District roles in the Chapter 16 Roles Table of POR
- b. all adults with the following appointments in the Scout Groups in the District
 - Group Scout Leader
 - Deputy Group Scout Leader
 - Group Trustee Board Chair
 - Group Trustee Board Secretary
 - Group Trustee Board Treasurer
 - Section Leader
 - Assistant Section Leader

- Group Active Support Manager
- c. all Explorers (including Young Leaders)
- d. members of the District Scout Network
- e. parents and carers of Explorers
- f. a representative of the District Troop Leadership Forum, selected from amongst the membership of the Forum
- g. the County Commissioner
- h. the County Trustee Board Chair

The nominated members of the District Scout Council are other supporters of the Group appointed by the District Scout Council on the recommendation of the District Commissioner and the District Trustee Board. The number of nominated members must not exceed the actual number of elected members.

A nominated member of the District Scout Council must be appointed for a fixed period not exceeding three years. Subsequent reappointments are permitted.

ii. The District Scout Council must hold an Annual General Meeting within six months of the financial year end to:

a. Undertake governance oversight

- adopt (or re-adopt) the constitution of the charity
- note the dates of charity's financial year currently 1 January to 31 December
- agree the number of members that may be elected to the Trustee Board
- agree the quorum for each of:
 - meetings of the Scout Council,
 - meetings of the Trustee Board,
 - meetings of any sub-Committee.

b. Review the previous year

- receive and consider the Trustees' Annual Report and the annual statement of accounts prepared by the Trustee Board.

The accounts must have completed their examination by an appropriate auditor, independent examiner, or scrutineer.

The Trustees' Annual Report and Accounts presented to the Scout Council must include the formal report prepared by the auditor, independent examiner, or scrutineer.

c. Make appointments

- approve the District Commissioner's, nomination of the Chair of the Trustee Board
- approve the District Commissioner's nomination of members of the Trustee Board
- elect a Secretary to the Trustee Board.
- elect a Treasurer to the Trustee Board
- elect Trustees to the Trustee Board
- approve the appointment (or re-appointment) of any Presidents or Vice Presidents
- appoint (or re-appoint) an auditor, independent examiner or scrutineer as required.
- nominate representatives of the District Scout Council to represent the District on the County Scout Council.

b. The District Trustee Board

The Trustee Board is a team of volunteers who work together, as charity Trustees, to make sure the Scouts is run safely and legally. At the heart of their role is a focus on strategy, performance and assurance.

Effective Trustee support helps other volunteers run the Scout programme that gives young people skills for life.

Members of the Trustee Board must act collectively as charity trustees of the charity, and in the best interests of the charity's members.

The Trustee Board must act in the charity's best interests, acting with reasonable care and skill and take steps to be confident that:

a) The charity is:

- well managed
- carrying out its purposes for the public benefit
- complying with the charity's governing document and the law
- managing the charity's resources responsibly

b) the charity is operating compliant with POR, including effective management of the Key Policies listed in chapter 2 - The Equal Opportunities Policy, Privacy and Data Protection Policy, Religious Policy, Safeguarding Policy, Safety Policy, Vetting Policy, Youth Member Anti-bullying Policy.

c) young people are meaningfully involved in decision making at all levels

d) there are sufficient resources (funds, people, property and equipment) available to meet the planned work of the District including delivery of the high quality programme and resource requirements of the training programme

e) the Scouts has a positive image in the local community

The Trustee Board members must themselves collectively:

a) develop and maintain a risk register, including putting in place appropriate mitigations

b) ensure that the charity's finances are properly managed, including development and maintenance of appropriate budgets to support the work of the charity

c) maintain and manage:

- a reserves policy for the charity (including a plan for use of reserves outside the 'minimum')
- an investment policy for the charity
- a public benefit statement for the charity

d) ensure that people, property and equipment are appropriately insured, and that any property and equipment owned or used by the charity is properly protected and maintained

e) promote and support the development of Scouting in the local area.

f) ensure the appointment and management and operation of any sub-committees, including appointing a Chair to lead the sub-committee

g) ensure that effective administration is in place to support the work of the Trustee Board

h) appoint any Administrators, Advisers and co-opted members of the Trustee Board

i) ensure transparency of operation, including:

- prepare and approve the Annual Accounts and arrange their examination by an auditor, independent examiner or scrutineer as appropriate and as appointed by the Scout Council at their Annual General Meeting
- prepare and approve the Trustees' Annual Report (which must include the Annual Accounts)

- present the approved Trustees' Annual Report and Annual Accounts to the Scout Council at the Annual General Meeting (AGM)
- following the AGM, ensure that a copy of the Trustee Annual Report and Accounts is sent to the County Trustee Board administration and, if a registered charity, is filed with the appropriate charity regulator (if the regulator's rules require it).

j) take responsibility for adherence to Data Protection legislation recognising that, dependent on circumstances, it will at different times act as a Data Controller and as a Data Processor

k) individually and collectively maintain confidentiality regarding appropriate Trustee Board business

A District Trustee Board must also provide any necessary support to the District Commissioner, when required, to assist the opening, change, merging or closing of Groups, Explorer Units, Scout Networks and Scout Active Support Units in the District

The Trustee Board may create sub-committees to manage the work it deems necessary ensuring that:

- a) the purpose of each sub-committee is clear and has been agreed by the Trustee Board
- b) each sub-committee of the Trustee Board consists of members approved by the Trustee Board
- c) the Chair of the Trustee Board is an ex officio member of each sub-committee
- d) the District Commissioner is an ex officio member of each sub-committee

Members of sub-committees are not Trustees unless they are members of the Trustee Board.

Trustee Board Membership

Subject to the conflict of interest rules (see Chapter 16 and the definition of 'conflict of interest in the Definitions chapter of POR), a Trustee may be a member of more than one Trustee Board.

Ex officio, nominated, elected and co-opted members of the Trustee Board are charity Trustees of the District.

People invited to attend, or with right of attendance, may be present at the meeting but are not charity Trustees and have no voting rights.

Certain people are disqualified from being charity trustees by virtue of the Charities Acts.

All Trustees must complete training as specified in Rule 16.2.1 and the Roles Table of POR

The Trustee Board and any sub-committees should, wherever possible, have as full voting members at least two people aged between their 18th and 25th birthdays.

The District Trustee Board

a) The ex officio members of a District Trustee Board are:

- The District Chair
- The District Commissioner
- The District Youth Commissioner
- The District Secretary (if appointed as a Trustee)
- The District Treasurer
- The District Explorer Scout Commissioner
- The District Scout Network Commissioner

Where there are joint role holders (eg for District Youth Commissioner), only one of the joint role holders should be an ex officio member of the District Trustee Board. This must be decided jointly by the role holders in consultation with the District Commissioner and the District Chair.

b) The elected members of the Trustee Board are persons elected at the District Annual General Meeting. The actual number of persons elected must be the subject of a resolution by the District Scout Council at their AGM. There must be a maximum of six elected members.

c) The nominated members of the Trustee Board are persons nominated by the District Commissioner, in consultation with the Chair. The nominations must be approved at the Annual General Meeting. The number of nominated members must not exceed the actual number of elected members.

d) The co-opted members of the Trustee Board are persons co-opted annually by the Trustee Board. The number of co-opted members must not exceed the actual number of elected members.

e) The County Commissioner and the County Chair have the right of attendance at meetings of the Trustee Board.

c. Trustee Board Conduct of Meetings

i. Only members as defined above may vote in meetings of the Trustee Board.

ii. The District Scout Council must make a resolution defining a quorum for meetings of the Scout Council and the Trustee Board and its sub-Committees.

iii. Decisions are made by a majority of votes cast by those present at the meeting. In the event of an equal number of votes being cast on either side the chair does not have a casting vote and the matter is taken not to have been carried.

iv. In order to discharge their responsibilities, the Trustee Board may meet by telephone and/or video conference as well as face to face when agreed by the appropriate Chair. This includes 'hybrid' meetings, where some members join by telephone or video.

v. Electronic voting (such as email) is allowed for decision making of the Trustee Board when deemed appropriate by the Chair (for example, where a pressing matter arises between meetings). In such instances at least 50% of its members must approve the decision, and the outcome of the voting must be reported and recorded in the minutes at the next Trustee Board meeting.