



# Tamworth District Scout Council

## District Constitution

## **Constitution of the District (Version 8, January 2021)**

### **Policy, Organisation and Rules of the Scout Association**

Policy, Organisation and Rules (POR) defines the structure of Scouting in the United Kingdom, the Channel Islands and the Isle of Man and provides information about its management and training.

The District Executive Committee together with all sub-committees are governed by this document and adhere to the rules and guidelines contained therein.

All elected and constitutional bodies of The Scout Association at Headquarters, County and District should have, as full voting members, at least two young people between the age of 18 and 25 years old.

### **1. The District Scout Council**

- i. The District Scout Council is the electoral body, which supports Scouting in the District. It is the body to which the District Executive Committee is accountable.
- ii. Membership of the District Scout Council is open to:

#### **Ex officio**

- All adult members and associate members of the Scout District (see District roles listed in The Appointments Process chapter, Table 2: Appointments).
- All adults holding the following appointments from the Scout Groups in the District
  - i. Group Scout Leader
  - ii. Deputy Group Scout Leader
  - iii. Group Chair
  - iv. Group Secretary
  - v. Group Treasurer
  - vi. Section Leader
  - vii. Assistant Section Leader
  - viii. Group Active Support Manager
- all Explorer Scouts;
- all members of the District Scout Network;
- A representative of the Troop Leadership Forum, selected from amongst the membership of the Forum;
- all parents of Explorer Scouts;
- County Commissioner
- County Chair

#### **Nominated Members**

- Other supporters of the District Appointed by the District Scout Council on the recommendation of the District Commissioner and the District Executive Committee.

The number of Nominated Members must not exceed the number of Ex Officio members.

Nominated members must be appointed for a fixed period not exceeding 3 years. Subsequent reappointments are permitted.

- iii. Membership of the District Scout Council ceases upon:
  - the resignation of the member;
  - the dissolution of the Council;
  - the termination of membership by Headquarters following a recommendation by the County Executive Committee.
- iv. The District Scout Council must hold an Annual General Meeting within six months of the financial year end to:
  - receive and consider the Annual Report of the District Executive Committee, including the annual statement of accounts;
  - approve the District Commissioner's nomination of the District Chair and nominate members of the District Executive Committee;
  - elect a District Secretary unless the District Secretary is employed by the District Executive Committee;
  - elect a District Treasurer;
  - elect certain members of the District Executive Committee;
  - elect Group Scouters to represent the District on the County Scout Council;
  - appoint an auditor or independent examiner or scrutineer as required.

## **2. The District Executive Committee**

- i. The Executive Committee exists to support the District Commissioner in meeting the responsibilities of their appointment.
- ii. Members of the Executive Committee must act collectively as charity Trustees of the Scout District, and in the best interests of its members to:
  - Comply with the Policy, Organisation and Rules of The Scout Association.
  - Protect and maintain any property and equipment owned by and/or used by the District.
  - Manage the District finances.
  - Provide insurance for people, property and equipment.
  - Provide sufficient resources for Scouting to operate. This includes, but is not limited to, supporting recruitment, other adult support, and fundraising activities.
  - Promote and support the development of Scouting in the local area.
  - Manage and implement the Safety Policy locally.
  - Ensure that a positive image of Scouting exists in the local community.
  - Appoint and manage the operation of any sub-Committees, including appointing a Chair to lead the sub-Committees.
  - Ensure that Young People are meaningfully involved in decision making at all levels within the District.
  - The opening, closure and amalgamation of Groups, Explorer Scout Units, Scout Network and Scout Active Support Units in the District as necessary.
  - Appoint and manage the operation of an Appointments Advisory Committee, including appointing an Appointments Committee Chair to lead it.
  - Supervising the administration of Groups, particularly in relation to finance and the trusteeship of property.
- iii. **The Executive Committee must also:**
  - Appoint Administrators, Advisers, and Co-opted members of the Executive Committee.
  - Approve the Annual Report and Annual Accounts after their examination by an appropriate auditor, independent examiner or scrutineer.
  - Present the Annual Report and Annual Accounts to the Scout Council at the Annual General Meeting; file a copy with the County Executive Committee; and if a registered charity, to submit them to the appropriate charity regulator. (See POR Rule 13.3).

- Maintain confidentiality with regard to appropriate Executive Committee business.
- Where staff are employed, act as a responsible employer in accordance with Scouting's values and relevant legislation.
- Ensure line management responsibilities for employed staff are clearly established and communicated.

iv. The District Executive Committee consists of:

#### **Ex-officio members**

- The District Chair;
- The District Commissioner;
- The District Youth Commissioner;
- The District Secretary;
- The District Treasurer;
- The District Explorer Scout Commissioner
- The District Scout Network Commissioner

#### **Elected members**

- persons elected at the District Annual General Meeting.
- there should normally be four to six in number.
- the actual number must be the subject of a resolution by the District Scout Council.

#### **Nominated members**

- persons nominated by the District Commissioner.
- the nominations must be approved at the District Annual General Meeting.
- persons nominated need not be members of the District Scout Council and their number must not exceed that of the elected members.

#### **Co-opted members**

- persons co-opted annually by the District Executive Committee.
- the number of co-opted members must not exceed the number of members who may be elected.

#### **Right of Attendance**

- The County Commissioner and the County Chair have the right of attendance at meetings of the District Executive Committee.

iv. Additional Requirements for sub-committees:

- Sub-committees consist of members nominated by the Executive Committee.
- The District Commissioner and the District Chair will be ex-officio members of any sub-committee of the District Executive Committee.
- Any fundraising committee must include at least two members of the District Executive Committee. No Section Leader or Assistant Leader should serve on such a fundraising subcommittee.

#### v. Additional Requirements for Charity Trustees:

- All ex-officio, elected, nominated and co-opted members of the District Executive Committee are Charity Trustees of the Scout District.
- Only persons aged 18 and over may be full voting members of the District Executive Committee because of their status as Charity Trustees (however the views of young people in the District must be taken into consideration).
- Certain people are disqualified from being Charity Trustees by virtue of the Charities Acts. (See rule 13.1).
- Charity Trustees are responsible for ensuring compliance with all relevant legislation including the Data Protection Act 2018.

### **3. The District Team Meeting**

- i. The District Team, comprising the District Youth Commissioner, Deputy District Commissioners, Explorer Scout Commissioner, Scout Network Commissioner, all Assistant District Commissioners, District Scouters and District Scout Active Support Managers, meet as frequently as necessary under the chairmanship of the District Commissioner.
- ii. The purpose of the District Team Meeting is to:
  - review the progress, standards and effectiveness of programmes of Groups, Explorer Scout Units and District Scout Network in the District;
  - plan a programme of visits to Scout Groups, Explorer Scout Units and District Scout Network;
  - give support and encouragement to Leaders;
  - plan the support of adults undertaking Adult Training;
  - plan any programme of District events deemed to be necessary to supplement Scouting in the Groups, Explorer Scout Units and District Scout Network;
  - secure the support of District Scout Active Support Units in the work of the District;
  - keep the District Executive Committee advised of the financial requirements of the training programme in the District, including Explorer Scout Units and District Scout Network;

### **4. Conduct of Meetings in the Scout District**

- In meetings of the District Scout Council and the District Executive Committee only the members specified may vote.
- Decisions are made by a majority of votes of those present at the meeting. In the event of an equal number of votes being cast on either side in any issue the chair does not have a casting vote and the matter is taken not to have been carried.
- The District Scout Council must make a resolution defining a quorum for meetings of the Council and the District Executive Committee and its sub-Committees.
- Electronic voting (such as email) is allowed for decision making of the District Executive Committee and its sub-Committees when deemed appropriate by the Chair. In such instances at least 75% of committee members must approve the decision.
- The District Executive Committee and its sub-Committees can meet by telephone conference, video conference as well as face to face in order to discharge their responsibilities when agreed by the appropriate Chair.

### **5. Additional information to above**

The District Executive is responsible for establishing sub-committees with responsibility for building management, finance, appointments and awards. Other committees may be established for on-going projects. Any sub-committee must include at least two members of the District Executive Committee and where possible include a young person aged 18 . 25 years. Other sub-committee members have to be approved by the Executive committee and need not be members of the District Scout Council. Fund raising committees must adhere to the criteria above, however, section leaders and assistants cannot serve on such a committee. Chairs of sub-committees are appointed annually at the first executive meeting following the Annual General Meeting.

The District Treasurer and the District Secretary are nominated by the Executive committee and their nominations must be ratified at the Annual General Meeting.

The District Executive Committee should include, if at all possible, two serving members who are aged 18 - 25 years.

The District Commissioner and District Chair will be ex officio members of any sub-committee of the District Executive Committee.

Elected members will serve a two year term of office and can be re-elected at their term end.

The Scout District is an educational charity, registered number 524546. Members of the District Executive Committee are the Charity Trustees of the Scout District and as such must comply with all the legislation applicable to the Charity Commission. The District is required to make an annual return to the Charity Commission. Only persons aged 18 and over may be full voting members of the District Executive Committee because of their status as Charity Trustees. All Trustees accept that they will undergo a Disclosure and Barring Service check, will complete the Module 1 (Executive), Safety, Safeguarding and GDPR Courses and also complete a Fit and Proper Person declaration.

## 6. Main Sub-Committees

### **The District Appointments Advisory Committee**

The District Appointments Advisory Committee is the only mandatory sub-committee of the District Executive Committee. The following members of the Appointments Advisory Committee are appointed by a resolution of the District Executive Committee:

**Appointments Chair:** the Chair is appointed to lead the Appointments Advisory Committee. The Chair must not be the Chair of the Executive Committee (because the Chair of the Executive Committee is involved in the resolutions of disputes involving the Appointments Advisory Committee).

**Appointments Secretary:** the Secretary is appointed to ensure that the required administration is carried out for the Appointments Advisory Committee.

**Appointments Members:** there is no maximum number of members, but there must be sufficient members to ensure that three members can be found to undertake the interview for each applicant.

The responsibilities of the Appointments Advisory Committee are:

- To interview and satisfy themselves as to the suitability of all applicants for appointment.
- To consider applications for changes in appointments in Groups or District.
- With the District Commissioner, to review appropriate warrants, Certificates of Appointment and Adventurous Activity permits.
- Following the suspension of an adult in the District, to recommend continuation of suspension, re-instatement, or modification or cancellation of appointment.
- To support the District Commissioner in the resolution of disagreements.
- To complete appropriate training Module 37.

In addition to the functions above, the District Appointments Advisory Committee must consider jointly with the District Commissioner, the report of any arbitrator appointed by the Chief Commissioner.

Any recommendation to cancel, or not renew a Leader warrant or appointment, must be agreed with the District Commissioner and a report submitted to Headquarters.

In the event of agreement not being reached, the matter must be considered by the District Executive Committee. If the District Commissioner does not agree with the Committee's decision,

the matter must be referred to the County Commissioner, whose decision must be accepted as final by all parties.

All members of the Appointments Advisory Committee must be over 18 years old.

A report from the District Appointments Advisory Committee should be presented to every Executive meeting.

#### **The Finance Committee**

The District Treasurer will act as Chair for the Finance Committee and will meet at least annually to discuss the District Financial situation and also produce a budget for the forthcoming year. Membership of the Committee is made up of the District Treasurer, the District Chair, the District Secretary, the District Commissioner and at least two other executive members.

Recommendations from this committee for major expenditure (as defined in the Financial Protocols) are subject to the approval of the Executive Committee. All bank accounts are administered by the District Treasurer through the Executive Committee. Two signatures are required for all bank withdrawals and transfers.

A report from the District Finance Committee should be presented to every Executive meeting.

#### **The District Awards Advisory Group**

The District Secretary will act as Chair of this Group which will meet at least once per year to discuss nominations for good service awards. The Awards Group consists of three members of the Executive committee together with two co-opted members of the Scout Council. The District Commissioner can also be present. The Group can make recommendations for awards for consideration by the Scout National Awards Group up to Award of Merit. The Group can also make recommendations for the higher awards for consideration by the County Awards Group. The District Group will only report to the Executive Committee when the outcome of any award application is known.

#### **Building Management Committee**

The District Treasurer will act as Chair for this Committee and will meet at least quarterly to discuss the workings of the District Activity Centre and will include all aspects of management, maintenance, development and usage. The Committee comprises five Executive members and two co-opted members. The District Commissioner and District Chair may also be present.

A report from the Building Management Committee should be presented to every Executive meeting.

### **7. Amendments to the constitution**

Amendments to this constitution can be made as and when required by the District Executive Committee. However, approval for those amendments must be sought from the District Scout Council at the earliest opportunity by arranging if necessary an Extraordinary General Meeting of the Scout Council.

### **8. Agreement to the Constitution**

The Constitution was originally agreed at an Extraordinary General Meeting in January 2007. Additions and amendments have been made as and when POR has changed. These amendments/additions were cosmetic changes and do not affect the structure in any way..