

# THE CONSTITUTION

## 1. NAME

The name of the Association shall be Moor House School Parent Staff Association.

## 2. AIM

2.1 The aim of the Moor House School Parent Staff Association is to enrich the lives of the pupils in the school by providing:

- 2.1.1 an ongoing framework for support and communication between parents, staff and pupils and by
- 2.1.2 organising fundraising events for the benefit of the whole school community

2.2 The Moor House School Parent Staff Association shall be non-party and non-sectarian.

## 3. MEMBERSHIP

Members of the Association are:

- 3.1 all parents and/or guardians of pupils attending Moor House School
- 3.2 school staff currently employed by Moor House School
- 3.3 any other person wishing to offer appropriate support or help to Moor House School and who is accepted by invitation of the majority of the Committee

BUT the Committee may for good reason (whether or not at the request of the Board of Governors or the School's Principal) exclude any person from membership whose presence at or support of the School is deemed inappropriate or might bring the Association and/or School into disrepute (but only after notifying the member concerned in writing and considering the matter in the light of any written representation which the member puts forward within 14 clear days after receiving such notice)

## 4. OFFICERS

4.1 The Officers of the Moor House School Parent Staff Association shall be Chairperson, Vice-Chairperson, Secretary and Treasurer

4.2 Such offices shall be subject to annual re-appointment.

## 5. COMMITTEE

5.2 The Committee when elected shall comprise the officers and ordinary Committee members all of whom must be members of the Moor House School Parent Staff Association. Co-Opted Committee members (who need not necessarily be members of the Association) shall also form part of the Committee

5.3 The number of co-opted Committee members shall not exceed 50% of the number of ordinary Committee members.

5.4 The Committee shall be elected at the Annual General Meeting (AGM) and shall serve until the next A.G.M. Co-opted Committee members may be co-opted by the Committee at any time and shall serve until the next AGM.

5.5 Nominations for election to the Committee shall be proposed and seconded by members and must have the consent of the nominee. Nominations may be made at any time prior to the commencement of the AGM

5.6 A Committee member automatically ceases to be a member of the Committee if he or she:

- 5.6.1 is deemed for whatever reason to be considered inappropriate to continue acting as a member.
- 5.6.2 is incapable, whether mentally or physically, of managing his or her own affairs
- 5.6.3 is absent from three consecutive meetings of the Committee without any written apology/communication to the Committee
- 5.6.4 resigns by notification to the Committee (but only if at least two Committee members remain in office)
- 5.6.5 is removed by a resolution passed by all other members of the Committee after inviting the views of the Committee member concerned and considering the matter in light of any such views
- 5.6.6 A technical defect in the appointment of a Committee member of which the Committee are unaware at the time does not invalidate decisions taken at a subsequent meeting, with such a defective appointment being capable of future ratification.

## 6. COMMITTEE MEETINGS

6.1 The Committee must hold at least one meeting per term.

6.2 A quorum at a Committee meeting is 50% of the total current membership of the Committee members

6.3 The Chair or (if the Chair is unable or unwilling to do so) some other member of the Committee chosen by the members present presides at each Committee meeting.

6.4 Every issue may be determined by a simple majority of the votes cast at a Committee meeting but a resolution which is in writing and signed by all members of the Committee is as valid a resolution passed at a meeting and for this purpose the resolution may be contained in more than one document and will be treated as passed on the date of the last signature.

6.5 Except for the Chair of the meeting, who has a second or casting vote, every Committee member has one vote on each issue; declarations of interest must be disclosed and where relevant such person(s) shall not be entitled to a vote on such issue(s).

## 7. GENERAL MEETINGS

7.1 All members are entitled to attend any Annual General Meeting (AGM) or Extraordinary General Meeting (EGM) of the Association

7.2 General meetings are called by twenty-one (21) clear days written notice to the members as defined in clause 3 specifying the business to be transacted

7.3 There is a quorum at a general meeting if the number of members personally present is at least three (3) times the number of Committee members in office at the commencement of the meeting

7.4 The Chair or (if the Chair is unable or unwilling to do so) some other member elected by those present presides at a general meeting

7.5 Except where otherwise provided in the Constitution, every issue at a general meeting is determined by a simple majority of the votes cast by members present in person  
7.6 Except for the Chair of the meeting, who has a second or casting vote, every Committee member has one vote on each issue

- **Annual General Meeting (AGM)**

7.7 The AGM would be held in every year (except that the first AGM may be held at any time within 18 months after formation of the Association)

7.8 Business to be transacted shall include the following:

- 7.8.1 the presentation of the report on the accounts of the Association for the previous financial period/year
- 7.8.2 the presentation of the report of the Committee on the Association's activities since the previous AGM
- 7.8.3 election of the Committee
- 7.8.4 appointment of an independent examiner for the Association/discussion/determination of any issues of policy or dealing with any other business put forward

- **Extraordinary General Meeting (EGM)**

7.9 An EGM may be called at any time by the Committee and must be called within twenty-one (21) days after a written request to the Committee from at least 10 members.

## **8. POWERS**

The Association has the following powers, which may be exercised only in promoting the Aim:

- 8.1 To provide advice
- 8.2 To publish or distribute information
- 8.3 To co-operate with other bodies
- 8.4 To raise funds (but not by means of taxable trading)
- 8.5 To acquire and hire property of any kind
- 8.6 To make grants or loans of money and to give guarantees
- 8.7 To set aside funds for special purposes or as reserves against future expenditure
- 8.8 To deposit or invest funds in any lawful manner (but to invest only after obtaining advice from a financial expert and having regard to the suitability of investments and the need for diversification)
- 8.9 To take out public liability and personal accident insurance to cover Association meetings, activities, Officers, and Committee members, to insure the Association's property against any foreseeable risk and take out other insurance policies to protect the Association where required.
- 8.10 To insure members of the Committee against the costs of a successful defence to a criminal prosecution brought against them as charity trustees or against personal liability incurred in respect of any act or omission which is or is alleged to be a breach of trust or breach of duty (unless the member concerned knew that, or was reckless whether, the act or omission was a breach of trust or breach of duty).
- 8.11 Subject to clause 10.2, to employ paid or unpaid agents, staff or advisers
- 8.12 To enter into contracts to provide services to or on behalf of other bodies
- 8.13 To pay the costs of forming the Association
- 8.14 To do anything else within the law which promotes the Aim.

BUT the Committee shall not undertake any activity in the school premises without the consent of the Principal and/or senior management team.

## **9. POWERS OF COMMITTEE**

The Committee have the following powers in the administration of the Association:

- 9.1 to delegate any of their functions to sub-committees consisting of two or more persons appointed by them (but at least one member of every sub-committee must be a Committee member and all proceedings of sub-committees must be reported promptly to the Committee)
- 9.2 to make Rules consistent with this Constitution about the Committee and sub-committees, to govern proceedings at general meetings and generally about the running of the Association (including the operation of bank accounts and the commitment of funds)

## **10. PROPERTY & FUNDS**

- 10.1 The property and funds of the Association must be used only for promoting the Aim.
- 10.2 No Committee member may receive any payment of money or other material benefit (whether direct or indirect) from the Association except
  - 10.2.1 under clauses 8.10 (indemnity insurance) and 10.2.3 (fees)
  - 10.2.2 reimbursement of reasonable out-of-pocket expenses actually incurred in the administration of the Association.
  - 10.2.3 in case of an individual member, charitable benefits in his or her capacity as a beneficiary subject to compliance with clause 10.3
- 10.3 Whenever a Committee member has a personal interest in a matter to be discussed at a Committee meeting, the Committee member must
  - 10.3.1 declare an interest before discussion begins on the matter
  - 10.3.2 withdraw from that part of the meeting unless expressly invited to remain in order to provide information
  - 10.3.3 not be counted in the quorum for that part of the meeting
  - 10.3.4 withdraw during the vote and have no vote on the matter.

## **11. FINANCE, RECORDS & ACCOUNTS**

- 11.1 The funds of the Association shall be lodged at either a Bank or Building Society in the name of the Association and the account shall be operated on the signature of the Treasurer and either the Secretary, Chairman, Principal or Bursar.
- 11.2 The financial year shall end 31<sup>st</sup> March.
- 11.3 The Treasurer shall be responsible for keeping accounts of all income and expenditure and shall present the accounts duly examined for approval by the members at the AGM.

11.4 The Committee must comply with the requirements of the Charities Act 1993 as to the keeping of financial records, the audit or independent examination of accounts of:

11.4.1 annual reports

11.4.2 annual returns

11.4.3 annual statements of accounts

11.5 The Committee must keep proper records of:

11.5.1 all proceedings at general meetings

11.5.2 all proceedings at Committee meetings

11.5.3 all reports of sub-committees

11.6 Annual reports and statements of accounts relating to the Association must be made available for inspection by any member of the Association.

## 12. NOTICES

12.1 Notices under this Constitution may be electronically, by hand, by post or in a newsletter distributed by the School or the Association. Notification by hand may include distribution to parents, guardians and carers via their children with or without other communication from the School.

12.2 The addresses at which a member is entitled to receive notices (if sent electronically or by post) is the last known address of the member.

12.3 A technical defect in the giving of notice of which the members or the Committee members are unaware at the time does not invalidate decisions taken at a meeting.

## 13. AMENDMENTS

This Constitution may be amended at a general meeting by a two-thirds majority of the votes cast, but

13.1 The members must be given twenty-one (21) clear days notice of the proposed amendments

13.2 No amendment is valid if it would make a fundamental change to the Aim or to this clause.

## 14. DISSOLUTION

14.1 The Association may be dissolved by a resolution presented at an EGM called for this purpose. The resolution must have the assent of two thirds of those present and voting. Such resolution may give instructions for the disposal of any assets remaining after satisfying any outstanding debts and liabilities.

14.2 The net assets shall not be distributed among the members of the Association but will be given to the School for the benefit of the pupils, or in the event of the School closing to such neighbouring school or schools the Committee shall decide.

14.3 If effect cannot be given to this provision then the assets can be given to some other charitable purpose.

## 15. INTERPRETATION

In this Constitution:

15.1

- 'AGM' means an annual general meeting of the members of the Association
- 'Aim' means the aim of the Association as set out in clause 2
- 'the Association' means Moor House School Parent Staff Association
- 'Board of Governors' means the Board of Governors of Moor House School
- 'the Chair' means the Chair of the Association elected at the AGM
- 'clear day' means 24 hours from midnight following the triggering event
- 'the Commission' means the Charity Commissioners for England and Wales
- 'the Committee' is the governing body of the Association
- 'co-opted Committee member' means a member of the Committee appointed by the members of the Committee in accordance with clause 5
- 'EGM' means a general meeting of the members of the Association which is not an AGM
- 'fundamental change' means such a change as would not have been within reasonable contemplation of a person making a donation to the Association.
- 'independent examiner' has the meaning prescribed by section 43(3)(a) of the Charities Act 1993.
- 'material benefit' means a benefit which may not be financial but has a monetary value
- 'member' and 'membership' refer to members of the Association.
- 'Principal' means the Principal of Moor House School
- 'Bursar' means the Bursar of Moor House School
- 'taxable trading' means carrying on a trade or business on a continuing basis for the principal purpose of raising funds and not for the purpose of actually carrying the Aim
- 'written' or 'in writing' refers to a legible document on paper including a fax message
- 'year' means calendar year

## AGREED

Place: Moor House School

Date: 24. SEPTEMBER 2006

Name:

Signature

(Name and signature of Chair of meeting) (SUZANNE WINT-SMITH)

## WITNESSED

Name:

Address:

Occupation PRINCIPAL, MOOR HOUSE SCHOOL

(Name, address, occupation and signature of witness)