

11th Folkestone Scout Group

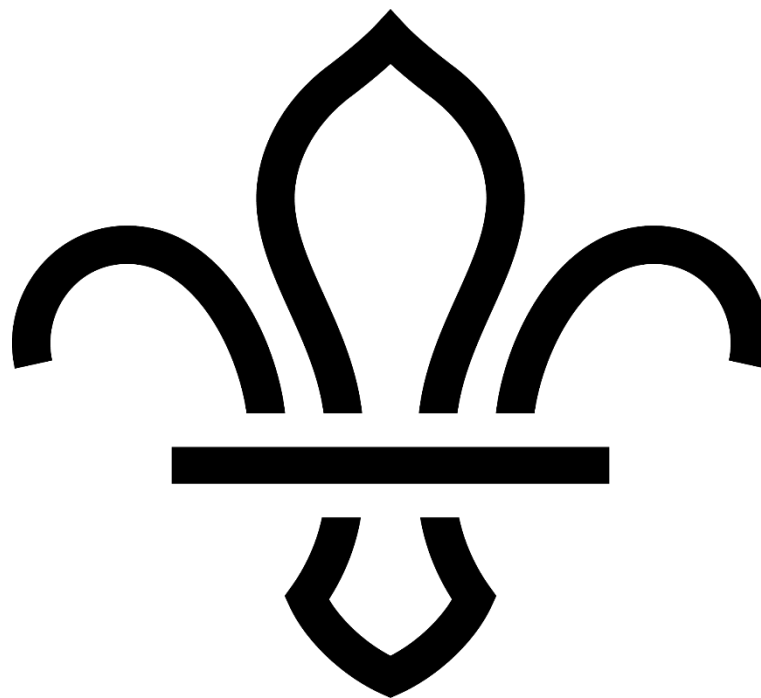
GROUP GOVERNANCE

Constitution & Operating Procedures

June 2023

Version 9

(Updates in line with POR changes April 2023)



Approved & adopted by the Trustee Board: _____ (Date)

Signed: _____ (Chair)

1.1 Introduction

This document has been produced by the Trustee Board of the 11th Folkestone Scout Group Council to clarify Group Policy in relation to the management of the Scout Group's financial and administrative responsibilities and should be read in conjunction with the Policy, Organisation & Rules (POR) of The Scout Association, which take precedence in all matters. Current POR, including amendments, can be found on the official Scout Association website: www.scouts.org.uk/por

2.1 Governance & Compliance

- 2.1.1 The 11th Folkestone (St. John's) Scout Group is governed and regulated by the current Policy, Organisation and Rules as published and as amended from time to time by the Scout Association in the UK. All such current Policy, Organisation and Rules will apply to the Group as appropriate and without variation. This includes the constitution of the Group and its legal and regulatory obligations and with particular respect to the Charities Act 2011.
- 2.1.2 The Group Scout Leader and Group Chair are responsible for ensuring compliance to Group, District, County and National Scout Association Policy, Organisation and Rules (POR).

2.2 Constitution

2.2.1 Governance context

[This is a summary of the principle and rationale drawn from Principle 2 of the Charity Governance Code]

Good governance focusses on oversight and strategy and maintains focus on supporting and assuring the organisation's strategic goals. This is further explained in the team descriptions for Trustee Boards.

[The next 2 paragraphs will be removed from POR in the October 2023 edition]

Once the Volunteer Experience transformation has started in each County (in November 2023 or February 2024) the management of day-to-day tasks rests with the relevant Support Team (District and County), or function (within the Group Leadership Team) rather than with the Trustee Board.

To reflect this change, POR Chapter 5 will be further developed in autumn 2023. However, this chapter 5 reflects the requirements for the Annual General Meetings of Groups, Districts and Counties held in 2023 after publication of this edition of POR.

This chapter (and others in POR) also reflects the change from Executive Committees to Trustee Boards for Groups, Districts and Counties. And the role name change from Executive Committee Member to Trustee.

POR5.2.1.1 Every charity must adopt a governing document. In our federation of charities, and in this chapter, we refer to the governing document as a 'constitution'.

A governing document explains what the charity is set up to do, and how it should operate. It sets out the rules to be followed in the governance of the charity. All Trustees must understand their constitution, and make sure it is kept up to date.

For ease, this chapter includes a model constitution that can be adopted by each Group, District and County.

POR5.2.1.2 [New words drawn from the intent of the Charity Governance Code]

Every Trustee Board must be clear about their charity's aims and ensures that these are being delivered effectively and sustainably.

Charities exist to fulfil their charitable purposes. Trustees must understand the environment in which the charity is operating and lead the charity in fulfilling its purposes as effectively as possible with the resources available. To do otherwise would be failing beneficiaries, funders and supporters.

POR5.2.1.3 Charity Trustees must collectively:

- ensure that the charity is carrying out its purposes for the public benefit
- comply with the charity's governing document and the law
- act in the charity's best interests
- manage the charity's resources responsibly
- act with reasonable care and skill

Requirement

This Rule applies to each Group, District and County, whether or not it is registered with a charity regulator.

Every charity must have an agreed constitution. Although every charity can agree its own constitution, it is very strongly encouraged that each Group, District and County adopt the constitution that is shown in 5.4 in this Chapter.

In the interest of openness, especially for new members of the Scout Council, the Scout Council should re-adopt their charity's constitution at each Annual General Meeting. This must be recorded in the minutes of the Annual General Meeting.

A Group which adopts unchanged the model constitution in 5.4 should record in their Annual General Meeting minutes that POR 5.4 is fully adopted as its constitution.

A Group which adopts the model constitution in POR 5.4 but makes a local amendment to the model constitution must record in the minutes of their Annual General Meeting:

- the adoption of the model constitution in POR 5.4 as the basis of their constitution
- the specifics of the local amendment(s) that it has adopted.
- clear reasoning for the local amendment.

As stated in POR 16.1.1, a person must have reached their 18th birthday before they take on a charity Trustee role in the Scouts.

There are four classifications of Trustee:

- a. Ex officio
These people are Trustees by virtue of their role in the Scouts. They are a vital part of the Trustee Board, providing a clear link with the leadership and operation of Scouting by the charity.
- b. Elected
These Trustees are appointed by the Scout Council at their Annual General Meeting following an election process administered by the Secretary.
- c. Nominated
These Trustees are appointed by the Scout Council at their Annual General Meeting on the recommendation of the Group Scout Leader, District Commissioner or County Commissioner, following consultation with the Trustee Board Chair.
- d. Co-opted
These Trustees are appointed by the Trustee Board, normally at their first meeting following an Annual General Meeting. They provide a useful method of broadening the skills mix of the Trustee Board or to introduce potential new Trustees mid-year.

Certain people are disqualified from being charity trustees by virtue of the Charities Acts. (See rule POR 16.1.1.5). This must be determined during the appointment process through the Trustee's declaration and by Trustee eligibility checks.

All Trustees must complete training as specified in POR 16.2.1 and the Chapter 16 Roles Table.

In addition to the Rules in POR 5.3, key parts of the model constitution in POR 5.4 are Rules that must be followed. This particularly applies to POR 5.4.3 and POR 5.4.4. However, to ensure good and transparent governance, reasons for any variation from POR 5.4 must be clearly documented in the minutes of the Annual General Meeting.

2.2.2 Constitution

The Trustee Board of 11th Folkestone Scout Group has agreed to adopt, unchanged, the model constitution in POR 5.4 from July 2023 until the 2024 AGM and will so record in their Annual General Meeting minutes that POR 5.4 is fully adopted as its constitution.

<https://www.scouts.org.uk/por/5-local-governance-and-finance-of-groups-districts-counties/#5.4>

Agreed Scout Council quorum: 10 (ten) members plus the Group Scout Leader or their nominee

2.2.3 The Group Trustee Board

- a. The ex officio members of a Group Trustee Board are:
- The Group Chair
 - The Group Secretary (if appointed as a Trustee)
 - The Group Treasurer
 - The Group Scout Leader
 - The Deputy Group Scout Leader
 - All persons with a **Section Leader** role in a **Squirrel, Beaver, Cub** or **Scout** section in the Group, subject to that Section Leader stating to the AGM (in writing or orally at the meeting) that they are willing to be an ex officio member of the Group Trustee Board. (See also the introduction to Rule 4.6.)
 - The **Explorer Leader** (if stated in a Partnership Agreement), subject to that Explorer Leader expressly indicating to the AGM (in writing or orally at the meeting) that they are willing to perform such a function.

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

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

Agreed number of elected members: 6 (six)

- c. The nominated members of a Group Trustee Board are persons nominated by the Group Scout Leader, in consultation with the Group Chair. The nominations must be approved at the Group Annual General Meeting. The number of nominated members must not exceed the actual number of elected members.

Agreed number of nominated members (where this does not outnumber actual elected members: 2 (two))

- d. The co-opted members of a Group Trustee Board are persons co-opted annually by the Group Trustee Board. The number of co-opted members must not exceed the actual number of elected members.
- e. The District Commissioner, the District Chair and the County Commissioner each have the right of attendance at meetings of each of the Group Trustee Boards in the Districts in the County.

2.2.4 Trustee Board - Conduct of meetings

Only members of a Trustee Board as defined in 5.4.5 may vote in meetings of the Trustee Board.

At its Annual General Meeting, the Scout Council must make a resolution defining a quorum for meetings of the Scout Council and the Trustee Board and its sub-Committees.

Agreed Trustee Board and sub-committee quorum: half plus one of the membership of the Trustee Board or sub-committee *(total membership, not those in attendance)*

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.

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.

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 75% 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.

2.3 Group Name & Colours

- 2.3.1 The Group has registered its title as the 11th Folkestone (St. John's) Scout Group, registered charity number 285558. The title will be used on all official communications and stationery. *Note: the bracketed St. John's may be omitted from less formal communications at the discretion of the Group Scout Leader.* In line with the 2018 brand change for The Scouts (The Scout Association), use of the title '11th Folkestone Scouts' is recommended as the most usual form of the Group's name.

2.4 Group Programme

- 2.4.1 The Group shall support initiatives and events which are organised by the District, County or National Headquarters. The Group or individual Sections will participate at the discretion of the Group Scout Leader and individual Section Leaders.

3 Finances

3.1 General

- 3.1.1 The Group Treasurer, acting on behalf of the other Trustee Board members (who are the Group's Charity Trustees), has overall operational responsibility for the governance and maintenance of Group finances.

- 3.1.2 The Group shall operate a main bank account, using a mainstream bank into which all receipts are deposited. This account will require a minimum of two signatories, however, the Group shall hold a minimum of four. The signatories on the Group account shall be: the Group Treasurer; the Group Chair; the Group Scout Leader; the Group HQ Manager and a section leader from each section (where no conflict of interest exists). Other Board members may be appointed, subject to approval of the Trustee Board.

The Group shall operate an online payments account using a mainstream bank. The signatories on this account shall be: the Group Treasurer; the Group Chair; the Group Scout Leader. Other Board members may be appointed, subject to approval of the Trustee Board.

The Group shall operate a pre-paid credit card for general sectional and Group expenditure as necessary. Section budgets will be provided annually, provisionally as an indicator in December and then a final year budget in February based on actual census numbers. Budget reports will be provided at all leaders and executive meetings. The accounts shall be maintained with primary balance of £1000, with each card having a £50 minimum float with additional funds being transferred as necessary, authorised by the spending authorisation set out in 3.3.2. Each section will hold a card, along with the Group Treasurer, Centre Manager, Group Scout Leader and Assistant.

A savings account shall be held holding the Group's dedicated Hardship Fund (The Penticost Fund).

A separate current account shall hold restricted & designated capital funds for specific projects. This will not form part of the reported Reserves.

A Cash Float, set at £50, shall be held by the Group Treasurer to facilitate local payments as required. This is in addition to the electronic float held on the Group Treasurer's pre-paid card.

- 3.1.3 Further savings accounts may be opened and operated by the Group Treasurer at discretion of the Trustee Board following all the prescribed rules and regulations both within here and POR/charity law.

- 3.1.4 All monies payable to the Group, for whatever reason and from whatever source, including cash payments shall be duly recorded, logged and deposited into the Group account. Under no circumstances may cash be diverted.
- 3.1.5 The Group's policy on reserves is to hold sufficient resources to continue the charitable activities of the group should income and fundraising activities fall short. The Trustee Board considers that the group should hold a sum equivalent to 12 months running costs of approximately **£3000**, calculated based on the previous year's core costs to maintain the building should no other income be available. This reserve is to be used to allow time for the Group to be reopened should that be the (preferred) viable option or provide the time to adequately dispose of the Group assets and close the Group as per POR.

3.2 The Group Treasurer

- 3.2.1 The key aspects of the Group Treasurer's role are to:
- Produce an annual budget following consultation with the Group Team Meeting
 - Monitor the Group's income and expenditure against the approved budget
 - Collect and forward the Membership Subscription to the District Treasurer
 - Receive and account for all monies in the Group (including from Sections) paying out only as authorised by the Trustee Board
 - Ensure that floats held by others are properly accounted for
 - Ensure that accumulated funds are invested
 - Ensure that proper inventories and insurance of Group property and equipment are maintained
 - Keep in contact with the District Treasurer
 - Comply with the rules of the Scout Association, Charity Commission requirements and the laws of the land relating to finance

3.3 Expenses

- 3.3.1 The Group does not expect volunteers of the Group to be 'out of pocket' as a result of providing purchased items or services for the genuine and direct benefit of the Group and its young people or as required by the Scout Association. All such expenses should be claimed in accordance with the Group policy and procedure.
- 3.3.2 In order to maintain financial control, all expenditure should be approved in advance following the spending limit authorisation schedule.

Spending authorisation schedule **for all funds**

£0.01 - £100	Any member of the Group Team as authorised by the 'budget holder' (e.g. <u>Section</u> Leader, GSL, etc...)
£101 - £200	A budget holder after consultation with the (D)GSL or Chair
£201 - £1500	3 trustees (including the Chair or Deputy Chair)

£1501 +	Majority vote of the full Trustee Board (Quorate)
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- A receipt and proper Group accounting procedures must be followed for all levels of spending.
- A completed Claim Form detailing account to debited, nominal code to be recorded against and payment method.
- Where authorisation is required for a spend, a written record must be produced and filed along with the receipt. This may take the form of a Group Purchase order/extract from the minutes of an Trustee Board or sub-committee meeting or a printed email detailing the spend and agreement at the appropriate level as outlined above.
- For all spends over £1500, three quotes/estimates should be obtained and filed with the Group Treasurer to ensure best value for the Group's money.
- Non-approved expenses may not be reimbursed at the discretion of the Trustee Board. The spending limit authorisation schedule must be followed by all members of the Group.

3.3.3 Reimbursement of expenses will be via direct bank transfer (preferred) or a cheque, claimed from the Group Treasurer or Chair using the appropriate form.

3.3.4 Where possible, payments to providers/third parties should be made directly by the Group via bank transfer (preferred), pre-paid credit card or cheque. To request a payment, inform the Group Treasurer or Chair via email or Group Purchase Order.

3.4 Camps, activities, events & excursions

3.4.1 Nights Away experiences should break even financially. In other words, when all expenses have been accounted for, the end balance to the Group should be zero – the Group being neither in profit, nor loss unless otherwise agreed in advance by the Trustee Board. In some circumstances, the Trustee Board may approve a subsidy in advance, via the Finance Committee. Any remaining monies from a camp should be reimbursed to participants, however, a covering letting offering the refund or an alternative option for the monies may be sent which allows for parental choice for the balance.

3.4.2 Outings, excursions and expeditions should break even financially for the Group. In some circumstances, the Trustee Board may approve a subsidy in advance, via the Finance Committee

3.4.3 Some activities may be entirely funded by the Group (such as District organised competitions and outings), others may be subsidised by the Group and others, in order to break even, or may be charged for at cost price at the discretion of the event organiser from a specific (sectional) budget and Trustee Board where appropriate and in line with spending authorisations. Where requests are made to use funding other than from specific budgets, the Group Scout Leader should be consulted and agreed by the Trustee Board.

3.4.4 It is the responsibility of the event organiser to ensure that it is properly budgeted and financed (including subsidy approvals) and that all required monies are collected prior to

departure. If requested, by the Trustee Board, a written budget must be produced to satisfy the Board of appropriate financial procedures for the event.

- 3.4.4 It is the policy of the Group that adults supporting Nights Away experiences are not expected to pay, beyond providing their time. The Group, through building the cost into an event's budget or from sectional budgets, shall cover the cost. Large scale events or events where 'surplus to ratio' adults wish to attend, such as the Kent International Jamboree, where costs and pressures on budgets are significant, a contribution may be sought from those adults attending or funding from the Group may be sought through a request to the Trustee Board.

4 Buildings, premises and property

- 4.1.1 Health & safety are of paramount importance. It is the responsibility of the Trustee Board to ensure that a formal risk assessment and fire risk assessment of the premises is carried out at least every two years and that resulting actions are prioritised and dealt with promptly and efficiently. The Trustee Board are also responsible for ensuring appropriate records of checks are made and monitored and remedial work is undertaken as necessary.
- 4.1.2 It is the responsibility of the Trustee Board to manage the maintenance and running of Group premises, including grounds, for the benefit of its Members and to acceptable standards. This includes, although is not limited to, providing facilities and utilities such as toilets, a kitchen, furniture, heating, lighting etc., security and landscaping.
- 4.1.3 It is the responsibility of the Trustee Board to ensure that all legal, contractual and associated financial matters with respect to Group premises are resolved, including lease agreements, buildings & contents insurance, utility bills and other Group liabilities
- 4.1.4 It is the responsibility of the Trustee Board to ensure that Group premises are adequately secure.
- 4.1.5 The Group shall seek to improve its premises and facilities. The Group shall implement and maintain a Development Plan which will be reviewed regularly. In accordance with this Plan, the Group shall seek external funding (through grants and other charitable bodies) as appropriate.
- 4.1.6 The Trustee Board adopt the Scout Association Safety Policy in its entirety. It is the responsibility of the Trustee Board, in conjunction with the Group Scout Leader, to monitor the health and safety considerations of the Centre and the programme regularly. Health & Safety matters will be a standing item on all Trustee Board meeting agendas.

4.2 Personal Property

- 4.2.1 The Trustee Board accepts no responsibility for any damage or theft of personal property whilst in or on Group premises.
- 4.2.2 There is no parking space on the property. Members and visitors are requested to only park at the end of the alley (Shepway Close) and not on the housing side of Shepway Close or in Peto Close. No responsibility is accepted for damage or loss of vehicles or possessions.

4.3 Key Holders

- 4.3.1 Keys shall be provided to all leaders in the Group that request them. Other regular users, including Shop4Scouts Ltd. staff shall be provided with keys as requested. All key holders will be recorded and sign to accept responsibility for the security and safety of the building.
- 4.3.2 Removed
- 4.3.3 When the building is in use, the key holder shall be assumed to be responsible for the building and its occupants including fire evacuation procedures, health & safety issues and security.
- 4.3.4 When leaving, it is the responsibility of the key holder to ensure that the buildings and grounds are secured and that lights and other electrical equipment are switched off according to procedure.

4.4 Use of the premises

- 4.4.1 The building and facilities at the Group HQ, Shepway Close are provided and maintained by the Group for the direct benefit of the Group and its Members for Scouting purposes, including storage of Scouting related equipment.
- 4.4.2 The use of Group premises for other Scouting purposes (for example, District meetings etc.) is encouraged as this promotes the reputation of the Group. Use of facilities for these purposes shall incur no charge at the discretion of the Trustee Board.
- 4.4.3 Subject to the terms of the Group Letting's Policy and approval by the Trustee Board, the premises may be hired to clubs, groups or private individuals in order to generate funds to further enhance the Group's charitable aims. Each hire shall be subject to a risk assessment and written agreement. The agreement should consider the following:
- Neighbours (noise & traffic)
 - Liability (damage to building or contents and accident liability to users)
 - Hire charges (hourly charge or the whole event)
 - Cleaning & rubbish removal

- Areas out of bounds (Equipment store, Centre office etc.)
- Key holder & security

Hire of the premises shall enhance the charitable aims of the Group through developing and building our relationship with the community and providing an additional revenue stream for the benefit of our membership.

4.4.4 All bookings for the HQ, including Scouting & section bookings outside of the normal evening or hours used by the section shall be made through the HQ Manager via the Centre website (www.shepwayclosecentre.info). This will ensure no double bookings, priority for Scouting events and maximise the use of the building.

4.5 Group Minibus

4.5.1 A separate Minibus Policy will be written, adopted and reviewed annually to meet the needs of changing legislation.

4.5.2 Provision of a minibus will be reviewed annually in September of each year. While the Trustees accept that the minibus will be a loss making provision, the size of the loss must be balanced against the benefits to the programme for the young people in the Group.

5 Record Keeping

5.1.1 The Scout Group holds a variety of personal data on Section Members and their families to ensure efficient administration and running of the Group. Safeguarding this data is of paramount importance. The Group's GDPR Toolkit 2018 details what, where, how and why data is held by the Group.

5.1.2 All sections in the Group will use Online Scout Manager for the management and administration of data. Access to this system is limited to authorised appointed adults.

5.1.3 All sections will provide a copy of the termly programme for their section to the Group Scout Leader for reference via Online Scout Manager.

5.1.4 Destruction of Sensitive Information is detailed in the Group's GDPR Toolkit 2018 and must be followed by all adults.

5.2 INTOUCH System

5.2.1 InTouch is the system used to manage communications at all Scout activities and events. It is flexible to allow those organising events to implement a system best suited to their particular circumstances.

To minimise the paperwork for leaders and parents when leaving the HQ, the InTouch system is in place to allow leaders to safely take their sections out and about without additional bits of paper and forms.

The activity/event leader will provide a number which parents can use to contact the party should there be any need during the event. The activity/event leader may also provide parents with another mobile number in addition to the main.

Weekly Meetings/Local Visits on meeting nights

Parents will be informed via the Programme section of My.Scout and attendance at the meeting will constitute parental consent for the activity.

One Day Activities

Parents will be informed by Event Invitation/sign-up via My.Scout. Parents will need to explicitly 'sign-up' for the event (whether there is a charge or not). This will constitute parental consent.

Nights Away Experiences

Parents will be informed by Event Invitation/sign-up via My.Scout. Parents will need to explicitly 'sign-up' for the event (whether there is a charge or not). This will constitute parental consent.

All activities that require a form, will need to have a signed copy returned to the leader in charge of the activity before the activity can take place. All forms can be found in the FORMS folder on the Group's Network, or in the FORMS section of the Group's website.

- 5.2.2 Before an event leaving the building is undertaken, the leader in charge must ensure the GSL/AGSL are aware (and approve) of the event.
- 5.2.3 The administration of medication must be undertaken following the Group policy, with the consent of the parent, through the use of the Group's Medicine Administration Form (2014). All medical administered must be recorded on the appropriate form.

6.1 Explorer Scout Unit

- 6.1.1 The LOST Explorer Scout Unit is officially operated by the 11th Folkestone Scout Group as of 01/01/12 and is treated as the fourth section in Group.
- 6.1.2 The Unit shall be expected to operate under the same procedures and governance as all other sections within the Group.
- 6.1.3 All Unit finances will be managed in the same way as the other sections, as outlined in section 3.
- 6.1.4 The Unit's uniform shall consist of the usual standard elements, along with an 11th Folkestone (St. John's) name tape worn below the LOST ESU name tape. The neckerchief worn shall be black with a ½ inch tangerine border.

www.11thfolkestonescouts.org.uk
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Registered Charity Number: 285558
Financial Year: 1st January to 31st December