



INFORMATION SHEET

DRAWING UP A CONSTITUTION FOR A COMMUNITY OR VOLUNTARY ORGANISATION



What is a constitution?

When you set up a group, you need to work out exactly what you want to do and how you will do it. This means setting out the aims and objectives of your group, as well as rules on how to run your group. This 'rule book' is known as a governing document.

The normal type of governing document for a small group is a constitution. A constitution sets up an association – a group of people who come together, democratically, with a specific aim. This group of people (members) will decide on a committee, and the committee will then be responsible for running the organisation. Members can elect a new committee regularly – so it is a bit like the way a government is run.

Remember – once your group have agreed your constitution, it is a legal document. The committee, not the members, will be personally responsible for making sure the rules are followed.

This information sheet is about drawing up a constitution to form an association. There are other legal structures which voluntary organisations can take (for example, becoming a Company Limited by Guarantee) see – Information Sheet on Guide to Legal Structures.

Why do you need a constitution?

- So that everyone knows exactly what your organisation aims to do
- So that everyone knows how your organisation will be run
- So that everyone knows who is responsible for running your organisation
- To apply for money to run your group – people will only give money to you if they are confident it will all be accounted for and spent properly

What is in a constitution?

Your constitution will firstly tell you what your group is called, and what it aims to do. In a constitution the aims are known as 'objects'.



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The objects are the most important part of the constitution, because they will say what your overall aims are. Objects are not simply a list of your activities – there is an important difference between objects and activities.

- Your objects are your overall aims. To identify these, think about the overall need. What does your group want to achieve or improve?
- Your activities are more straightforward – these are the specific projects or services you want to set up, in order to achieve your aims.
- For example, let's say you wanted to set up an after-school club for children. Your activities would be 'provision of an after-school club'. However, this is not your object – your overall aim or object would be something like 'to advance the education of children under the age of 16'.
- If you are working in a specific area, this also needs to be in your objects. It is a good idea to add 'and elsewhere' to your geographic remit, in case you go over the boundary.
- Remember that the constitution should be seen in the long term – so the broader your objects are to start with, the more flexibility you have to take on new initiatives in the future.

If you want to register as a charity, then the Charity Commission will look carefully at your objects to make sure that what you want to do is charitable. For more details on what objects are charitable, see the Charity Commission website at www.charitycommission.gov.uk.

Your constitution will also set out more general rules, most of which usually apply to any group. The rules which need to be included are:

- Powers – what you can legally do to carry out your activities – for example, by raising money or hiring a building
- Membership – who is eligible for membership, how people become members, and how people are disqualified (your group may have special rules on who is eligible to be a member)



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- Committees – how and when the committee is elected, and which specific jobs need to be filled
- Annual General meeting – once a year your organisation will have a meeting for all its members when the committee is elected and the annual report presented
- Finance – rules on preparing annual accounts
- Changing the constitution – the procedure for altering any of your rules – this should be at a general meeting with an overall majority
- Dissolution – the procedure for closing down your organisation

How do we adopt our constitution?

Once you have your constitution, you need to have a minuted meeting where the committee members sign it and date it. When this is done, the constitution is then officially 'adopted', and this means it is a legal document. From then on your group must be run according to what the constitution says. So for example, if you want to elect a new committee member, or if you want to change the constitution itself, you have to follow the rules in the constitution.

Model constitutions

Constitutions look very complicated at first glance, because of all the administrative provisions. However, model constitutions have been developed and one is available from us. In a model constitution, most of the provisions are already set out. You need to insert the name of the organisation and the objects, and include or amend any specific rules for your group (for example, you may have specific rules over who is eligible for membership, and you will need to specify the minimum and maximum number of committee members). However, you need to carefully read through the administrative provisions (election of officers etc) and make sure you are fully aware of their implications for your group. See Information Sheet Basic Model Constitution.

Further information

Charity Commission Model Constitution for a Charitable Unincorporated Association



Selby District Association of Voluntary Services

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Charity Commission publication Choosing and Preparing a Governing Document (CC22)

The publications above are available for download from
www.charitycommission.gov.uk

Prepared: May 2008