

2nd Upminster (St. Laurence) Scout Group Constitution

Introduction

Charities must adopt a governing document and in UK Scouting that document is referred to as a 'constitution'. Although a charity may agree its own constitution, The Scout Association very strongly encourages Groups to adopt the model constitution published in its rule book known as Policy, Organisation and Rules ("POR").

The remainder of this document includes the text of Chapter 5 of POR. The recommended Constitution for a Scout Group is set out in section 5.4. References to sections 5.5 and 5.6 relate to Scout districts and Scout Counties respectively and do not apply to Scout Groups and are not included in this document. References to sections 5.5 and 5.6 within this document should be ignored.

The Scout Association Policy, Organisation and Rules Chapter 5. Local governance and finance of Groups, Districts, Counties

About the structure of this chapter:

- 5.1, 5.3 and 5.7 are rules which must be followed.
- 5.2 provides context about constitutions.
- 5.4, 5.5, 5.6 are model constitutions for, respectively, Groups, Districts, Counties.
- All Groups are very strongly encouraged to adopt the model constitution in 5.4 (see 5.3.1.1 within 5.3).
- All Districts are very strongly encouraged to adopt the model constitution in 5.5 (see 5.3.1.1 within 5.3).
- All Counties are very strongly encouraged to adopt the model constitution in 5.6 (see 5.3.1.1 within 5.3).

Timings:

- The changes to membership of the Trustee Board come into effect at the first Annual General Meeting (AGM) following 31st March 2024. In most cases that will be at the 2024 Annual General Meeting. The name change (to Trustee Board and Trustees) and the changed purpose statements were introduced in April 2023 and already apply.
- If your Group, District or County has already introduced any or all of these changes as laid out in this version of Chapter 5, they do not need to be revoked.
- The Trustee Board 'membership' changes must be considered in the planning for the 2024 Annual General Meeting, so that the correct Trustee appointments can be made at the AGM.

5.1. Scope SV

5.1.1.1 This chapter applies only to Groups, Districts and Counties within the Scouts' federation of charities.

Matters concerning UK and nation headquarters are detailed in Chapter 6 of POR.

5.1.1.2 Each Group, District and County is a separate unincorporated educational charity within the Scouts' federated structure and must operate as such, regardless of whether the Group, District or County is registered with a charity regulator.

5.1.1.3 The members of the charity are the members of the Scout Council as defined in this chapter.

5.1.1.4 The governance and financial arrangements for Groups, Districts and Counties are governed by this POR chapter.

5.1.1.5 Chapter 13 of POR may also apply if the charity is registered, including if it has ownership of land or property.

5.1.1.6 For Counties that have no Districts, or have a directly administered District, or have a directly administered Group, the County Trustee Board must also enact the District-related or Group-related responsibilities of this chapter.

5.1.1.7 For Districts that have a directly administered Group, the District Trustee Board must also enact the Group-related aspects of this chapter.

5.2. Constitution - governance context SV

5.2.1.1 Good governance focusses on oversight and strategy and maintains focus on supporting and assuring the organisation's strategic goals. Every charity must adopt a governing document. In the Scouts' federation of charities, and in this chapter, the governing document is referred to 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 which should be adopted by each Group, District and County (see 5.4, 5.5, 5.6 respectively).

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

5.2.1.3 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.

5.2.1.4 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

5.2.1.5 Charity Trustees must ensure that they follow the guidance of their charity regulator. Although Chapter 5 of POR should be followed, it is important that each Trustee Board is also aware of the charity regulator that governs them.

Key regulators are the Charity Commission (England and Wales), the Scottish Charity Regulator (Scotland), and the Charity Commission for Northern Ireland. Other territories also have their own charity regulator, including Gibraltar, Bailiwick of Guernsey, Isle of Man and Jersey.

5.3. Constitution - requirement SV

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

5.3.1.1 Every charity must have an agreed constitution. Although a charity may agree its own constitution, it is **very** strongly encouraged that each Group, District and County adopts the model constitutions that are shown in 5.4, 5.5 and 5.6, respectively, in this chapter.

The model constitutions in 5.4, 5.5 and 5.6 describe the role, membership and operation of the Scout Council, and the Trustee Board.

5.3.1.2 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 AGM. This must be recorded in the minutes of the AGM.

A Group, District, or County which adopts unchanged the model constitution in 5.4 should record in their AGM minutes that POR 5.4, 5.5 or 5.6 is fully adopted as its constitution. In this case, a copy of 5.4, 5.5 or 5.6 does not need to be attached to the minutes – it is sufficient for the adoption of 5.4, 5.5, 5.6 to be stated in the AGM minutes.

A Group, District, or County which adopts the model constitution in 5.4 but makes a local amendment to the model constitution must record in the minutes of their AGM:

- a. the adoption of the model constitution in POR 5.4, 5.5 or 5.6 as the basis of their constitution
- b. the specifics of the local amendment(s) that it has adopted.
- c. clear reasoning for the local amendment

A Group, District, or County which adopts its own constitution, must record in the minutes of their AGM:

- a. the differences between their constitution and the model constitution
- b. clear reasoning for the retention of each of the differences
- c. confirmation that the Scout Council AGM has approved a constitution that is not based around the model constitution from POR

5.3.1.3 As stated in Rule 16.1.1.1, a person must have reached their 18th birthday before they take on a charity Trustee role in the Scouts.

5.3.1.4 There are three 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 the charity.
- b. Appointed by the Scout Council
These Trustees are appointed by the Scout Council at their AGM following a rigorous and transparent selection process agreed by the members of the Trustee Board. This includes the Chair and Treasurer roles.

This selection process may include nominations or an election process or other locally appropriate procedures. It may include selection of persons with specific skills from outside the Scouts.

The Trustee vacancies should be advertised widely so that it is clear it is an open process. It may include members of the Scout Council and may also include people from outside the Scout Council (including from outside the Scouts) provided that there is no conflict of interest.

- c. Co-opted by the Trustee Board
These Trustees are appointed by the Trustee Board. Co-opting offers the Trustee Board a way of broadening its skills mix or to introduce potential new Trustees mid-year. The Trustee Board must ensure that co-opted appointments follow an appropriate selection process, similar to that described for Appointed Trustees.

5.3.1.5 Certain people are disqualified from being charity trustees by virtue of the Charities Acts. This must be determined during the appointment process through the Trustee's declaration and by Trustee eligibility checks (see Rule 16.1.3.1(d) and (e)). SV

In the previous edition of POR, Section Leaders (if they opted in), Deputy Group Scout Leaders and Group Secretary (if appointed) were ex officio members of the Group Trustee Board. If they are currently in role as ex officio Trustees at the time of this edition of POR becoming 'live' (1st April 2024) then their role as a Trustee will continue until the next Group AGM after 1st April 2024, or until 31st March 2025, whichever is sooner.

In the previous edition of POR, the District Explorer Scout Commissioner, the District Scout Network Commissioner and the District Secretary (if appointed) were ex officio members of the District Trustee Board. If they are currently in role at the time of this edition of POR becoming 'live' (1st April 2024) then their role as a Trustee continues until the next District AGM, or until 31st March 2025, whichever is sooner.

In the previous edition of POR, the County Secretary (if appointed) was an Ex Officio member of the County Trustee Board. If they are currently in role at the time of this edition of POR becoming 'live' (31st March 2024) then their role as a Trustee will continue until the next County AGM, or until 31st March 2025, whichever is sooner.

5.3.1.6 Trustees - term of appointment

- a. Appointed Trustees are appointed by the Scout Council for an initial period of no longer than three years.
Further periods of appointment may be agreed by the Scout Council.

- b. Co-opted Trustees are appointed by the Trustee Board for an initial period of one year. Further periods of appointment may be agreed by the Trustee Board, however co-opted Trustees are encouraged to move to being appointed trustees at the next AGM.
- c. Appointed and co-opted Trustees must serve no more than nine years in any Trustee role on the specific Trustee Board (this includes Chair and Treasurer). As example, if a Trustee served three years and then became Treasurer on the same Trustee Board, that person could serve as Treasurer for no more than six years.
- d. Ex officio Trustees serve as a Trustee for as long as they hold the ex officio role. If their ex officio role is held for less than nine years, then they may hold an appointed or co-opted Trustee role to a maximum of nine years as a Trustee on the specific Trustee Board.
- e. A volunteer who has been a Trustee may be considered for re-appointment to the same Trustee Board after a gap of three years.
- f. Ex officio Trustees hold their trustee responsibilities for as long as they hold their role that includes trustee responsibility. Their Trustee membership of the Trustee Board ceases as soon as they are no longer in role.
- g. The nine year Trustee maximum term rule referred to in 5.3.1.6 comes into effect from the charity's AGM held during 2024.

5.3.1.7 All Trustees must complete learning as specified in Rule 16.1.3.1(g), 16.2.3.1(g) and the Chapter 16 Roles Table.

5.3.1.8 In addition to the Rules in 5.3, important parts of the model constitution in 5.4, 5.5 or 5.6 are Rules that must be followed. To ensure good and transparent governance, reasons for any variation from 5.4, 5.5 or 5.6 must be clearly documented in the minutes of the AGM.

5.4. Constitution for a Scout Group

5.4.1. Preamble

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

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

Apart from use at the Group AGM, this constitution must always be used in the context of 5.1, 5.2, 5.3 and 5.7.

5.4.2. Charitable Objects

5.4.2.1 [Rule 1.1 of The Scout Association Policy, Organisation and Rules] Our purpose is to actively engage and support young people in their personal development, empowering them to make a positive contribution to society.

5.4.3. The Group Scout Council and the Group Trustee Board

5.4.3.1 The Group Scout Council has a governance role for the charity and, in particular, makes Group Trustee Board appointments other than ex officio and co-opted appointments (see Rule 5.4.5.2.c).

5.4.3.2 The Group Trustee Board is responsible for the governance of the charity. Although the Group Trustee Board is responsible for the charity, it is accountable to the Group Scout Council.

5.4.3.3 The Group Scout Council has no Trustee responsibilities.

5.4.4. The Group Scout Council – membership

5.4.4.1 Membership of the Group Scout Council does not provide any membership status of the Scouts.

5.4.4.2 Group Scout Council membership

a) The ex officio members of the Group Scout Council are members by virtue of their role in The Scouts:

- all adult members of the Group – see Group roles listed in the Chapter 16 Roles Table of The Scout Association’s Policy, Organisation and Rules
- all Patrol Leaders of the Troop(s) in the Group
- all parents or carers of Squirrels, Beavers, Cubs and Scouts in the Group
- all Explorers, if so stated in a Partnership Agreement between the Unit, the Group and the District
- all parents and carers of Explorers, if so stated in a Partnership Agreement between the Unit, the Group and the District
- the Sponsoring Authority, where there is one, or its nominee
- the District Commissioner
- the District Chair

b) The appointed members of the Group Scout Council are other supporters of the Group appointed by the Group Scout Council on the recommendation of the Group Scout Leader and the Group Trustee Board. The number of appointed members must not exceed the number of ex officio Group Scout Council members (see also (f) below). A Group Scout Council does not need to have any appointed members.

c) The community members of the Group Scout Council are representatives of the local community appointed because of their role rather than by their name. For example local headteachers, or Parish Council members. They are appointed by the Group Scout Council on the recommendation of the Group Scout Leader and the Group Trustee Board. The number of community members must not exceed the number of ex officio Group Scout Council members (see also (f) below).

d) The County Commissioner has the right of attendance at each Group Scout Council meeting in the County. e) Membership of the Group Scout Council ends when the:

- member resigns
- member no longer qualifies as a member of the Group Scout Council
- Group Scout Council is dissolved

- Group Scout Council membership is terminated by UK Headquarters following a recommendation by the Group Trustee Board.

f) The total number of appointed and community members of a Group Scout Council must not exceed the number of ex officio members.

g) Appointed members of a Group Scout Council must each have a fixed period for their appointment of not more than three years. Subsequent reappointments are permitted.

h) Community members of a Group Scout Council are initially appointed for a term of one year, though they may be renewed annually at the AGM.

i) Group Trustee Board administration (see 5.4.7.9) must ensure that appointed Group Scout Council Members are recorded locally in the minutes of the Group Scout Council meeting which appoints them (normally the AGM). Scout Council members (whether ex officio or appointed or community) must not be recorded as Scout Council Members on The Scout Association's membership system.

5.4.5. Group Scout Council – Annual General Meeting

5.4.5.1 Each Group Scout Council must hold an Annual General Meeting (AGM) within six months of the end of the Group's financial year. Groups should give 4 weeks' notice of the date of the AGM

5.4.5.2 The AGM must:

a) Undertake governance oversight by

- approving the minutes of the previous Group AGM
- adopting (or re-adopting) the constitution of the Scout Group charity (see Rule 5.3) of The Scout Association Policy, Organisation and Rules.
- noting the dates of charity's financial year
- approving appointed and community members of the Group Scout Council
- agreeing the maximum total number of members of the Group Trustee Board (this is one number representing the total of ex officio, appointed and co-opted members).
- agreeing the quorum for future meetings of the Group Scout Council

b) Review the previous year by

- receiving from the Group Scout Leader an overview of the past 12 months of activity in the Group
- receiving and considering the Group [Trustees' Annual Report](#) and the annual statement of accounts approved by the Group Trustee Board.
- Before the AGM, the accounts must have completed their examination by an appropriate auditor, independent examiner, or scrutineer (see 5.7.3). This must include the formal report prepared by the auditor, independent examiner, or scrutineer.

c) Make appointments

- appoint a Chair of the Group Trustee Board, following recommendation from the selection process initiated by the Group Trustee Board. Vacancies for Chair only occur at the end of their period of appointment (for example, a Chair may have been appointed for three years and so does not need to be re-appointed after years 1 and 2).
- appoint a Treasurer of the Group Trustee Board, following recommendation from the selection process initiated by the Group Trustee Board. Vacancies for Treasurer only occur at the end of their period of appointment (for example, a Treasurer may have been appointed for three years and so does not need to be reappointed after years 1 and 2).
- appoint other members of the Group Trustee Board, following recommendations from the selection process initiated by the Group Trustee Board. Vacancies for appointed Trustees only occur at the end of their period of appointment (for example, each Trustee may have been appointed for three years and so does not need to be re-appointed after years 1 and 2).
- approve the appointment of any Group Presidents or Group Vice Presidents, and note current appointees (if any)
- appoint (or re-appoint) an auditor, independent examiner or scrutineer as [required](#).

5.4.5.3 Following each AGM, the Group Trustee Board administration must ensure that:

- a. All appointed Trustees are recorded on the membership system, as required by Rule 16.2.2 of The Scout Association Policy, Organisation and Rules
- b. the Group Trustees' Annual Report and Accounts, including the formal report prepared by the auditor, independent examiner, or scrutineer are filed as described in Rule 5.7 of The Scout Association Policy, Organisation and Rules

It is good practice for the new Group Trustee Board to verify the draft Minutes of the AGM at their first meeting following the AGM, even though the minutes cannot be formally approved until the charity's next AGM.

5.4.6. Group Trustee Board - purpose

The Group 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.

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

5.4.6.2 Governance roles must be distinct to help manage conflicts of interest. This means that the roles of Group's Chair and Treasurer must be kept separate and be done by two different people.

5.4.6.3 The Group 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 and the local charity regulator, including effective management of each of the Key Policies listed in Chapter 2 of The Scout Association Policy, Organisation and Rules.

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

d) the Group has sufficient resources (funds, people, property and equipment) available to meet the planned work of the Group including delivery of the high quality programme and resource requirements of the training programme (Rule 4.2.2 of The Scout Association Policy, Organisation and Rules)

5.4.6.4 The Group Trustee Board members must themselves collectively:

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

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

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 Group is properly protected and maintained

e) ensure the appointment and management and operation of any subcommittees, including appointing a Chair to lead the sub-committee. This should normally be one of the Group's Trustees.

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

g) appoint any co-opted members of the Group Trustee Board

h) 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 Group Scout Council at their AGM

- prepare and approve the Group Trustees' Annual Report (which must include the Annual Accounts and include the report from the auditor, independent examiner or scrutineer)
- present the approved Group Trustees' Annual Report and Annual Accounts to the Group Scout Council for their consideration at the Group's AGM
- following the Group AGM, ensure that a copy of the Group Trustees' Annual Report and Accounts is sent to the District Trustee Board administration (see 5.4.7.9) and, if the Group is a registered charity, is filed with the appropriate charity regulator (if the regulator's rules require it).

i) take responsibility for the Group's 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

j) individually and collectively maintain confidentiality regarding appropriate Group Trustee Board business

k) put in place annually an open and transparent selection process to recommend to the Group Scout Council appropriate members to be appointed members of the Group Trustee Board, including Chair and Treasurer. Vacancies for appointed Trustees only occur at the end of their period of appointment (for example, a Trustee may have been appointed for three years and so does not need to be re-appointed or re-selected after years 1 and 2).

l) where staff are employed:

- act as a responsible employer in accordance with the Scouts' values and relevant legislation
- ensure that effective line management is in place for each employed staff member and that these are clearly established and communicated
- ensure that appropriate specific personnel insurance is in place

5.4.6.5 A Group Trustee Board may create sub-committees it deems necessary to support its governance function. The Group Trustee Board must ensure that for any sub-committee it appoints:

- a. its purpose is governance-focused and not operational
- b. its members are agreed and approved by the Group Trustee Board
- c. the Group Trustee Board Chair is an ex officio member
- d. the Group Scout Leader is an ex officio member

5.4.6.6 Sub-committee members are not Trustees unless they are already members of the appointing Group Trustee Board.

5.4.6.7 All sub-committee members must be recorded on the membership system.

5.4.7. Group Trustee Board - membership SV

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

5.4.7.2 A Group Trustee Board should comprise a maximum of 12 Trustees (the total of all ex officio, appointed and co-opted Trustee Categories), with a minimum of five Trustees. The maximum number of Trustees should be agreed by the Group Scout Council at its AGM.

5.4.7.3 Each ex officio, appointed and co-opted member of the Group Trustee Board is a charity Trustee of the Group.

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

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

5.4.7.5 Some Groups may also need to register as a charity (See Rule 13.1.2 of The Scout Association Policy, Organisation and Rules). SV

If registered, the Group's registration number must be recorded on the membership system.

Groups must not use any other charity number than their own.

5.4.7.6 All Trustees must complete learning as specified in Rule 16.2.1, 16.2.3, 16.2.4 of The Scout Association Policy, Organisation and Rules and the Chapter 16 Roles Table. of The Scout Association Policy, Organisation and Rules

5.4.7.7 It is good practice for a Group Trustee Board, and any sub committees, to have at least two Trustees aged between their 18th and 25th birthdays.

5.4.7.8 Each Group Trustee Board requires effective administration.

The administration may be provided by one or more persons as appropriate to the Group.

5.4.7.9 The selection processes leading to appointment of Group Trustees must include a rigorous and transparent selection process, which includes advertising vacancies widely.

5.4.7.10 The members of the Group Trustee Board are:

a) The Group Scout Leader is an ex officio member of the Group Trustee Board. SV

There is only one ex officio Trustee role for a Group Scout Leader, so where there are joint role holders for Group Scout Leader, the role holders must decide, in discussion the Group Chair, which of them will be the ex officio Trustee. However, each Group Scout Leader role holder must be eligible to be a Trustee (as specified in 16.1.1.5 of The Scout Association Policy, Organisation and Rules).

b) The Group Trustee Board must initiate a selection process to propose a Group Chair to the Group Scout Council for appointment at their AGM. Vacancies for the role of Group Chair only occur at the end of their period of appointment (for example, a Chair may have been appointed for three years and so does not need to be re-appointed or re-selected after years 1 and 2).

The proposal from the Trustee Board is received by the Scout Council at their AGM. The proposal from the Trustee Board does not require seconding by a member of the Scout Council. The action of the Scout Council is to approve (or not) the proposed name from the Trustee Board.

c) The Group Trustee Board must initiate a selection process to propose a Group Treasurer to the Group Scout Council for appointment at their AGM. Vacancies for the role of Group Treasurer only occur at the end of their period of appointment (for example, a Treasurer may have been appointed for three years and so does not need to be reappointed or re-selected after years 1 and 2).

The proposal from the Trustee Board is received by the Scout Council at their AGM. The proposal from the Trustee Board does not require seconding by a member of the Scout Council. The action of the Scout Council is to approve (or not) the proposed name from the Trustee Board.

d) The appointed members of a Group Trustee Board are persons appointed by the Group Scout Council at the Group's AGM. This should follow a selection process initiated and overseen by the Group Trustee Board. Vacancies for the role of Trustee only occur at the end of their period of appointment (for example, a Trustee may have been appointed for three years and so does not need to be re-appointed or re-selected after years 1 and 2).

The proposal from the Trustee Board is received by the Scout Council at their AGM. The proposed name(s) from the Trustee Board do not require seconding by a member of the Scout Council. The action of the Scout Council is to approve (or not) the proposed name(s) from the Trustee Board.

e) The co-opted members of a Group Trustee Board are persons coopted annually by the Group Trustee Board. They are not appointed by the Group Scout Council at its AGM. The number of co-opted members must not exceed the actual number of appointed Trustees (excluding Chair and Treasurer).

f) 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.

g) The Sponsoring Authority, or its nominee, has right of attendance at a Group Trustee Board.

5.4.7.11 Term limits for Trustees are specified in POR rule 5.3.1.6.

5.4.7.12 If a Trustee Board Chair or Treasurer resigns, then Rule 16.6.3 of The Scout Association Policy, Organisation and Rules must be followed.

5.4.8. Group Scout Council - Conduct of meetings

5.4.8.1 The Group Scout Council meets at their AGM (see Rule 5.4.5). It would be unusual for there to be additional meetings of the Group Scout Council.

5.4.8.2 A Group Scout Council meeting should normally be convened with at least four week's notice. A meeting may be convened on shorter or no notice with the agreement of at least three quarters of the members of the Group Trustee Board.

5.4.8.3 Group Scout Council meetings are chaired by the Group Chair. If the Group Chair is unable to be present, the Group Chair may appoint a delegate to chair a meeting of the Group

Scout Council subject to such appointment being approved at the start of the meeting by a majority of the Group Scout Council members present.

5.4.8.4 Only Group Scout Council members, as defined in Rule 5.4.4, may vote in Scout Council meetings.

5.4.8.5 The quorum for a Group Scout Council meeting is agreed by the Group Scout Council at their AGM (see 5.4.5.2). If there is no quorum present at a meeting of the Group Scout Council, the meeting must be closed and reconvened at the earliest available opportunity.

5.4.8.6 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.

5.4.8.7 In order to discharge their responsibilities, the Group Scout Council may meet by video conference as well as, or instead of, face to face when agreed by the Group Chair. The Group Scout Council must not 'meet' using any indirect process, such as email.

At any meeting which is not fully in person, there must be an online poll or other electronic method of counting votes.

5.4.8.8 All meetings of the Group Scout Council, whether face-to-face or otherwise, must be properly recorded and minuted.

5.4.9. Group Trustee Board - Conduct of meetings

5.4.9.1 Meetings of the Group Trustee Board should be convened on at least two weeks' notice. Meetings may be convened on shorter or no notice with the agreement of at least half of the members of the Group Trustee Board.

5.4.9.2 Group Trustee Board meetings are chaired by the Group Chair. If the Group Chair is unable to be present, they may appoint a delegate to chair a meeting of the Group Trustee Board subject to such appointment being approved at the start of the meeting by a majority of the members present at the meeting.

5.4.9.3 Only members of a Group Trustee Board as defined in Rule 5.4.7 may vote in its meetings .

5.4.9.4 The quorum for a meeting of a Group Trustee Board is one third of the Trustees (ex officio plus appointed plus co-opted) plus one.

If there is no quorum present at a meeting of the Group Trustee Board, the meeting must be closed and reconvened at the earliest opportunity.

5.4.9.5 In the case of a sub committee of the Group Trustee Board, the quorum for each sub committee must be set by the Group Trustee Board, based on the size of the sub committee and the complexity of its task(s).

5.4.9.6 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 meeting Chair does not have a casting vote and the matter is taken not to have been carried.

5.4.9.7 In order to discharge their responsibilities, the Group Trustee Board may meet by telephone or video conference as well as face to face when agreed by the Group Chair. This

includes 'hybrid' meetings, where some members are present at an agreed meeting place and others join by telephone or video.

5.4.9.8 Where urgent matters arise between scheduled meetings of the Group Trustee Board and if it is not practicable to convene a meeting of the Group Trustee Board then an electronic voting method (such as email) is allowed for decision making of the Group Trustee Board when deemed appropriate by the Group Chair. In such circumstances, at least 75% of the members of the Group Trustee Board must approve the decision, and the outcome of the voting must be reported at, and recorded in the minutes of, the next Group Trustee Board meeting.

5.5. Constitution for a Scout District

5.6. Constitution for a Scout County

5.7. Finance and commercial matters

5.7.1. Finance in Groups, Districts, Counties SV

5.7.1.1 Certain rules in this Rule 5.7 do not apply, without modification, outside of England and Wales. SV

5.7.1.2 Every Group, District and County is a separate unincorporated charity and is under a statutory obligation to keep proper books of account. SV

5.7.1.3 The Charities Act 2011 applies directly only in England and Wales, but similar legislation applies elsewhere. SV

5.7.1.4 The Group, District or County Trustee Board must ensure that proper financial planning and budgetary control is operated (see 5.4.4.3.)

5.7.1.5 The Group, District or County Leadership Team, as appropriate, must be consulted on the financial planning of the Group's, District's or County's activities.

5.7.1.6 All expenditure not covered within the Group, District or County Trustee Board's budget or its contingencies must be approved by the appropriate Trustee Board to ensure that any financial liability incurred can be met.

5.7.1.7 When entering into any financial or contractual obligation or commitment with another party, the persons concerned should make it clear to the other party that they are acting on behalf of the charity and not in a personal capacity.

5.7.2. Statement of accounts SV

5.7.2.1 A statement of accounts must be prepared annually and be scrutinised, independently examined or audited as appropriate in accordance with these Rules.

5.7.2.2 The Group Trustee Board must ensure that signed copies of the Trustees' annual report and accounts are sent to the District Treasurer within the 14 days following the relevant Annual General Meeting at which the annual report and accounts were received and considered.

The District Trustee Board must ensure that signed copies of the Trustees' annual report and accounts are sent to the County Treasurer within the 14 days following the relevant Annual General Meeting at which the annual report and accounts were received and considered.

For a County, PDF copies of the annual report and accounts must be sent to the Country and UK Headquarters within the 14 days following the County's Annual General Meeting at which the annual report and accounts were received and considered. When sending to UK Headquarters, email the copy of the annual report and accounts to finance@scouts.org.uk. SV

5.7.2.3 If the Group, District or County is a registered charity a copy of the annual report and accounts must also be sent to the appropriate charity regulator if the regulator's rules require it, within ten months of the financial year end.

5.7.2.4 The annual statement of accounts must account for all monies received or paid on behalf of the Group, District or County. This will include all sections, committees and Scout Active Support Units.

5.7.2.5 [Accounting and Audit Requirements for Group, Districts, Counties/Areas and Scottish Regions](#), SV

1.

- a. If the annual gross income or expenditure is above the limits laid down in the factsheet, the statement of accounts must be in the form of a Statement of Financial Activities (SOFA) with balance sheet.
- b. If the annual gross income or total income is less than the limits laid down in the factsheet, an annual receipts and payments account together with a statement of assets and liabilities may be prepared instead.

5.7.2.6 If the Group, District or County is a registered charity, the Trustee Annual Report and Accounts must include its charity number, particulars of any land occupied and assets, which form part of a permanent endowment together with details of any receipts or payments forming part of such an endowment.

A permanent endowment is an asset, for example a property held by the Group, District or County which must not be sold or disposed of.

The particulars of the trustees in whom such assets are vested also must be shown. SV

5.7.2.7 The annual statement of accounts must be in the format of one of four model annual statements available for download from [Accounting and Reporting](#). These models are suitable for:

1.

- a. receipts and payments accounts for a single fund unit, such as when there are no special funds whose use is restricted
- b. receipts and payments accounts for a multi fund unit, such as when where there are special funds in addition to a general fund
- c. accruals (SOFA) accounts for a single fund unit. Guidance and templates available from charitycorp.org
- d. accruals (SOFA) accounts for a multi fund unit. Guidance and templates available from charitycorp.org

The appropriate model will depend upon the gross annual income in the financial year and whether the Group, District or County has any special funds whose use is restricted to particular purposes rather than the general purposes of the Group, District or County.

5.7.3. Independent examination of accounts SV

5.7.3.1 At each AGM of the Group, District or County Scout Council an auditor, independent examiner or scrutineer, as appropriate, must be appointed. Each Group, District or County must decide if it needs an auditor, independent examiner or scrutineer, by reference to [Accounting and Audit Requirements for Group, Districts, Counties/Areas and Scottish Regions](#).

A report to the Trustee Board must be completed by the scrutineer, independent examiner or auditor in accordance with the appropriate model referred to in [Accounting and Reporting](#). SV

5.7.4. Funds administered by sections, and other teams or sub-teams in the Group, District or County

5.7.4.1 Subject to approval by the relevant Trustee Board, any section, unit or other activity (for example a Campsite, Scout Show or Scout Shop) that is not a separate charity must administer sums approved and allocated to it by the Trustee Board.

5.7.4.2 Subscriptions paid by members of any section, or on their behalf, must be handed to the agreed Treasurer or their nominee as soon as possible after receipt.

5.7.4.3 The receiving Treasurer or their nominee should make the necessary records and pay the money into the agreed bank account(s) as soon as practicable.

5.7.4.4 Each section, or other agreed activity (for example a Group camp) must keep a proper cash account which must be produced, together with supporting vouchers and the cash balance, to the respective Group, District or County Treasurer at least once in each period of three months.

5.7.5. Bank accounts SV

5.7.5.1 All monies received by or on behalf of the Group, District or County whether directly or from supporters, must be paid into a bank account, National Savings account or building society account held in the name of the Group, District or County.

5.7.5.2 The account(s) should be operated by the respective Treasurer and other members authorised by the relevant Trustee Board.

5.7.5.3 A minimum of two unrelated persons authorised by the Trustee Board must approve all banking withdrawals and payments.

5.7.5.4 Under no circumstances must any monies received by a section or supporter on behalf of the Group, District or County be paid into a private bank account.

5.7.5.5 Cash received at a specific activity may only be used to defray expenses of that same specific activity if the relevant Trustee Board has so authorised beforehand and if a proper account of the receipts and payments is kept.

5.7.5.6 Funds not immediately required must be transferred into a suitable investment account held in the name of the Group, District or County.

5.7.5.7 Group, District or County funds must be invested as specified by the Trustee Act 2000.
SV

5.7.6. Disposal of assets

5.7.6.1 Disposal of Group, District or County assets at amalgamation

- a. If two or more Groups, Districts or Counties amalgamate, the retiring Treasurers must prepare a statement of account at the date of the amalgamation.
- b. The statement, together with all Group, District or County assets, supported by all books of account and vouchers, must be handed to the Treasurer of the Group, District or County formed by the amalgamation.
- c. If the receiving Treasurer considers it necessary, after consultation with the Trustee Board, they may ask the Trustee Board to appoint an appropriate person to examine the accounts.

5.7.6.2 Disposal of District or County assets at splitting

- a. This rule does not apply to Scout Groups.
- b. If a District is split into two or more separate Districts, or into parts which will be amalgamated with other Districts, the assets of the District should be divided into proportions approximately represented by the membership numbers of each part after splitting.
- c. If a County is split into two or more separate Counties, or into parts, which will be amalgamated with other Counties, the assets of the County should be divided into proportions approximately represented by the membership numbers of each part after splitting.
- d. These proportions of the District or County assets should then be transferred to the Districts or County, which become responsible for those parts of the old Districts or County.
- e. This should normally be done under the supervision of UK Headquarters.

5.7.6.3 Disposal of assets at closure

- a. If a Group, District or County is closed, the Treasurer must prepare a statement of account at the effective date of closure.
- b. For a Group, the statement, together with all assets, must be handed to the District Treasurer as soon as possible after the closure date and must be supported by all books of accounts and vouchers.
- c. For a District, the statement, together with all assets, must be handed to the County Treasurer as soon as possible after the closure date and must be supported by all books of accounts and vouchers.
- d. For a County, the statement, together with all assets, must be handed to the Country and UK Headquarters as soon as possible after the closure date and must be supported by all books of accounts and vouchers.

- e. The Treasurer must ensure that the statement of account is properly scrutinised, independently examined or audited as appropriate.

5.7.6.4 Assets or liabilities remaining after closure

- a. Any assets or liabilities remaining after the closure of a Group automatically pass to the District Scout Council which may use or dispose of these assets at its absolute discretion.
- b. Any assets or liabilities remaining after the closure of a District will automatically pass to the County Scout Council, which may use or dispose of these assets at its absolute discretion. SV
- c. Any assets or liabilities remaining after the closure of a County automatically pass to the Country Headquarters, which may use or dispose of these assets at its absolute discretion. SV

5.7.6.5 If there is any reasonable prospect of the Group, District or County being revived, the disposal of these assets may be delayed by the respective Trustee Board for such a period as it thinks proper with a view to returning them to the revived Group, District or County.

5.7.6.6. The Trustee Board is responsible for preserving the statements of account and all accounting records of the Group.

5.7.7. Preservation of books of account

5.7.7.1 Statements of account and all existing accounting records must be preserved for at least six years from the end of the financial year in which they are made, or for such longer period as may be required by HMRC or other relevant body.

5.7.8. Payment of the membership subscription

5.7.8.1 In order to meet the costs of UK Headquarters services to the movement and the costs of organising and administering The Scout Association, and to meet The Scout Association's obligations to World Scouting, the Board of Trustees of The Scout Association requires a UK Headquarters Membership Subscription to be paid for each member aged under 18. SV
The amount of the membership subscription is decided annually by the Scout Association's Board of Trustees. SV

5.7.8.2 In addition, to meet local costs, the local Group, District and County may charge a membership subscription.

5.7.8.3 Every Group, District and County is responsible for the collection and payment of the UK Headquarters membership subscriptions and any Country, County and District subscriptions in accordance with the numbers returned on the annual census return.

Payments should be remitted to the District Treasurer, County Treasurer or Country/UK Headquarters not later than the date annually notified locally.

5.7.8.4 Membership subscriptions may be collected from youth members or their parents by a method decided by the relevant Trustee Board.

5.7.8.5 Each Group, District and County is strongly encouraged to use the Gift Aid scheme for membership subscription payments made by UK taxpayers.

5.7.8.6 The amount of the UK Headquarters membership subscription decided by the UK Headquarters Board of Trustees applies to the whole of the United Kingdom, and all members of The Scout Association who live outside the United Kingdom.

The UK Board of Trustees decides what proportion, if any, of the membership subscription is to be retained by the Country Councils of Northern Ireland, Scotland and Wales towards the costs of their own Country Headquarters services.

5.7.9. Fundraising

5.7.9.1 In order to maintain its work and to generate all that is needed to implement its training programme, the Scout movement has to support itself financially.

Groups, Districts and Counties are expected to generate sufficient funds to carry out their own programme of activities.

5.7.9.2 Fundraising carried out on behalf of the Scouts must be conducted in accordance with the principles embodied in the Scout Promise and Law.

5.7.9.3 Within the provisions of this policy the methods of fundraising may be chosen so long as they are consistent with the Movement's reputation and good standing.

5.7.9.4 Fundraising conducted on behalf of the Scouts may be by any means not forbidden by law, and which is acceptable to the local community, provided that:

- a. the proceeds of the activity go wholly to the work of the Group, District or County or, in the case of joint activities with other organisations, that part of the proceeds allotted to the Group, District or County is wholly applied to the work of the Group
- b. it does not encourage the habit of gambling.

5.7.9.5 Public collections of money are allowed provided that the legislation regarding age, action and location of collectors is complied with.

Collections may take place even though there is no visible reciprocal effort for the donation. Stickers and flags are appropriate. It is considered that value for the donation has already been given to society by the work of the Scout Movement in and for the community.

Where the reason for the fundraising is stated, the proceeds must only be used for that purpose.

5.7.9.6 Joint Fundraising Projects

- a. Joint fundraising projects with other charitable organisations are permitted provided that the part of the proceeds allotted to the other organisation is used wholly for purposes other than those of private gain.
- b. Country Headquarters should be consulted if there is the slightest doubt as to the bona fides of the other organisation in respect of the purposes of the fundraising activity.
- c. When participating in a joint project, terms should be agreed and recorded in a Memorandum of Understanding or non-legal agreement.

5.7.9.7 Fundraising and the Law

- a. All fundraising undertaken on behalf of the Movement must be carried out as prescribed by the law. This includes those regulations governing house to house collections, street collections, lotteries, gaming, children and young persons. Details may be obtained from the [Fundraising Support](#) section of the Scouts website.

5.7.9.8 Lotteries and Gaming

- a. If a Group, District or County considers raising funds by means governed by any legislation as detailed at Rule 5.5.9.7, the proposed activity must have the recorded approval of the Trustee Board and Sponsoring Authority, if any, and – for a Group - the District Chair.
- b. Regard must be paid to the views of parents and to local public opinion. Activities affected by this legislation include raffles, whist drives and similar methods of fundraising involving participation on payment of stakes.
- c. The promoter of any fundraising activity governed by legislation should be a member of the appropriate Trustee Board.
- d. Groups, Districts or Counties in the areas adjacent should be informed of the proposed activity. Care must be taken to contain the activity within as close an area to that in which the Group or District or County operates as practical.
- e. Any advertising material used must conform with the requirements of the legislation and must not contain any matter which is not in strict conformity with the standards of the Movement.
- f. If the Group, District or County (as appropriate) is a registered charity, this fact must be stated in any advertising material.

5.7.9.9 Appeals for Funds

a) Groups, Districts and Counties must not issue general appeals for funds.

b) In exceptional circumstances:

- Groups must seek approval from the District Trustee Board:
- Districts must seek approval from the County Trustee Board (who must consult the Country Headquarters)
- Counties must seek approval from UK Headquarters.

c) Any permitted appeal must not exceed the boundaries of the District in which the Group is located, or of the District or County as appropriate.

5.7.9.10 Professional Fundraisers

- a. Groups must not appoint a professional fundraiser without the approval of the District Trustee Board who must ensure that the requirements of the legislation are fully complied with. Districts must not appoint a professional fundraiser without the approval of the County Trustee Board who must ensure that the requirements of the legislation are fully complied with. Counties may appoint a professional fundraiser.
- b. All legislation associated with fundraising must be fully complied with.

5.7.10. Grant Aid Loans

5.7.10.1 Provided that a Group raises a proportion of its own funds, it may accept financial support in the form of grant aid or loans.

5.7.10.2 Applications for grants or loans

- a. Group and District applications for grants or loans from Local Authorities must be approved by the District Chair and the County Commissioner before submission.
- b. County applications for grants or loans from Local Authorities must be approved by the County Chair and the County Commissioner before submission.
- c. Group applications for grants or loans from UK Headquarters must have the approval of the Group Chair and the District Commissioner.
- d. District applications for grants or loans from UK Headquarters must have the approval of the District Chair and the County Commissioner.
- e. County applications for grants or loans from UK Headquarters must have the approval of the County Chair and the County Commissioner.
- f. Group applications for grants or loans from sources other than those referred to above must have the approval of the Group Chair and of the District Commissioner if the latter so directs.
- g. District applications for grants or loans from sources other than those referred to above must have the approval of the District Chair and of the County Commissioner if the latter so directs.
- h. County applications for grants or loans from sources other than those referred to above must have the approval of the County Chair and of the County Commissioner if the latter so directs.

5.7.10.3 If changes are being planned about how grants may be spent which differ from what was originally proposed, the funder's approval must first be obtained in writing if that is a requirement of the grant awarded.