

# Playgroup and Under Fives Group Constitution

## 1. Name

The name of the playgroup /under fives group is ST. FILLAN'S PLAYGROUP, hereinafter referred to as the group.

## 2. SPPA Membership

The group is a member of SPPA having accepted the aims of the Association and paid the annual subscription

## 3. Aims and Objects

The aim of the group is to promote the aims of Scottish Pre-school Play Association which are to advance the education of pre-school children with the emphasis on play experience, so that they may take a constructive place in the community and also to advance the education of their parents and other appropriate persons.

In furtherance to the above aims the group shall seek:

- (a) to provide safe and satisfying group play in which parents take part when appropriate
- (b) to encourage other charitable activities through which parents may help the children.

## 4. Powers

The group may wish to borrow or raise money for the objects and accept gifts on such terms and on such security as shall be deemed to be appropriate.

## 5. Membership

The membership of the group is open and shall consist of:

- (a) the parents or guardians of children on the attendance register of the group from time to time
- (b) any registered childminder or adult family carer who regularly accompanies a child on the register

All on payment of such subscription as shall be agreed at the group's Annual General Meeting

## 6. Council

- (a) The affairs of the group shall be under the control of the ST. FILLAN'S PLAYGROUP group council, with a committee for the day to day running of its business.
- (b) The council shall consist of the whole membership of the group. The council will select from its membership a chairperson and secretary as office bearers.
- (c) The council shall hold in SEPTEMBER of each year an annual general meeting at which members shall receive the annual report and examined accounts for the preceding financial year from the committee and elect the members of the committee. The members of the council shall determine the method of selection of the two office bearers.
- (d) The quorum for the meeting of the council shall be FIVE members. Each of the council shall have one vote. When necessary the chairperson will also have a casting vote.
- (e) The committee may call Special General Meetings and on the request of not less than TWO members of the council shall call a Special General Meeting within one month.
- (f) The notice and agenda for the Annual General Meeting and for any special meeting shall be sonnet to all members in writing at least fourteen days before the meeting.

### Guidelines on Completing the Constitution.

#### 1. Name

Insert the name of your playgroup or under fives group.

#### 2. SPPA Membership

This model constitution can only be used by groups which are members of Scottish Pre-school Play Association, hereinafter referred to as SPPA. If membership of SPPA is discontinued the constitution is no longer valid.

#### 3. Aims and Objects.

Very briefly, the aims in the SPPA constitution, which is in the form of memorandum and articles of a company, are to encourage good play provision for young children and to encourage the involvement of all parents in their children's education. **In order to maintain charitable status it is important not to change this clause.**

#### 4. Powers

Where groups are assured of grants or other income they may wish to borrow money to cover proposed expenditure.

#### 5. Membership

This is also one of the clauses necessary to maintain charitable status. A charitable body must have an open membership.

#### 6. Council

- (a) Insert your group name.
- (b) The table below shows that the group council is the whole membership of the group; i.e. mums, dads, childminders and carers.

#### Council

##### No. of meetings per year:

At least 1 (AGM) and a Special General Meeting if needed.

##### Membership who can vote:

Mums, dads, childminders/carers

##### Purpose:

At AGM to receive committee's annual report and examined accounts, elect new committee members.

- (c) Most groups have a considerable turnover of parents and carers when older children go to school after summer. Therefore many groups hold their AGM and elect new committee members in June to ensure continuity.

The method of selection could be election by the council at the AGM or powers given to the new committee to appoint their office bearers

## 7. Committee

- (a) The management and control of the business of the council shall be carried out by the committee who shall report to each Annual General Meeting.

The duties of the committee include:

- (i) appointing a capable independent examiner, who is not a member of the group, to examine the accounts.
  - (ii) hiring premises as may be needed
  - (iii) providing equipment as needed
  - (iv) managing the group finances efficiently.
  - (v) engaging staff and dealing with employment issues.
  - (vi) controlling the admission of children and their enrolment
  - (vii) doing all such things as will properly attain the objects stated in clause 3.
  - (viii) maintaining all group records appropriately.
- (b) The committee shall consist of:
- (i) FIVE members of the council including the chairperson and secretary
  - (ii) Additional members co-opted by the committee but not exceeding two at any time. Co-opted members do not need to be members of the council. Co-opted members shall also have a vote. The office of Treasurer can be held by a co-opted member of the committee.
- (c) In the event of the death or resignation of an elected member the vacancy shall be filled by a member co-opted by the committee. The committee may fill casual vacancies among the office bearers of the council until the succeeding Annual General Meeting.
- (d) The committee, including co-opted members shall retire each year at the Annual General Meeting but shall be eligible for re-election. Committee members shall be entitled to serve for no more than THREE years. For those purposes a year shall be the period elapsing between successive Annual General Meetings.
- (i) The committee shall meet as often as necessary and not less than six times a year
  - (ii) Not less than half the committee, including two office bearers shall comprise a quorum.
- (e) Paid playworkers and other employees may attend meetings, unless the meeting is deemed to be closed by the committee, but they will not have a vote.

## 8. Finance

- (a) The treasurer shall keep account of all income and expenditure and shall prepare accounts, which shall be submitted to a capable independent examiner and a report thereon obtained.
- (b) The funds of the group shall be applied solely for the promotion and furtherance of its aims and objects, and no payment whatsoever shall be made directly or indirectly to office bearers or members of the council or committee or other persons associated with the running of the group with the exception of contracted wages or out of pocket expenses for the group related expenditure made to any employee for services rendered or interest at a reasonable rate for money lent to the group. A voting member of the committee may not be appointed to a salaried office or receive any benefit in money or money's worth save as interest at a reasonable rate on money lent to the group.
- (c) The attendance fees payable in respect of children attending the group must be fixed at the Annual General Meeting, and can only be changed if necessary at the next AGM or by a Special General Meeting, (see

Clause 6 (e).

- (d) Since all parents and guardians are members, both mothers and fathers have a vote. If, for example you have 36 children in the group this could mean a maximum of 72 parents. Usually only one parent can attend the AGM so it would be wise to base the quorum on the number of families. In this example of 36 families, a quorum of one third (i.e. 12 voting members) would be reasonable.
- (e) One quarter of your family members could be inserted here (see 6 (d) above).

## 7. Committee

- (a) **No of meetings per year:** at least six and as often as necessary.

**Membership who can vote:** Committee members, co-opted members.

**Those who can attend but not vote:** Paid employees (e.g. playworkers).

- (b) In a small group (up to 15 children) all parents might form the committee. For most groups the committee should be between 10 and 15 people. Larger groups may have to form sub-committees to cope with the workload.

The office bearers should preferably be elected by the council at the AGM or in exceptional circumstances be appointed at the first committee meeting after the AGM.

- (d) This is normally **two consecutive years**. It would be possible for a parent to serve on the committee again after a gap, perhaps when a second child attends the group.
- (e) **Paid playworkers or other employees cannot vote. This is one of the regulations necessary to maintain charitable status.**

## 8. Finance

- (a) The committee should be aware of the group's financial position at all times by inspecting the accounts at committee meetings.

### PLEASE NOTE:

All Scottish Charities must keep proper books of account and prepare an annual statement of accounts. With the introduction of the Charities Accounts (Scotland) Regulations 1992, the accounting year should run from 1 April to 31 March. Copies of the accounts must be provided to any member of the public on request. Financial records must be preserved for at least six complete years.

- (b) **This is one of the clauses necessary to maintain charitable status.**
- (c) The Annual General Meeting should consider the level of attendance fees for the next year paying due attention to reduced ratios in particular circumstances, such as twins.
- (d) SPPA encourages groups to name SPPA here because, being members of one national association, the first aim would be to restart a group in the same area. The assets (money) will be held by SPPA to be used in the best interests of the pre-school groups in the area.

**It is necessary to name a charitable organisation here to maintain charitable status**

In the event of the group being for any reason dissolved the assets and funds of the group shall be transferred to Scottish Pre-school Play Association subject to the satisfaction of all debts and liabilities of the group

## 9 Alterations

### 9. Alterations

SPPA is not required to keep a copy of your constitution, as this is not part of SPPA membership criteria. The Inland Revenue have intimated that it is not necessary for groups that already have charitable status to send them copies of this amended constitution once adopted. Particular care should therefore be taken when altering your constitution to avoid undermining your group's charitable status.

No alteration shall be made to this constitution except by resolution of the members of the council in general meeting and with the consent of at least two thirds of the members present and voting thereat. Any notice of proposed alteration must be sent to members with the notice under clause 6.

**This is to certify that this is a true copy of the constitution**

Adopted by **ST. FILLAN'S PLAYGROUP** on ..... (date)

At the (Annual General) Meeting in .....(name of place)

**Signed by two office bearers:**

Signature ..... Position .....

Name ..... Address:.....

Signature ..... Position .....

Name ..... Address:.....

**What to do with this constitution**

- (a) Keep the original copy in a safe place; ensure it is signed by two office bearers and dated.
- (b) File two or three copies for your own use, for example when applying for a grant
- (c) Obviously you should always keep at least one copy in your own files to refer to.
- (d) All committee members should have a copy.
- (e) Every member of your group should be given a copy. Spare copies should be made available at the group Annual General Meeting
- (f) Use one copy only to obtain CHARITABLE STATUS by:
  - sending an original signed copy to **the Inland Revenue ( Charities), Meldrum House, 15 Drumsheugh Gardens, Edinburgh, EH3 7UL**
  - enclosing a letter asking them to grant you charitable status

You should receive a letter in return which is proof of charitable status and should be kept safe. It is a good idea to make some copies of the letter. The reference on this letter should be quoted in any correspondence with the Inland Revenue. You will also be issued with a Scottish Charity Number.

- (g) Groups that already have charitable status please refer to guideline 9.

**PLEASE NOTE**

**It is a criminal offence under the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 For anyone to be involved in the management or control of a Scottish Charity who:** has been convicted of an offence involving dishonesty, is an undischarged bankrupt, has been removed by a court order under the provisions of the 1990 Act from being concerned in the management or control of any body, or is subject to a disqualification order under the court.

**Company Directors Disqualification Act 1986**

The disqualification provisions do not apply to where a conviction has been spent by virtue of the Rehabilitation of Offenders Act 1974 or where the Lord Advocate has agreed to grant a waiver of disqualification.