

ANAHILT PRIMARY SCHOOL PARENT TEACHER ASSOCIATION CONSTITUTION

1. The Association

- 1.1 Association name – Anahilt Primary School Parent Teacher Association
School name – Anahilt Primary School
School address – 248 Ballynahinch Road, Anahilt, Co Down, BT26 6BP
- 1.2 The Committee – the minimum number of committee members: 2.

2. Purposes

The purpose of the Association (the **Purposes**) is to advance the education of pupils in the school in particular by:

- 2.1 Developing effective relationships between the staff, parents and others associated with the school.
- 2.2 Engaging in activities or providing facilities or equipment which support the school and advance the education of the pupils.

3. Powers

The **committee members** have the following powers, which may be exercised only in promoting the **Purposes**:

- 3.1 To provide advice
- 3.2 To publish or distribute information
- 3.3 To co-operate with other bodies
- 3.4 To raise funds (but not by means of **permanent trading**)
- 3.5 To acquire or hire property of any kind
- 3.6 To set aside funds for special purposes or as reserves against future expenditure.
- 3.7 To deposit or invest funds in any lawful manner (but to invest only after obtaining advice from a financial expert and having regard to the suitability of investments and the need for diversification.)
- 3.8 To take out public liability and personal accident insurance to cover **Association** meetings, activities, **committee members**, to insure the **Association's** property against any foreseeable risk and take out other insurance policies to protect the **Association** where required.
- 3.9 To employ paid or unpaid agents, staff or advisers.
- 3.10 To enter into contracts to provide services to or on behalf of other bodies.
- 3.11 To pay the costs of forming the **Association**.
- 3.12 To obtain and pay for goods and services as are necessary for carrying out the work of the charity.
- 3.13 To open and operate in the name of the **Association** a bank and other accounts as the **committee members** consider necessary.
- 3.14 To do anything else within the law that promotes the **Purposes**.

BUT the Committee shall not undertake any activity in the school premises without the consent of the **Principal**.

4. Membership

Members of the Association are:

- 4.1 The parents or guardians of any pupil currently attending the school and teaching and non teaching staff currently employed by the school.
- 4.2 **Membership** is terminated if:
 - 4.2.1 the **Member** dies
 - 4.2.2 the **Member** resigns by **written** notice to the **Association**
 - 4.2.3 the **committee members** may for good reason, regardless of whether or not this is at the request of the **Board of Governors** or the **Principal**, may exclude any person from **Membership** or from attending an event whose presence at or support of the school is deemed a danger to the school or its pupils or staff or might bring the **Association** into disrepute. Removal is not effective until the **Member** concerned has been notified in **writing** of the proposal and his/her right to respond within **14 clear days**, and the matter has been considered in light of any representations made.

5. General Meetings (Annual and Extraordinary)

- 5.1 All **Members** are entitled to attend any **General meeting** of the Association.
- 5.2 All **General meetings** are called by giving 21 **clear days written** notice of the meeting to the **Members**. This notice should specify the date, time and location of the **General Meeting** as well as give an overview of the agenda.
- 5.3 There is a quorum at a **General Meeting** when the number of **Members** present is at least twice the number of **committee members** in office at the start of the meeting. The only exception would be at a **General Meeting** where the **Association** is being dissolved.
- 5.4 **The Chair** (or if **the Chair** is unable or unwilling to do so) some other **committee member** elected by those present is in charge of a **General meeting**.
- 5.5 Except where otherwise provided in this Constitution, every issue at a **General meeting** is decided by a simple majority of the votes cast by the **Members** present at the meeting.
- 5.6 Except for **the Chair** of the meeting, who has a second or casting vote where a vote is equally divided (tied), every **Member** present is entitled to one vote on every issue.
- 5.7 The **Association** must hold a **General meeting** within twelve months of the date of the adoption of this constitution. Thereafter, an **AGM** must be held on each subsequent **year** and not more than 15 **months** may elapse between successive annual **General meetings**.
- 5.8 At an **AGM**, the **Members**:
 - 5.8.1 receive the accounts of the **Association** for the previous financial **year**
 - 5.8.2 receive the report of the **committee members** on the **Association's** activities since the previous **AGM**.
 - 5.8.3 accept the retirement of existing **committee members** and elect new **committee members** including **the Chair**.
 - 5.8.4 appoint an **independent person** to undertake an examination of the **Association's accounts** for the forthcoming **year**.
 - 5.8.5 discuss and determine any issues of policy or deal with any other business put before them
- 5.9 An **EGM** may be called at any time by the **Committee** and must be called

within 21 **days** to happen within three months of a written request being received by the Committee from at least ten **Members**.

6. The Committee

- 6.1 All **committee members** are trustees of the charity (**charity trustees**) and have control of the **Association**, its property and funds.
- 6.2 **Committee members** shall be elected at the **AGM** and shall hold office until the next **AGM**
- 6.3 All **committee members**, except those who are **co-opted**, must be **Members** of the **Association**.
- 6.4 **Committee members** shall have the power to co-opt **committee members** at any time, and **co-opted committee members** shall serve until the date of the next **AGM**.
- 6.5 The number of **co-opted committee members** must not be more than 50% of the total number of elected **committee members**. **Co-opted committee members** may only be elected where there are two or more **elected committee members** currently in post.
- 6.6 The committee shall consist of a named **Chair**, Treasurer and Secretary and a number of other **committee members**. The maximum number of **committee members** should not exceed 12. This must include the school Principal and at least one member of the teaching staff.
- 6.7 Nominations for election to the **Committee** may be made by any **Member** of the **Association** and seconded by another. Such nominations must have the consent of the nominee. Nominations should be made in writing to the **Chair** at any time until the election process has been completed. If no nominations or an insufficient number are received before the **AGM**, any **Members** present may nominate a person, with their consent, and that person may be appointed by a majority vote of those present.
- 6.8 A **committee member** (whether **elected** or **co-opted**) automatically ceases to be a **committee member** if she or he:
 - 6.9.1 is disqualified under section 85 of the Charities Act (Northern Ireland) 2008 from acting as a charity trustee.
 - 6.9.2 is incapable, whether mentally or physically of managing his or her own affairs.
 - 6.9.3 is absent from three consecutive meetings of the **Committee** without prior notification to the Secretary
 - 6.9.4 ceases to be a **Member** of the **Association**.
 - 6.9.5 resigns by **written** notice to the **Committee** but only if at least two **committee members** remain in office.
 - 6.9.6 is removed by a resolution passed by a majority of other **committee members**. Removal is not effective until the **committee member** concerned has been notified in **writing** of the proposal and of his/her right to respond within **14 clear days**, and the matter has been considered in light of any representations made.
- 6.10 All **committee members** shall be entitled to reimbursement of reasonable out-of-pocket expenses (including hotel and travel costs) actually incurred in the administration of the Association, subject to prior approval of the committee.
- 6.11 A retiring **committee member** is entitled to an indemnity from the continuing **committee members** at the expense of the **Association** in respect of any liabilities properly incurred while he or she held office.

- 6.12 A technical defect in the appointment of a **committee member** of which the **Committee** is unaware at the time does not invalidate decisions taken at a meeting.

7. Committee Meetings

- 7.1 The **Committee** must hold at least three meetings every school year.
- 7.2 A quorum at a **Committee** meeting is 50%, rounded up to the nearest whole number of the total current membership of the **Committee**. This applies where there are three or more **committee members** in post. Where there are only two, a 100% attendance is required to be quorate.
- 7.3 The **Chair** or, if the **Chair** is unable or unwilling to do so, some other **committee member** chosen by the members present is in charge at each **Committee** meeting.
- 7.4 Every decision may be made by a simple majority of the votes cast at a Committee meeting. A resolution which is in **writing** and signed by all **committee members** is equally valid. This resolution may be contained in more than one document and will be treated as passed on the date of the last signature.
- 7.5 Except for the **Chair** of the meeting, who has a second or casting vote, every **committee member** has one vote on each issue.

8. Powers of Committee

The following powers are available to the Committee to help run the Association:

- 8.1 To delegate any functions of the **Committee** to sub-committees as recorded in the minutes of the **Committee meeting** at which the decision was taken. These must consist of two or more persons appointed by the **Committee** but at least one member of every sub-committee must be a **committee member**. All sub-committee proceedings must be promptly reported to the main **Committee**.
- 8.2 To make Rules consistent with this Constitution about the **Committee** and sub-committees, to govern proceedings at **General meetings** and generally about the running of the **Association** including the operation of bank accounts and the commitment of funds.

9. Property and Funds

- 9.1 The property and funds of the **Association** must only be used to fulfil the **Purposes** (see Clause 2).
- 9.2 **Committee members** can enter into contracts with the **Association** for the provision of goods and services to the **Association** (but not contracts of employment with the **Association** except with the prior **written** consent of the CCNI) provided that:
- 9.2.1 the maximum amount is set out in writing and is reasonable for the services provided
- 9.2.2 the **committee members** are satisfied that the agreement is in the interests of the charity before entering into it
- 9.2.3 the total number of **committee members** entitled to remuneration is in the minority at any one time.
- 9.3 Whenever a **committee member** has a personal interest in a matter to be

- discussed at a meeting the **committee member** must:
- 9.3.1 declare an interest before discussion begins on the matter
 - 9.3.2 withdraw from that part of the meeting unless expressly invited to remain in order to provide information.
 - 9.3.3 not be counted in the quorum for that part of the meeting. This will prevent such discussions taking place when there are only two **committee members**.
 - 9.3.4 withdraw during the vote and have no vote on the matter.

10. Records and Accounts

- 10.1 The **Committee** must comply with the requirement of the Charities Act (Northern Ireland) 2008 as to the keeping of financial records, the audit or independent examination of accounts and the preparation and transmission to the **Commission** including an annual return in prescribed form.
- 10.2 The **Committee** must keep proper records of:
 - 10.2.1 all proceedings at **General meetings**
 - 10.2.2 all proceedings at **Committee** meetings
 - 10.2.3 all reports of sub-committees
- 10.3 Annual reports and statements of accounts relating to the **Association** must be made available for inspection by any **Member** of the **Association**.
- 10.4 The Committee must update the **Association's** record held online by CCNI and notify directly any changes that cannot be updated online.

11. Notices

- 11.1 Notice of any **General meeting** of the **Association** may be sent by hand, by post, by suitable electronic communication (email) or in any newsletter distributed by the **Association** to its **Members**. Notification by hand may include distribution to parents and guardians via their children with or without other communications from the school, including within official school publications.
- 11.2 The **address** at which a **Member** is entitled to receive notices (if sent by post) is the last known **address** of the **Member**.
- 11.3 A technical defect in the giving of the notice which the **Members** or **committee members** are unaware of at the time does not invalidate decisions taken at a **General meeting**.

12. Dissolution

- 12.1 The **Association** may be dissolved by a resolution presented at a **General meeting** where this is included in the notice of the meeting. The resolution must have the agreement of two thirds of those voting and must give instructions for the disposal of any assets remaining after paying the outstanding debts and liabilities of the Association.
- 12.2 The net assets shall not be distributed among the **Members** of the **Association** but will be given to the school for the benefit of the pupils of the school. In the event of the school closing, any remaining funds should be distributed to a neighbouring school or schools as selected by the **Committee**. It must be agreed with the benefiting school(s) that the funds will be used to continue to fulfil the **Purposes** of the **Association**.
- 12.3 If it is not possible to dispose of assets as described in clause 12.2, only then

can the assets be given to another charitable cause provided that the cause is within the **Purposes** of the **Association**.

- 12.4 The **Committee** must notify CCNI promptly that the **Association** has been dissolved. The **Committee** must comply with any request from the **Commission** including providing the **Association's** final accounts.

13. Interpretation

13.1 In this Constitution:

- **address** means a postal address or, for the purposes of electronic communication, a fax number, an email address or a text message number in each case registered with the charity
- **AGM** means an annual General meeting of the members of the Association
- **the Association** means the charity comprised in this Constitution
- **Board of Governors** means the Board of Governors of the school
- **the Chair** means the Chair of the Association elected at the AGM
- **charity trustees** has the meaning prescribed by section 180 of the Charities Act (NI) 2008. Every committee member is legally a charity trustee.
- **clear day** means 24 hours from midnight following the triggering event
- **the Commission** means the Charity Commission for Northern Ireland (CCNI): www.charitycommissionni.org.uk
- **the Committee** is the Governing Body of the Association and includes all elected and co-opted committee members.
- **committee member(s)** means a member of the committee either elected by the Members of the Association or co-opted as set out in clause 6. Some committee members will be office holders (the Chair, Secretary, Treasurer, etc) but all are committee members and charity trustees whether or not they hold office
- **co-opted committee member** means a member of the Committee appointed by the committee members in accordance with clause 6
- **EGM** means an Extraordinary General meeting of the Members of the Association which is not an AGM
- **elected committed member(s)** means a member of the Committee elected at the AGM by the membership.
- **fundamental change** means a change that would not have been within the reasonable contemplation of a person making a donation to the Association
- **General meeting(s)** means any general meeting of the Association wither

annual (AGM) or extraordinary (EGM)

- **Independent person** has the meaning prescribed by section 65 of the Charities Act (NI) 2008

- **Member and Membership** refer to members of the Association as set out in clause 4. Members can be committee members (as set out in clause 6) but being a Member of the Association and a committee member is not the same thing.

- **Months** means calendar months

- **permanent trading** means carrying on a trade or business on a continuing basis for the principal purpose of raising funds and not for the purpose of actually carrying out the Purposes.

- **Principal** means the Principal of the school

- **the Purposes** means the charitable purposes of the Association set out in clause 2.

- **written or in writing** refers to a legible document on paper including a fax message or an electronic communication (email or text) where the Member or committee member has agreed to receipt of notices by electronic means

- **year** means calendar year

13.2 References to an Act of Parliament are references to the Act as amended or re-enacted from time to time and to any subordinate legislation made under it.

Constitution adopted at a meeting held

At (place) _____

On (date) _____

Name _____

Occupation _____

Signature _____
(Name and signature of Chair of meeting)

Witness name _____

Address _____

Occupation _____

Signature _____
(Name, address, occupation and signature of witness)

