

West Lancs Debt Advice

Constitution

1. The name of the Organisation is "The West Lancs Debt Advice" - hereafter referred to as WLDA.
2. WLDA will work under the umbrella and guidance of Community Money Advice whose aim is to provide: Completely free face to face money advice centres in every community across the nation reaching anyone in need with unconditional quality advice from form filling to insolvency.
3. WLDA will also endeavour where appropriate to give sound advice on budget management to help its clients reduce their level of debt and eventually that they become debt free.
4. All Volunteer Debt Advisors shall undertake mandatory Debt Advisor training provided by CMA
5. All other volunteers shall undertake any training deemed essential for the running of WLDA.

General structure

4. The structure of the WLDA shall consist of:-
 - (a) the MEMBERS - who have the right to attend the annual general meeting (and any special general meeting) and have important powers under the constitution; in particular, the members elect people to serve on the management committee and take decisions in relation to changes to the constitution itself.
 - (b) the VOLUNTEERS - individuals who provide face to face debt advice (debt advisors) or administrative support for this service. All volunteers will have undertaken appropriate training prior to commencing their role for WLDA. All volunteers will automatically be enrolled as members.
 - (c) the MANAGEMENT COMMITTEE - who hold regular meetings during the period between annual general meetings, and generally control and supervise the activities of WLDA; in particular, the management committee is responsible for monitoring the financial position of the WLDA and the day to day running of the debt advice service.

The Management Committee shall have the following powers in pursuance of the objects set out (but not otherwise):

- i) To improve, manage, develop, or otherwise deal with, all or any part of the property and rights of WLDA.
- ii) To engage such consultants and advisers as are considered appropriate from time to time.
- iii) To liaise with other voluntary sector bodies, local authorities, Government departments and agencies, and other bodies, all with a view to furthering the WLDA objects.
- iv) To take such steps as may be deemed appropriate for the purpose of raising funds for the WLDA activities.
- v) To accept grants, donations and legacies of all kinds (and to accept any reasonable conditions attaching to them).
- (vi) To do anything which may be incidental or conducive to the furtherance of the WLDA objects.
- (vi) Contact CMA for guidance as considered appropriate from time to time. Such matters may include finance, tax, legal and issues of a contentious nature that may impact on the work of WLDA.

Qualifications for membership

- 5. Membership shall be open to representatives nominated by partner churches and volunteers undertaking debt advisor and/or administration roles.

Number of trained debt advisors

- 6. There must be a minimum of 4 trained Debt advisors.

Application for role as volunteer

- 7. Any person who wishes to become a Volunteer must sign, and lodge with the association, a written application to be a Volunteer.
- 8. The management committee may, at its discretion, refuse to admit any person as a Volunteer.
- 9. The management committee shall consider each Volunteer application at the first management committee meeting which is held after receipt of the application and thereafter invite the applicant to attend an interview; the

management committee shall, within a reasonable time after interview, notify the applicant of its decision on the application.

Membership subscription

10. No subscription shall be payable to WLDA.

Register of volunteers and members

11. The management committee shall maintain a register of Volunteers, setting out the full name and address of each Volunteer, the date on which s/he was admitted as a Volunteer and trained, and the date on which any person ceased to be a volunteer. The management committee shall also maintain a register of members, setting out the full name and address of each member, the date on which s/he was admitted as a member and the date on which any person ceased to be a member.

Withdrawal from membership

12. Any person who wishes to withdraw from Volunteering shall sign, and lodge with the WLDA, a written notice to that effect; on receipt of the notice by the association s/he shall cease to be a Volunteer.

Expulsion from membership

13. Any person may be expelled from working as a Volunteer by way of a resolution passed by majority vote at a general meeting (meeting of Volunteers), providing the following procedures have been observed:-

(a) at least 21 days' notice of the intention to propose the resolution must be given to the Volunteer concerned, specifying the grounds for the proposed expulsion

(b) the Volunteer concerned shall be entitled to be heard on the resolution at the general meeting at which the resolution is proposed.

General meetings (meetings of members)

14. The management committee shall convene an annual general meeting in each year (but excluding the year in which the association is formed); not more than 15 months shall elapse between one annual general meeting and the next.

15. The business of each annual general meeting shall include:-

(a) a report by the chair on the activities of WLDA

(b) consideration of the annual accounts of WLDA

(c) the election/re-election of members of the management committee

16. The management committee may convene a special general meeting at any time.

Notice of general meetings

17. At least 14 clear days' notice must be given of any annual general meeting or special general meeting; the notice must indicate the general nature of any business to be dealt with at the meeting and, in the case of a resolution to alter the constitution, must set out the terms of the proposed alteration.

18. The reference to "clear days" in clause 17 shall be taken to mean that, in calculating the period of notice, the day after the notice is posted, and also the day of the meeting, should be excluded.

19. Notice of every general meeting shall be given to all the WLDA volunteers, and to all the members of the management committee.

Procedure at general meetings

20. No business shall be dealt with at any general meeting unless a quorum is present; the quorum for a general meeting shall be minimum of 10 members, present in person.

21. If a quorum is not present within 15 minutes after the time at which a general meeting was due to commence - or if, during a meeting, a quorum ceases to be present - the meeting shall stand adjourned to such time and place as may be fixed by the chairperson of the meeting.

22. The chair of the association shall (if present and willing to act as chairperson) preside as chairperson of each general meeting; if the chair is not present and willing to act as chairperson within 15 minutes after the time at which the meeting was due to commence, the members of the management committee present at the meeting shall elect from among themselves the person who will act as chairperson of that meeting.

23. The chairperson of a general meeting may, with the consent of the meeting, adjourn the meeting to such time and place as the chairperson may determine.

24. Every member shall have one vote, which (whether on a show of hands or on a secret ballot) must be given personally.

25. If there is an equal number of votes for and against any resolution, the chairperson of the meeting shall be entitled to a casting vote.

26. A resolution put to the vote at a general meeting shall be decided on a show of hands unless a secret ballot is demanded by the chairperson (or by at least two Volunteers present in person at the meeting); a secret ballot may be demanded either before the show of hands takes place, or immediately after the result of the show of hands is declared.

27. If a secret ballot is demanded, it shall be taken at the meeting and shall be conducted in such a manner as the chairperson may direct; the result of the ballot shall be declared at the meeting at which the ballot was demanded.

Maximum number of management committee members

28. The maximum number of members of the management committee shall be 9.

Eligibility

29. A person shall not be eligible for election/appointment to the management committee unless he/she is a WLDA member.

Election, retirement, re-election

30. At each annual general meeting, the Volunteers may elect any Volunteer to be a member of the management committee.

31. The management committee may at any time co-opt any Volunteer to be a member of the management committee. They may also co-opt as a volunteer any person whose expertise would be conducive to the running of WLDA.

32. At each annual general meeting, all of the members of the management committee shall retire from office - but shall then be eligible for re-election.

Termination of office

33. A member of the management committee shall automatically vacate office if:-

(a) he/she becomes debarred under any statutory provision from being a charity trustee

(b) he/she becomes incapable for medical reasons of fulfilling the duties of his/her office and such incapacity is expected to continue for a period of more than six months

(c) he/she ceases to be a WLDA Volunteer or member.

(d) he/she resigns office by notice to the association

(e) he/she is absent (without permission of the management committee) from more than three consecutive meetings of the management committee, and the management committee resolve to remove him/her from office.

Register of management committee members

34. The management committee shall maintain a register of management committee members, setting out the full name and address of each member of the management committee, the date on which each such person became a management committee member, and the date on which any person ceased to hold office as a management committee member.

Office-bearers

35. The management committee members shall elect from among themselves a chair, a treasurer and a secretary, and such other office bearers (if any) as they consider appropriate.

36. All of the office bearers shall cease to hold office at the conclusion of each annual general meeting, but shall then be eligible for re-election.

37. A person elected to any office shall cease to hold that office if he/she ceases to be a member of the management committee or if he/she resigns from that office by written notice to that effect.

Powers of management committee

38. Except as otherwise provided in this constitution, WLDA and its assets and undertaking shall be managed by the management committee, who may exercise all the powers of the association.

39. A meeting of the management committee at which a quorum is present may exercise all powers exercisable by the management committee.

Personal interests

40. A member of the management committee, who has a personal interest in any transaction or other arrangement which WLDA is proposing to enter into, must declare that interest at a meeting of the management committee; he/she will be debarred from voting on the question of whether or not the association should enter into that arrangement.

41. For the purposes of clause 40, a person shall be deemed to have a personal interest in an arrangement if any partner or other close relative of his/hers or any firm of which he/she is a partner or any limited company of which he/she is a substantial shareholder or director, has a personal interest in that arrangement.

42. Provided

(a) he/she has declared his/her interest

(b) he/she has not voted on the question of whether or not WLDA should enter into the relevant arrangement and

(c) the requirements of clause 44 are complied with,

a member of the management committee will be debarred from entering into an arrangement with the association in which he/she has a personal interest and may retain any personal benefit which he/she gains from his/her participation in that arrangement.

43. No member of the management committee may serve as an employee (full time or part time) of WLDA, and no member of the management committee may be given any remuneration by the association for carrying out his/her duties as a member of the management committee.

44. No member of the Management Committee or Volunteer may receive any form of financial benefit from their work as a Debt Advisor with WLDA.

45. The members of the management committee may be paid all travelling and other expenses reasonably incurred by them in connection with their attendance at meetings of the management committee, general meetings, or meetings of committees, or otherwise in connection with the carrying-out of their duties.

Procedure at management committee meetings

46. Any member of the management committee may call a meeting of the management committee or request the secretary to call a meeting of the management committee.

47. Questions arising at a meeting of the management committee shall be decided by a majority of votes; if an equality of votes arises, the chairperson of the meeting shall have a casting vote.

48. No business shall be dealt with at a meeting of the management committee unless a quorum is present; the quorum for meetings of the management committee shall be 3.

49. If at any time the number of management committee members in office falls below the number fixed as the quorum, the remaining management committee member(s) may act only for the purpose of filling vacancies by co-opting other Volunteer/s or of calling a general meeting.

50. Unless he/she is unwilling to do so, the chair of the association shall preside as chairperson at every management committee meeting at which he/she is present; if the chair is unwilling to act as chairperson or is not present within 15 minutes after the time when the meeting was due to commence, the management committee members present shall elect from among themselves the person who will act as chairperson of the meeting.

51. The management committee may, at its discretion, allow any person who they reasonably consider appropriate, to attend and speak at any meeting of the management committee; for the avoidance of doubt, any such person who is invited to attend a management committee meeting shall not be entitled to vote.

52. A management committee member shall not vote at a management committee meeting (or at a meeting of a committee) on any resolution concerning a matter in which he/she has a personal interest which conflicts (or may conflict) with the interests of the association; he/she must withdraw from the meeting while an item of that nature is being dealt with.

53. For the purposes of clause 52, a person shall be deemed to have a personal interest in a particular matter if any partner or other close relative of his/hers or any firm of which he/she is a partner or any limited company of which he/she is a substantial shareholder or director, has a personal interest in that matter.

Conduct of members of the management committee

54. Each of the members of the management committee shall, in exercising his/her functions as a member of the management committee of the WLDA, act in the interests of the WLDA; and, in particular, must

(a) seek, in good faith, to ensure that the WLDA acts in a manner which is in accordance with its objects (as set out in this constitution)

(b) act with the care and diligence which it is reasonable to expect of a person who is managing the affairs of another person

(c) in circumstances giving rise to the possibility of a conflict of interest of interest between the WLDA and any other party

(i) put the interests of the WLDA before that of the other party, in taking decisions as a member of the management committee

(ii) were any other duty prevents him/her from doing so, disclose the conflicting interest to the WLDA and refrain from participating in any discussions or decisions involving the other members of the management committee with regard to the matter in question

(d) ensure that the WLDA complies with any direction, requirement, notice or duty imposed on it by UK law.

Delegation to sub-committees

55. The management committee may delegate any of their powers to any sub-committee consisting of one or more management committee members and such other persons (if any) as the management committee may determine; they may also delegate to the chair of the association (or the holder of any other post) such of their powers as they may consider appropriate.

56. Any delegation of powers under clause 55 may be made subject to such conditions as the management committee may impose and may be revoked or altered.

57. The rules of procedure for any sub-committee shall be as prescribed by the management committee.

Operation of accounts and holding of property

58. The signatures of two out of three signatories appointed by the management committee shall be required in relation to all operations (other than lodgement of funds) on the bank and building society accounts held by the association; at least one out of the two signatures must be the signature of a member of the management committee.

59. The title to all property (including any land or buildings, the tenant's interest under any lease and (so far as appropriate) any investments) shall be held either in the names of the chair, treasurer and secretary of WLDA (and their successors in office) or in name of a nominee company holding such property in trust for WLDA; any person or body in whose name the WLDA property is held shall act in accordance with the directions issued from time to time by the management committee.

Minutes

60. The management committee shall ensure that minutes are made of all proceedings at general meetings, management committee meetings and meetings of committees; a minute of any meeting shall include the names of those present, and (as far as possible) shall be signed by the chairperson of the meeting.

Accounting records and annual accounts

61. The management committee shall ensure that proper accounting records are maintained in accordance with all applicable statutory requirements.

62. The management committee shall prepare annual accounts, complying with all relevant statutory requirements; if an audit is required under any statutory provisions or if they otherwise think fit, they shall ensure that an audit of such accounts is carried out by a qualified auditor.

Notices

63. Any notice which requires to be given to a member under this constitution shall be in writing; such a notice may either be given personally to the member or be sent by post in a pre-paid envelope addressed to the member at the address last intimated by him/her to WLDA. An e-mail or text message will suffice if backed up by a phone call or any other form of communication.

Dissolution

64. If the management committee determines that it is necessary or appropriate that the association be dissolved, it shall convene a meeting of theVolunteers; not less than 21 days' notice of the meeting (stating the terms of the proposed resolution) shall be given.

65. If a proposal by the management committee to dissolve WLDA is confirmed by a two-thirds majority of those present and voting at the general meeting convened under clause 64, the management committee shall have power to dispose of any assets held by or on behalf of WLDA- and any assets remaining after satisfaction of the debts and liabilities of the association shall be transferred to some other charitable body or bodies having objects similar to those of theWLDA; the identity of the body or bodies to which such assets are transferred shall be determined by the members of WLDA at, or prior to, the time of dissolution.

66. For the avoidance of doubt, no part of the income or property of the association shall (otherwise than in pursuance of the association's objects) be paid or transferred (directly or indirectly) to the Volunteers, either in the course of the association's existence or on dissolution.

Alterations to the constitution

67. Subject to clause 68, the constitution may be altered by a resolution passed by not less than two-thirds of those present and voting at a general meeting, providing due notice of the meeting, and of the resolution, is given in accordance with clauses 17, 18 and 19.

68. No amendment to clauses 3, 43, 65 or 66 of the constitution may be made if the effect would be that the association would cease to be a charity (if currently a charity) or breach the terms of the signed License Agreement between WLDA and CMA

Interpretation

69. Any reference in this constitution to a provision of any legislation shall include any statutory modification or re-enactment of that provision in force from time to time.

Initial members of the management committee

70. The initial members of the management committee who will hold office until first AGM is held and the positions held by each, shall be as set out below.

Chair - Jo Jones

Treasurer - Brian Molloy

Secretary - Rikki Abernethy

Committee Members:- Eileen Heaney – Dave Mutch - Brian Hardisty.

SETTING UP THE CHARITY

71. This constitution was adopted on 15th October 2012 by the people whose signatures appear below. They are the first members of the charity and will be the trustees until the AGM, which must be held within one year of this date.

Signed

Print name and address

CHAIR

SECRETARY

TREASURER

COMMITTEE MEMBER

COMMITTEE MEMBER

COMMITTEE MEMBER

COMMITTEE MEMBER

DUTIES OF THE OFFICE BEARERS

The Chair

The Chair is responsible for overall running and management of WLDA as well as to provide leadership to the rest of the committee. The chair shall uphold the principles by which WLDA was founded and act in the best interest of the WLDA and its Volunteers. Specifically this involves:

- Organising work and delegate responsibilities
- Calling and chairing meetings
- Attending training as needed in relation to being a debt counsellor
- Representing the WLDA locally and at external functions
- Other duties as agreed to

The Vice Chair

The Vice-Chair shall be required to act in place of the Chair, when required, if the latter is unable to perform his or her duties.

The Secretary

The Secretary is WLDA point of contact with its members and the wider public in line with the direction given by the Committee and its Chairperson. The work involves writing letters on its behalf and organising and keeping records of Committee meetings

- Maintain Volunteer information and copies of forms pertaining to the WLDA
- Minute meetings and distribute to the volunteers

In regards to meetings, the Secretary is expected to ensure that the following takes place by either doing task personally or appropriately delegating:

(a) Before Committee meetings:

- Book the room for the meeting;
- Meet the Chairperson and agree an agenda;
- Send out a notice to Committee members of where and when the meeting will take place and the agreed agenda.

At least a week before each meeting:

- Prepare all papers needed for the meeting which should include correspondence since the last meeting and minutes, which are a record of the last meeting.

(b) During Committee meetings:

- Take a note of everyone present at the meeting and everyone who could not be there but has sent an apology;
- Circulate or read out the minutes of the previous meeting, take questions about the minutes and change the minutes if necessary;
- Take notes of what Volunteers say when they are reporting on action taken and of the decisions that are taken by the Committee;
- Report to the Committee any letters written by the Secretary and any replies that have been received so that action can be taken on them.

(c) After Committee meetings:

- Write up formal minutes from the notes taken during the meeting in time for issue to the next Committee meeting;
- Write and send off any letter that the Committee has asked to be dealt with.
- Represent WLDA locally and at external functions
- Attend training as stipulated to maintain status of Debt Advisor
- Other duties as agreed to

The Treasurer

The Treasurer is responsible for managing the accounts of WLDA, as well as undertaking initiatives to acquire sponsorship and financial resources for the society. In particular the Treasurer is responsible for:

- Controlling WLDA finances (including paying bills and giving out receipts for money given to WLDA, etc.,)
- Monitoring and recording of all financial transactions of WLDA including putting together a budget for the financial year
- Make a regular statement to the Committee on how much money WLDA has spent and still has in its account;
- Providing a financial report for the year, to be presented at the AGM.
- Attending training as needed to work as a Debt
- Other duties as agreed to