

Worcestershire Parent Carer Forum Constitution

Adopted 15/04/24

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The Constitution

The Forum and its funding will be administered and managed in accordance with the provisions in this constitution. Adoption of this constitution is from the date it is signed. This constitution sets out the rules by which Forum will be governed. It is expected that all members will act in accordance with the constitution.

The Name

The name of the Forum is Worcestershire Parent Carer Forum.

Aims and Objectives

- To be the strategic, consultative, and collaborative body within Worcestershire representing families of children and young people aged 0-25 with special educational needs and disabilities, and providing a liaison point for Statutory and Voluntary Agencies within Worcestershire.
- To work co-operatively and coproduce with local service providers and commissioners to enhance and develop the range and quality of services provided for all children and young people aged 0-25 in Worcestershire with special educational needs and disabilities.
- To promote and facilitate constructive but challenging dialogues between parent carers, parents' groups, statutory service providers including the local authority, health providers and professional bodies working in education, health, and social care within Worcestershire.
- To amplify the collective voice, opinion and experiences of all Worcestershire parent carers supporting children and young people aged 0-25 with special educational needs and disabilities.
- To consult with, inform, influence and advocate on behalf of our collective membership to be an independent, parent carer-led forum that determines and acts upon the priorities of its members.
- To support and raise awareness of local and national campaign groups, and activities that align with our broader aims and objectives.
- To collaborate with neighbouring, regional, and national parent carer forums to share best practice and further our broader aims and objectives.
- To undertake a range of activities with an aim to ensure that those charged with statutory responsibilities meet the needs of Worcestershire's children and young people aged 0-25 with special educational needs and disabilities; which enable them to maximise their quality of life, promote their inclusion in their local communities, and to help and support them to reach their full potential.

Powers

In furtherance of the aims and objectives the Forum may:

- Employ and remunerate staff
- Remunerate and reimburse parent carer representatives (as per the Remuneration Policy)
- Raise funds by any lawful means except permanent trading (taxable or otherwise).

- Accept gifts and donations for the Forum. (providing to do so does not constitute a conflict of interest.)
- Appoint a fiscal host to oversee financial management, employment and HR duties.
- Support and/or raise awareness of other similar organisations and campaign groups
- Do anything else within the law which is necessary for the group to carry out their aims and objectives.

Application of the Income

The income and property of the forum shall be applied solely towards the promotion of the aims and objectives.

Dissolution

(D1) If the members resolve to dissolve the forum, the Steering Group will remain in office and be responsible for winding up the affairs of the forum in accordance with this clause.

(D2) The Steering Group must collect in all the assets of the Forum and must pay or make provision for all the liabilities of the Forum.

(D3) The Steering Group must apply any remaining property or money:

(D3.a) directly for the aims and objectives;

(D3.b) by transfer to any Worcestershire charity or charities for purposes the same as or similar to the Forum;

(D3.c) in such other manner Contact may approve in writing in advance.

(D4) The members may pass a resolution, before or at the same time as the resolution to dissolve the Forum, specifying the manner in which the Steering Group are to apply the remaining property or assets of the Forum and the Steering Group must comply with the resolution if it is consistent with paragraphs (a) - (c) inclusive in sub-clause (3) above.

(D5) In no circumstances shall the net assets of the forum be paid to or distributed among the members of the Forum.

(D6) The Forum must notify Contact promptly that the Forum has been dissolved.

Membership

1. Membership is open to family members and carers of any child or young adult with special and/or additional needs, up to the age of 25 years and who live in or receive services in Worcestershire. Bereaved members are still able to be members for up to 5 years.

2. Membership is not transferable.

3. (3.a) The Steering Group may only refuse an application for membership if, acting reasonably and properly, they consider it to be in the best interests of the forum to refuse the application.

(3.b) The Steering Group must inform the applicant in writing of the reasons for the refusal within twenty-one days of the decision.

(3.c) The Steering Group must consider any written representations the applicant may make about the decision. The Steering Group's decision following any written representations must be notified to the applicant in writing but shall be final.

4. Steering Group members must keep a register of members of the Forum, either in a written form, held on computer or on the cloud, and will ensure compliance with Data Protection Act 1988 and UK General Data Protection Regulation (UK GDPR).

5. Each member of the Forum is entitled to one vote.

6. If the Steering Group considers that any member's conduct does not comply with the Forum's Code of Conduct and is in any way harmful to the aims and objectives of the Forum, the Steering Group will reserve the right to terminate membership.

8. Termination of membership

Membership is terminated if:

(8.1) the member dies

(8.2) the member resigns by written notice to the Forum unless, after the resignation, there would be less than two members;

(8.3) the member is removed from membership by a resolution of the Steering Group that it is in the best interests of the Forum that his or her membership is terminated. A resolution to remove a member from membership may only be passed if:

(8.4)

(8.4.a) the member has been given at least twenty-one days' notice in writing of the meeting of the Steering Group at which the resolution will be proposed and the reasons why it is to be proposed;

(8.4.b) the member or, at the option of the member, the member's representative (who need not be a member of the Forum) has been allowed to make representations to the meeting. The Steering Group members' decision following any written representations must be notified to the applicant in writing but shall be final.

9. General meetings

(9.1) The Forum must hold a general meeting within twelve months of the date of the adoption of this constitution.

(9.2) An annual general meeting must be held in each subsequent year and not more than fifteen months may elapse between successive annual general meetings.

(9.3) All general meetings other than annual general meetings shall be called special general meetings.

(9.4) The Steering Group may call a special general meeting at any time.

(9.5) The Steering Group must call a special general meeting if requested to do so in writing by at least thirty members or one-fifth of the membership of the Forum, whichever is the lesser. The request must state the nature of the business that is to be discussed. If the Steering Group fail to hold the meeting within twenty-eight days of the request, the members may proceed to call a special general meeting but in doing so they must comply with the provisions of this constitution.

10. Notice

(10.1) The minimum period of notice required to hold any general meeting of the Forum is fourteen clear days from the date on which the notice is deemed to have been given.

(10.2) A general meeting may be called by shorter notice, if it is so agreed by all the members entitled to attend and vote.

(10.3) The notice must specify the date, time and place of the meeting, and the general nature of the business to be transacted. If the meeting is to be an annual general meeting, the notice must say so.

(10.4) The notice must be given to all the members and to the Steering Group members.

11. Quorum

(11.1) No business shall be transacted at any general meeting unless a quorum is present.

(11.2) A quorum is:

(11.2.a) Eight members entitled to vote upon the business to be conducted at the meeting;

or

(11.2.b) one tenth of the total membership at the time, whichever is the least.

(11.3) The meeting shall be adjourned to such time and place as the Steering Group shall determine if:

(11.3.a) a quorum is not present within half an hour from the time appointed for the meeting;

or

(11.3.b) during a meeting a quorum ceases to be present,

(11.4) The Steering Group must re-convene the meeting and must give at least seven clear days' notice of the re-convened meeting stating the date time and place of the meeting.

(11.5) If no quorum is present at the re-convened meeting within fifteen minutes of the time specified for the start of the meeting, the members present at that time shall constitute the quorum for that meeting.

12. Chair

(12.1) General meetings shall be chaired by the person(s) who has been elected as Chair or Co-Chair.

(12.2) If there is no such person(s) or he or she is not present within fifteen minutes of the time appointed for the meeting, a steering group member-nominated by the steering group shall chair the meeting.

(12.3) If there is only one Steering Group member present and willing to act, he or she shall chair the meeting.

(12.4) If no Steering Group member is present and willing to chair the meeting within fifteen minutes after the time appointed for holding it, the members present and entitled to vote must choose one of their number to chair the meeting.

13. Adjournments

(13.1) The members of the Forum present at a meeting may resolve that the meeting shall be adjourned.

(13.2) The person who is chairing the meeting must decide the date time and place at which meeting is to be re-convened unless those details are specified in the resolution.

(13.3) No business shall be conducted at an adjourned meeting unless it could properly have been conducted at the meeting had the adjournment not taken place.

(13.4) If a meeting is adjourned by a resolution of the members for more than seven days, at least seven clear days' notice shall be given of the re-convened meeting stating the date time and place of the meeting.

14. Votes

Each member shall have one vote, but if there is an equality of votes the person who is chairing the meeting shall have a casting vote in addition to any other vote he or she has.

15. Officers and Steering Group members

(15.1) The Forum and its property shall be managed and administered by a committee comprising the officers and other members elected in accordance with this constitution. The officers and other members of the committee shall be the Steering Group.

(15.2) The Forum shall have the following officers:

(15.2.a) A chair, or two co-chairs

(15.2.b) A secretary

(15.2.c) A treasurer

(15.3) A Steering Group member must be a member of the Forum.

(15.4) No one may be appointed a Steering Group member if he or she would be disqualified from acting under the provisions of clause 20.

(15.5) The number of Steering Group members shall be not less than three (unless otherwise determined by a resolution of the Forum in general meeting) and shall be a maximum of eleven.

(15.6) A Steering Group member may not appoint anyone to act on his or her behalf at meetings of the Steering Group, with the exception of an Access to Work PA acting as an appointee for a steering group member who requires a reasonable adjustment under the Equality Act 2010.

16. Appointment of Steering Group members

(16.1) The Forum in general meeting shall elect the officers and the other Steering group members.

(16.2) The Steering Group may appoint any person who is willing to act as a Steering Group member. Subject to sub-clause 16.5(b) of this clause, they may also appoint Steering Group members to temporarily act as officers until the next General Meeting.

(16.3) Each of Officers and the Steering Group members will serve a 3-year term, with one third retiring annually by rotation, but shall be eligible for re-election at that annual general meeting.

(16.4) Officers and Steering Group members who have served for two consecutive terms may not be reappointed for a third.

(16.4) No-one may be elected an officer at any annual general meeting unless prior to the meeting the Forum is given a notice that:

(16.4.a) is signed by a member entitled to vote at the meeting;

(16.4.b) states the member's intention to propose the appointment of a person as a Steering group member or as an officer;

(16.4.c) is signed by the person who is to be proposed to show his or her willingness to be appointed.

(16.4.d) is received by the officers within 5 working days of the General Meeting.

(16.5)

(16.5.a) The appointment of a Steering Group member, whether by the Forum in general meeting or by the other Steering group members, must not cause the number of Steering group members to exceed any number fixed in accordance with this constitution as the maximum number of Steering group members.

(16.5.b) The Steering Group may not appoint a person to be an officer if a person has already been elected or appointed to that office and has not vacated the office.

17. Powers of Steering Group

(17.1) The Steering Group must manage the business of the Forum and have the following powers in order to further the aims and objectives (but not for any other purpose):

(17.1.a) to raise funds. In doing so, the Steering Group must not undertake any trading activity (taxable or otherwise) and must comply with any relevant statutory regulations;

(17.1.b) to buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;

(17.1.c) to sell, lease or otherwise dispose of all or any part of the property belonging to the Forum. In exercising this power, the Steering Group should comply as appropriate with sections 117-122 of the Charities Act 2011 as good practice;

(17.1.d) to borrow money and to charge the whole or any part of the property belonging to the Forum as security for repayment of the money borrowed. The Steering Group should comply as appropriate with sections 124 - 126 of the Charities Act 2011, as good practice if they intend to mortgage land;

(17.1.e) to co-operate with charities, voluntary bodies, national and local campaign groups and statutory authorities and to exchange information and advice with them; ensuring compliance with Data Protection Act 1988 and UK General Data Protection Regulation (UK GDPR).

(17.1.f) to acquire, merge with or enter into any partnership or joint venture arrangement with any charity formed for any of the objects;

(17.1.g) to set aside income as a reserve against future expenditure but only in accordance with a written policy about reserves;

(17.1.h) to obtain and pay for such goods and services as are necessary for carrying out the work of the Forum;

(17.1.i) to open and operate such bank and other accounts as the Steering Group consider necessary and to invest funds, and to delegate the management of funds in the same manner and subject to the same conditions as the trustees of a trust are permitted to do by the Trustee Act 2000;

(17.1.j) to do all such other lawful things as are necessary for the achievement of the aims and objectives.

(17.2) No alteration of this constitution or any special resolution shall have retrospective effect to invalidate any prior act of the Steering Group.

(17.3) Any meeting of Steering Group at which a quorum is present at the time the relevant decision is made may exercise all the powers exercisable by the Steering Group.

18. Disqualification and removal of Steering Group members

A Steering Group member shall cease to hold office if he or she:

(18.1) is disqualified from acting as a Steering Group member by virtue of sections 178 and 179 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision);

(18.2) ceases to be a member of the Forum;

(18.3) in the written opinion, given to the Forum, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a steering group member and may remain so for more than three months;

(18.4) resigns as a Steering Group member by notice to the Forum (but only if at least two Steering Group members will remain in office when the notice of resignation is to take effect); or

(18.5) is absent without the permission of the Steering Group from all their meetings held within a period of three consecutive months and the Steering Group resolve that his or her office be vacated.

(18.6) the member is removed from membership by a resolution of the Steering Group that it is in the best interests of the Forum that his or her membership is terminated. A resolution to remove a member from membership may only be passed if:

(18.6.a) the member has been given at least twenty one days' notice in writing of the meeting of the Steering Group at which the resolution will be proposed and the reasons why it is to be proposed;

(18.6.b) the member or, at the option of the member, the member's representative (who need not be a member of the Forum) has been allowed to make representations to the meeting. The Steering Group members' decision following any written representations must be notified to the applicant in writing but shall be final.

19. Proceedings of Steering Group

(19.1) The Steering Group may regulate their proceedings as they think fit, subject to the provisions of this constitution.

(19.2) Any Steering Group member may call a meeting of the Steering Group.

(19.3) The secretary must call a meeting of the Steering Group if requested to do so by a Steering Group member.

(19.4) Questions arising at a meeting must be decided by a majority of votes.

(19.5) In the case of an equality of votes, the person who chairs the meeting shall have a second or casting vote.

(19.6) No decision may be made by a meeting of the Steering Group unless a quorum is present at the time the decision is purported to be made.

(19.7) The quorum shall be three or the number nearest to one-third of the total number of Steering Group, whichever is the greater or such larger number as may be decided from time to time by the members.

(19.8) A Steering Group member shall not be counted in the quorum present when any decision is made about a matter upon which that Steering Group member is not entitled to vote.

(19.9) If the number of Steering Group is less than the number fixed as the quorum, the continuing steering group members may act only for the purpose of filling vacancies or of calling a general meeting.

(19.10) The person(s) elected as the Chair or Co-Chair shall chair meetings of the Steering Group.

(19.11) If the Chair is unwilling to preside or is not present within ten minutes after the time appointed for the meeting, the steering group members present may appoint one of their number to chair that meeting.

(19.12) The person appointed to chair meetings of the Steering Group shall have no functions or powers except those conferred by this constitution.

20. Conflicts of Interests and Conflicts of Loyalties

A Steering Group member must:

(20.1) declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the Forum or in any transaction or arrangement entered into by the Forum which has not been previously declared; and

(20.2) absent himself or herself from any discussions of the Forum's Steering Group in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the Forum and any personal interest (including but not limited to any personal financial interest).

Any Steering Group member absenting himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the steering group on the matter.

21. Rules

(21.1) The Steering Group may from time to time make rules or byelaws for the conduct of their business.

(21.2) The byelaws may regulate the following matters but are not restricted to them:

(21.2.a) the admission of members of the Forum and the rights and privileges of such members, and the entrance fees, subscriptions and other fees or payments to be made by members;

(21.2.b) the conduct of members of the Forum in relation to one another, and to the Forum's employees and volunteers;

(21.2.c) the setting aside of the whole or any part or parts of the Forum's premises at any particular time or times or for any particular purpose or purposes;

(21.2.d) the procedure at general meeting and meetings of the Steering Group in so far as such procedure is not regulated by this constitution;

(21.2.e) generally, all such matters as are commonly the subject matter of the rules of an unincorporated association.

(21.3) The Forum in general meeting has the power to alter, add to or repeal the rules or byelaws.

(21.4) The Steering Group must adopt such means as they think sufficient to bring the rules and byelaws to the notice of members of the Forum.

(21.5) The rules or byelaws shall be binding on all members of the Forum. No rule or byelaw shall be inconsistent with, or shall affect or repeal anything contained in, this constitution.

22. Disputes

If a dispute arises between members of the Forum about the validity or propriety of anything done by the members under this constitution, and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation.

23. Amendment to the Constitution

(23.1) Any provision of this constitution may be amended, provided that any such amendment is made by resolution passed by a simple majority of the members present and voting at a general meeting

(23.2) A copy of any resolution amending this constitution shall be sent to Contact within twenty-one days of it being passed.

