

# **EDINBURGH CARERS COUNCIL CONSTITUTION**

## **1 NAME**

The organisation shall be called Edinburgh Carers Council for those supporting mental health service users and hereafter shall be referred to as the Organisation.

## **2 AREA OF BENEFIT**

The area of benefit for the purposes of this constitution shall be deemed to be the City of Edinburgh.

## **3 OBJECTS**

The Objects of the Organisation shall be to relieve the poverty and distress of carers of mental health service users in Edinburgh; and to advance the education of the public and service providers in the Edinburgh area. In furtherance of the above objects the Organisation shall seek:

- 3.1 To raise general awareness of the issues surrounding mental ill health
- 3.2 To work to reduce stigma often associated with mental ill health
- 3.3 To operate such facilities as are deemed necessary by the Management Committee in furtherance of the above objects
- 3.4 To co-operate with any other body, whether statutory or voluntary, having objects which are consistent with the objects of the organisation

## **4 POLICY**

The Organisation shall further develop and maintain a recognised independent voice for carers of mental health service users in Edinburgh. It shall specifically address:

- 4.1 The recognition and acknowledgement of the importance of issues affecting carers
- 4.2 The need to foster and maintain family relationships and ensure that services have this aim also
- 4.3 The need for the establishment of, and the continuing support of a range of advocacy groups for carers.
- 4.4 The need to challenge and reduce stigma with regard to mental health and individual carers involved.
- 4.5 The need for an independent mental health carers' voice, which can recommend improvements and changes to current mental health service provision

- 4.6 The need for an independent mental health carers' voice, which can recommend improvements and changes to current service provision for carers of mental health service users
- 4.7 The establishment and monitoring of codes of practice in relation to carers of mental health service users
- 4.8 The need to maintain mutually supportive links with the mental health service user movement
- 4.9 The assurance that the organisation is representative of existing mental health carers groups, and individuals, by providing a regular forum for representatives of these groups throughout Edinburgh to meet and discuss issues of importance

## **5 POWERS**

- 5.1 The organisation shall have the power to own and operate such facilities and to publish such material as may be required by its members and to raise money for such facilities or activities both for capital equipment and running costs.
- 5.2 Subject to the powers of the Organisation in General Meeting, the Management Committee shall have responsibility for the formulation of policy and general management of the Organisation.
- 5.3 The Management Committee shall have power to delegate any of its functions to a sub committee appointed by but remaining accountable to the Management Committee.
- 5.4 The Management Committee shall have the power to adopt and issue standing orders providing always that they are consistent with the terms of the Constitution.
- 5.5 The Management Committee shall have powers to employ and pay staff within the limits of relevant contracts.

## **6 MEMBERSHIP**

- 6.1 Membership of the Organisation shall be open to individuals who are carers or former carers of people who use mental health services and to people, working or having an interest in the area of benefit and who are concerned with the activities of the Organisation. A signed membership form shall be considered evidence of membership.
- 6.2 The Management Committee shall have powers to establish a membership subscription and to make recommendations to a General Meeting on the level of such a subscription.

## **7 THE MANAGEMENT COMMITTEE**

- 7.1 The Management Committee shall consist of a minimum of 6 and a maximum of 12 people elected at the Annual General Meeting from among those who are over the age of eighteen and who are members of the Organisation.
- 7.2 Nominations, proposed and seconded by full members of the Organisation shall be either in writing to the Secretary prior to the Annual General Meeting or at the meeting itself.
- 7.3 At its first meeting after the Annual General Meeting the Management Committee shall elect from among its number a Chairperson, Vice Chairperson, Secretary and Treasurer.
- 7.4 At the first and second Annual General Meeting one third of the members of the Management Committee shall retire from office but these shall all be eligible for re-election.
- 7.5 An office bearer who has served as holder of any office except Treasurer for a period of 3 years shall automatically vacate office on expiry of the 3-year period. He/she shall then not be eligible for reappointment to that office until a further year has elapsed, except for reasons of continuity or other exceptional circumstances when an additional year in office may be agreed on by the Committee. The Treasurer shall be eligible for reappointment annually without the condition of a 3 year expiry period, subject to election to, and agreement of the Committee.
- 7.6 Four (4) members of the Management Committee shall constitute the quorum, one of whom must be a recognised office bearer. The Management Committee shall have powers to co-opt additional members for their expertise or interest.
- 7.7 Each member of the Management Committee, including the co-opted members, shall have one vote and in addition the Chairperson shall have a casting vote should this prove necessary.
- 7.8 The Management Committee shall meet at least six times a year.
- 7.9 The Secretary shall, inter alia, be responsible for writing minutes of the Organisation in General Meeting and of the Management Committee and its sub committees. All minutes shall be open to inspection by the members of the Organisation.
- 7.10 The Treasurer shall be responsible for ensuring that the financial affairs of the Organisation are handled responsibly, that proper books of account are kept, that management accounts are available for the members of the Management Committee at intervals to be determined, and at the year end to ensure that the accounts of the organisation are made ready for audit.
- 7.11 In the event of any member of the Management Committee not attending three consecutive meetings without giving a reason in writing to the Secretary, such a member may be deemed to have resigned from office. Such a decision shall be at the discretion of the attending members of the Management Committee. In this context, 'writing' may be taken to include email.

7.12 In the event that a member of the Management Committee is unable to attend up to three consecutive meetings because of pressure of work, illness, or family commitments, that member shall retain a place on the Committee provided prior notification of absence is given in writing. In this context, 'writing' may be taken to include email.

## **8 MEETINGS**

8.1 The Organisation shall within nine months of its year end hold an Annual General Meeting, and shall specify giving notice to the whole membership that it is the Annual General Meeting. Provided that the Organisation holds its first Annual General Meeting within eighteen months of its formation, it need not hold such a meeting during its year of formation.

8.2 The Annual General Meeting shall be held in such a place and at such a time as may be determined by the Management Committee, which shall give written notice of the meeting to members at least twenty one days prior to the date of the meeting. The notice of the Annual General Meeting shall also specify the business to be conducted, which shall consist, so far as circumstances permit, of the following items:

- (i) Report of the Office Bearers
- (iii) Report of the work of the Management Committee
- (iv) Election of members of the Management Committee
- (v) Report of the Auditor(s)
- (vi) Appointment of the Auditor(s)
- (vii) Date of the first meeting of the Management Committee

8.3 All general meetings of the whole organisation shall be called ordinary general meetings. Such meetings shall be convened only by the Management Committee.

8.4 An Extraordinary General Meeting shall be convened by the Management Committee on the written requisition of nine members of the Organisation stating in precise terms the business they wish to have transacted,

8.5 Not less than twenty one days written notice shall be given of a general or extraordinary general meeting, and 20 or one quarter of the membership, whichever is the lesser, shall form a quorum.

8.6 At the Annual General Meeting, General Meetings and Extraordinary General Meetings the chair shall be taken by the Chairperson of the Organisation whom failing by the Vice Chair or a member of the Management Committee.

8.7 At General Meetings and Extraordinary General Meetings all members present shall be entitled to vote. Voting shall be by a show of hands or by secret ballot at the discretion of the Chairperson.

## **9 FINANCE**

- 9.1 All monies raised by, or on behalf of the Organisation shall be applied to further the objects of the Organisation and for no other purpose.
- 9.2 Without prejudice to the foregoing, no office bearer shall be paid or given a sum of money or honorarium except insofar as it is as a payment to reimburse that member for outlays actually incurred on the business of the Organisation and for the benefit of the Organisation.
- 9.3 All bank accounts of the Organisation shall be operated in the name of the Organisation with the explicit agreement of the Management Committee and on the signatories of the Chairperson or Treasurer and one other of two named signatories from the members of the Management Committee or staff appointed for that purpose by the Management Committee.
- 9.4 The accounts of the Organisation shall be audited by a qualified accountant or an independent advisor as required by law.
- 9.5 The Organisation shall pay all fees due to the auditor for his / her professional services at a rate agreed by the Management Committee.
- 9.6 The financial year of the Organisation shall run from April 1st of one year to March 31st of the following year.

## **10 PUBLICITY**

Though the Organisation welcomes creative publicity, no person other than a representative from the Management Committee, or any person authorised by the Management Committee, may on behalf of the Organisation make a statement to the Press, appear on television or speak on the radio. Any such pronouncement shall be deemed to be that of the individual, unless otherwise specifically authorised by the Organisation.

## **11 HERITABLE PROPERTY AND LEASES**

The title to any heritable property or agreement to any lease acquired or entered into for the benefit of the Organisation shall be taken in the names of the Chairperson, the Vice Chair, the Treasurer and the Secretary for the time being and their successors in office.

## **12 AMENDMENTS TO THE CONSTITUTION**

- 12.1 Any resolution to alter or amend the constitution shall be submitted to the Organisation at a General Meeting.
- 12.2 Any such resolution must be passed by 20 or 1/4 of the membership, whichever is lesser.

12.3 Any alteration to the constitution shall be notified to Her Majesty's Revenue and Customs, Scotland and the Office of the Scottish Charities Regulator, to ascertain whether such alteration or amendment would affect the charitable status, Such a resolution shall be deemed incompetent and shall not be implemented.

12.4 In the event that a proposed alteration to the constitution is rejected by either or both of these organisations, then such a resolution shall be deemed incompetent and shall not be implemented.

### **13 DISSOLUTION OF THE ORGANISATION**

13.1 If the Management Committee decides that the dissolution of the Organisation is necessary or advisable, the Management Committee shall call a General Meeting in the terms detailed in 7 above.

13.2 If the resolution to dissolve is passed by a majority of two thirds of those present and entitled to vote then, after satisfaction of all debts and liabilities, including the return of those items advanced or on loan or any proportion of unspent grant from statutory or voluntary sources, the remaining assets shall not be paid to the members but shall be given to other such charitable organisation(s) or trusts formed for similar purposes as those of the Organisation.

13.3 Thereafter the Organisation shall be declared dissolved.

Certified as a true copy

Name      Address

Office

Name      Address

Office