

GRAND AVENUE SCHOOL PARENTS' ASSOCIATION (G.A.S.P.A)

Registered Charity No. 282578

G.A.S.P.A CONSTITUTION

1. The Association shall be known as the GRAND AVENUE SCHOOL PARENTS' ASSOCIATION (G.A.S.P.A).

- 1.1. The school's address is:

Grand Avenue Primary and Nursery School

Grand Avenue

Surbiton

Surrey

KT5 9HU

2. OBJECTS

- 2.1. The object of the Association is to advance the education of pupils in the school in particular by:

- 2.1.1. Providing and assisting in the provision of facilities or equipment for education at the school not normally provided by the Education Authority.

- 2.1.2. Developing effective relationships between the staff, parents and others associated with the school.

- 2.1.3. Engaging in activities which support the school and advance the education of the pupils attending it.

- 2.2. The Association will function on a strictly non-political and non-sectarian basis.

- 2.3. The Association shall not be used as an open forum to discuss educational matters arising within the school.

3. POWERS

The Committee members/Trustees have the following powers, which may be exercised only in promoting the objects of the Association outlined in Section 2 above:

- 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 make grants or loans of money and to give guarantees.

- 3.7. To set aside funds for special purposes or as reserves against future expenditure.

- 3.8. 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).

- 3.9. To take out public liability and personal accident insurance to cover Association meetings, activities, Committee members/Trustees, to insure the Association's property against any foreseeable risk and take out other insurance policies to protect the Association where required.

- 3.10. To employ paid or unpaid agents, staff or advisers.

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- 3.11. To enter into contracts to provide services to or on behalf of other bodies.
- 3.12. To obtain and pay for goods and services necessary for carrying out the work of the Association.
- 3.13. To open and operate bank and other accounts as the Committee members/Trustees consider necessary.
- 3.14. To do anything else within the law that promotes the objects of the Association.

BUT the Committee shall not undertake any activity in the school premises without the consent of the Head teacher.

4. MEMBERSHIP

Members of the Association are:

- 4.1. The parents, guardians or carers of any pupil currently attending the school, and teaching and non-teaching staff currently employed by the school.
- 4.2. The parents and guardians of children who transfer from Grand Avenue School at the end of the school year shall retain their full membership of the Association for a period of one school year, if they so wish.
- 4.3. Membership is terminated if:
 - 4.3.1. The member dies.
 - 4.3.2. The member resigns by written notice to the Association.
 - 4.3.3. The Committee members/Trustees may for good reason, regardless of whether or not this is at the request of the Governing Body or the Head teacher, 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 and take part in discussion on all subjects.
- 5.2. All General meetings are called by giving 21 clear days notice of the meeting to the members. The 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 the same as the number of Committee members/Trustees in office at the start of the meeting. The only exception would be at a General meeting where the Association is being dissolved (see Clause 13).
- 5.4. The Chair (or of the Chair is unable or unwilling to do so) some other Committee member/Trustee 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.
 - 5.5.1. Two tellers shall be appointed at the beginning of each General meeting to ensure an accurate record of each vote.
 - 5.5.2. Voting shall be by a show of hands.

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- 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. Not more than 15 months may elapse between successive Annual General meetings (AGM).
- 5.8. At an AGM the members:
- 5.8.1. Receive the minutes of the previous AGM or EGM.
 - 5.8.2. Receive the accounts of the Association for the previous financial year.
 - 5.8.3. Receive the report of the Committee members/Trustees on the Association's activities since the previous AGM.
 - 5.8.4. Elect the Committee members/Trustees.
 - 5.8.5. Appoint an independent examiner or auditor for the Association. The auditor shall audit the accounts and the annual balance sheet. One signed copy of the balance sheet shall be handed to the President.
 - 5.8.6. Discuss and determine any issues of policy or deal with any other business put before them. Policy decisions can only be taken at a General meeting.
- 5.9 Any member who arrives more than fifteen minutes late for a publicised meeting will not be permitted to reverse or re-discuss items already covered at the meeting.
- 5.10 General meetings will be held at the school where possible.
- 5.11 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 to the receiving Committee members/Trustees from at least ten members.

6. THE COMMITTEE

- 6.1. The Trustees of the Association shall be:
- The President (ex-officio). This post shall be held by the Head Teacher.
 - The Vice-President (ex-officio). This post shall be held by the Deputy Head Teacher.
 - The Chair
 - Two Vice-Chairs
 - The Treasurer
 - The Deputy Treasurer
 - The Secretary
- 6.2. The Trustees have control of the Association, its property and funds. The Trustees and Officers are referred to in this document as Committee members/Trustees.
- 6.3. Committee members/Trustees shall be elected at the AGM and shall hold office until the next AGM.
- 6.4. All Committee members/Trustees, except those who are co-opted, must be members of the Association.
- 6.4.1. Committee members/Trustees shall have the power to co-opt Committee members/Trustees any time, and co-opted Committee members/Trustees shall serve until the date of the next AGM.
 - 6.4.2. The number of co-opted Committee members/Trustees must not be more than 50% of the total number of Committee members/Trustees.

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- 6.5. 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.
- 6.6. A Committee member/Trustee (whether elected or co-opted) automatically ceases to be a Committee member/Trustee if he or she:
 - 6.6.1. Is disqualified under section 72 of the Charities Act 1993 as amended by the Charities Act 2006 from acting as a charity trustee.
 - 6.6.2. Is incapable, whether mentally or physically, of managing his or her own affairs.
 - 6.6.3. Is absent from three consecutive meetings of the Committee without prior notification to the Secretary.
 - 6.6.4. Ceases to be a member of the Association.
 - 6.6.5. Resigns by giving one months' written notice to the Committee, but only if at least two Committee members/Trustees remain in office.
 - 6.6.6. Is removed by a resolution passed by a majority of other Committee members/Trustees. Removal is not effective until the Committee member/Trustee 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.
- 6.7. All Committee members/Trustees shall be entitled to reimbursement of reasonable out-of-pocket expenses (including hotel and travel costs) actually incurred in the administration of the Association. All expenses should be pre-authorised by the Treasurer or Chair using a purchase order.
- 6.8. A retiring Committee member/Trustee is entitled to an indemnity from the continuing Committee members/Trustees at the expense of the Association in respect of any liabilities properly incurred while he or she held office.
- 6.9. A technical defect in the appointment of a Committee member/Trustee of which the Committee are 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 academic year. Additional meetings may be arranged at these meetings to organise particular projects.
- 7.2. A quorum at a Committee meeting is 50 per cent, rounded up to the nearest whole number, of the total current membership of the Committee.
- 7.3. The Chair or, if the Chair is unable or unwilling to do so, some other Committee member/Trustee 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/Trustees is equally valid. The 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/Trustee has one vote on each issue.

8. POWERS OF COMMITTEE

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

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- 8.1. To delegate any functions of the Committee to subcommittees. 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/Trustee. 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 GASPA 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 *Objects* (see Clause 2).
- 9.2. Committee members/Trustees 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 Charity Commission) 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/Trustees 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/Trustees entitled to such remuneration is in the minority from time to time.
- 9.3. Whenever a Committee member/Trustee has a personal interest in a matter to be discussed at a meeting, the Committee member/trustee 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.
 - 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 requirements of the Charities Act 1993 as amended by the Charities Act 2006 as to the keeping of financial records, the audit or independent examination of accounts and the preparation and transmission to the Charity Commission of:
 - 10.1.1. Annual reports.
 - 10.1.2. Annual returns.
 - 10.1.3. Annual statements of account.
- 10.2. The Treasurer or their Deputy shall at all times endeavour to pay all monies into the Association's current bank account within seventy-two hours of their receipt.
- 10.3. The withdrawal of funds shall require the signature of two of the Trustees of the Association. Authorised signatories to the bank accounts shall be the Chair, the Vice-Chair designated as a signatory, the Treasurer and Deputy Treasurer.
- 10.4. Profits from any Association activity shall be paid to the Treasurer and not, except with prior agreement of the Association, be disbursed for other activities.
- 10.5. All financial transactions in the name of the Association must be handled by the Treasurer, Deputy Treasurer, Chair or Vice-Chair. Any member receiving income as a

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cash/cheque must pass it to the Treasurer, or Deputy Treasurer for banking within 72 hours (as per Section 10.2).

10.6. Any members requiring funds for the setting up of an activity approved by the Association should submit their request using a purchase order to the Treasurer at least one week prior to the money being required and must sign a receipt.

10.7. Any amounts allocated for the 'School Shopping List' An Amenities Fund will be kept in shall be kept in the Association's Bank Current or Deposit account.

10.7.1. The Treasurer will transfer money from the Current Account to the Bank Deposit Account at his or her discretion, but should only keep such amount in the Current Account that will be required for financing Association events.

10.8. An agreed amount will be decided at each AGM to be allocated to the school from the Association funds for purchasing sundry amenities and disbursement of this money shall be at the discretion of the Head teacher. An additional amount may also be given to the school to assist in the funding of Christmas Parties for the pupils. The amounts shall be agreed at the AGM.

10.9. Disbursement of funds from the 'School Shopping List' account of the school will require the prior approval of the Association. The Association's President or Vice-President shall present their request for withdrawals for school amenities purposes at a Committee meeting or at a General meeting (a copy of this request should be given to the Chair two weeks prior to the meeting).

10.10. The Committee must keep proper records of:

10.10.1. All proceedings at General meetings.

10.10.2. All proceedings at Committee meetings.

10.10.3. All reports of sub-committees.

10.11. Annual reports and statements of account relating to the Association must be made available for inspection by any Member of the Association. The Committee must notify the Charity Commission promptly of any changes to the Association's entry on the *Register of Charities*.

10.12. The Association shall be registered with the Local Authority for small lotteries under the Betting and Gaming Act 1976 and with the Charities Commission.

11. NOTICES

11.1. Notice of any General meeting of GASPA 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, guardians and carers via their children with or without other communications from the school.

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 notice which the Members or Committee members/Trustees are unaware of at the time does not invalidate decisions taken at a General meeting.

12. AMENDMENTS

This Constitution may be amended at a General meeting of the Association by a two-thirds majority of the votes cast, but:-

12.1. The Members must be given 21 clear days' notice of the proposed amendments.

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12.2. No amendment is valid if it would make a fundamental change to the *Objects*/Clause 2 or destroy the charitable status of the Association and no amendment may be made to Clause 9 without the prior written consent of the Charity Commission.

12.3. A copy of any resolution amending this Constitution must be sent to the Charity Commission within 21 days of it being passed.

13. DISSOLUTION

13.1. The Association may be dissolved by a resolution presented at an EGM or an AGM 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.

13.2. Four Trustees shall be appointed at the meeting to disburse the net assets in accordance with the General meeting's decision, in accordance with Clause 13.3 below.

13.3. 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 could be distributed to a neighbouring school or schools as selected by the Committee.

13.4. If it is not possible to dispose of assets as described in Clause 13.3 then the assets can be given to another charitable cause provided that the cause is within the *Objects* of the Association.

13.5. The Trustees must notify the Charity Commission promptly that the Association has been dissolved. The Trustees must comply with any request from the Commission including providing the Association's final accounts.

14. INTERPRETATION

14.1. In this Constitution:

- **address:** means a postal address or, for the purposes of electronic communication, a fax number, an e-mail 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
- the **Chair:** means the Chair of the Association elected at the AGM
- **charity trustees:** has the meaning prescribed by section 97(1) of the Charities Act 1993 as amended by the Charities Act 2006. Every Committee member/Trustee is legally a charity trustee
- **clear day:** means 24 hours from midnight following the triggering event
- the **Commission:** means the Charity Commission for England and Wales: www.charitycommission.gov.uk
- the **Committee:** is the Governing Body of the Association and includes all elected and co-opted Committee members/Trustees
- **Committee member/trustee:** means a member of the Committee elected at the AGM by the membership
- **co-opted Committee member/Trustee:** means a member of the Committee appointed by the Committee members/Trustees in accordance with Clause 6
- **EGM:** means a general meeting of the members of the Association which is not an AGM

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- **fundamental change:** means a change that would not have been within the reasonable contemplation of a person making a donation to the Association
- **general meetings:** means any AGM or EGM
- **Governing Body:** means the Governing Body of the school
- **Head teacher:** means the Head teacher or Principal of the school
- **independent examiner:** has the meaning prescribed by section 43(3)(a) of the Charities Act 1993
- **member and membership:** refer to members of the Association as set out in Clause 4
- **months:** means calendar months
- the **Objects:** means the charitable Objects of the Association set out in Clause 2
- **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 Objects
- **written or in writing:** refers to a legible document on paper including a fax message or an electronic communication where the member or co-opted Committee member/Trustee has agreed to receipt of notices by electronic means
- **year:** means calendar year

14.2. 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.

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ADOPTED AT A MEETING HELD

AT (Place):

ON (Date):

NAME:

OCCUPATION:

SIGNATURE:

(Name, occupation and signature of Chair of meeting)

WITNESS NAME:

ADDRESS:

.....

OCCUPATION:

SIGNATURE:

(Name, address, occupation and signature of witness)