



## The Governing Document of Swanley District Scouts is the Royal Charter of the Scout Association dated 4<sup>th</sup> January 1912 as amended by Supplemental Charters.

### Part 1: Context

**Name:** The association's name is **Swanley District Scouts**

#### The Purpose of Scouting

Scouting exists to actively engage and support young people in their personal development, empowering them to make a positive contribution to society.

#### The Values of Scouting

As Scouts we are guided by these values:

- **Integrity** - We act with integrity; we are honest, trustworthy and loyal.
- **Respect** - We have self-respect and respect for others.
- **Care** - We support others and take care of the world in which we live.
- **Belief** - We explore our faiths, beliefs and attitudes.
- **Co-operation** - We make a positive difference; we co-operate with others and make friends.

#### The Scout Method

Scouting takes place when young people, in partnership with adults, work together based on the values of Scouting and:

- enjoy what they are doing and have fun
- take part in activities indoors and outdoors
- learn by doing
- share in spiritual reflection
- take responsibility and make choices
- undertake new and challenging activities
- make and live by their Promise.

#### The Balanced Programme

The balanced programme provides a framework for the progression of training, activities and awards that covers everything that young people do in Scouting from the ages of 4 to 25.

## Key Policies

The Scout Association has adopted key policies relating to:

- Child Protection;
- Anti-Bullying;
- Safety;
- Safeguarding
- Equal Opportunities;
- Religion; and
- Development.
- Data Protection.

These can be found in the latest edition of the Policy, Organisation & Rules (P.O.R.) of The Scout Association.

## The Structure of the Scout Association

Is laid down in the current Policy, Organisation & Rules (P.O.R.)

## Part 2: Management of Swanley District Scouts

- I.* Swanley District Scouts is an autonomous organisation holding its property and equipment and admitting people to membership of the Swanley Scout District subject to the policy and rules (P.O.R.) of The Scout Association. Swanley Scouts is operated as a not-for-profit educational charity.
- II.* Swanley District Scouts is led by a District Lead Volunteer and managed by Swanley District Scouts Trustee Board. They are accountable to the Swanley District Scouts Scout Council for the satisfactory running of the District.
- III.* All elected and constitutional bodies of Swanley District Scouts should aim, as far as practicable, to have, as full voting members, at least two young people between the age of 18 and 25 years old.

## Part 3: The Swanley District Scouts Scout Council

- I.* The Swanley District Scouts Scout Council is the electoral body, which supports Scouting in the District. It is the body to which the District Trustee Board is accountable.
- II.* Membership of the Swanley District Scout Council is open to:

### Ex officio Members

- All adult members and associate members of the Scout District (see District roles listed in the P.O.R. Roles Table).
- All adults holding the following appointments from the Scout Groups in the District

- i. Group Lead Volunteer
- ii. Group Volunteer
- iii. Group Chair
- iv. Group Secretary
- v. Group Treasurer
- vi. Group Active Support Manager

- all Explorer Scouts
- all members of the District Scout Network
- A representative of the Troop Leadership Forum, selected from amongst the membership of the Forum
- all parents of Explorer Scouts
- County Lead Volunteer
- County Chair

#### **Nominated Members**

- Other supporters of the District appointed by the Swanley District Scout Council on the recommendation of the District Lead Volunteer and the District Trustee Board.
- The number of Nominated Members must not exceed the number of Ex Officio members.
- Nominated members must be appointed for a fixed period not exceeding 3 years. Subsequent reappointments are permitted.

#### III. Membership of the Swanley District Scout Council ceases upon:

- the resignation of the member
- the dissolution of the Council
- the termination of membership by Headquarters following a recommendation by the County Trustee Board.

#### IV. The Swanley District Scout Council must hold an Annual General Meeting within six months of the financial year end to:

- receive and consider the Trustees' Annual Report prepared by the District Trustee Board, including the annual statement of accounts (after their examination by an appropriate auditor, independent examiner or scrutineer) and a formal report prepared by the auditor, independent examiner or scrutineer.
- approve the District Lead Volunteer's nomination of the District Chair of the Trustee Board
- Approve the District Lead Volunteers' nomination of members of the District Trustee Board
- elect a Secretary to the District Trustee Board
- elect a Treasurer to the District Trustee Board
- elect Trustees to the District Trustee Board
- Approve the appointment (or re-appointment) of any Presidents or Vice-Presidents
- elect members of the Swanley District Scout Council to represent the

#### District on the County Scout Council

- appoint (or re-appoint) an auditor, independent examiner or scrutineer as required
- adopt (or reconfirm) certain solutions:
  - agree the quorum for each of:
    - meetings of the District Scout Council
    - meetings of the District Trustee Board and
    - meetings of any sub-Committees (see P.O.R. Rule 4.25(i)(iii))
  - agree the number of members that may be elected to the District Trustee Board (see P.O.R. Rule 4.25(f)(iii – Elected Members)
  - adopt (or re-confirm the adoption of) the constitution of the District Scout Council (see P.O.R. Rule 4.25(a))
  - appoint (or re-appoint) any District Presidents or Vice Presidents (see P.O.R. Chapter 16 Roles Table).
  - Re-adopt the Swanley District Scouts Constitution (this Governing Document).
  - Note the dates of the Swanley District Scouts financial year
  - Following each Annual General Meeting, the Secretary must ensure that:
    - 1) all nominated or elected Trustees are recorded on the membership system, as required by POR Rule 16.1.3.
    - 2) the Trustee Annual Report and Accounts are filed as described in POR Rule 5.5
  - *It is good practice for the Trustee Board to verify the draft Minutes of the Annual General Meeting at their first meeting following the Annual General Meeting, even though the minutes cannot be formally approved until the Swanley District Scouts' next Annual General Meeting.*

- V. Key governance roles must be distinct to help manage conflict of interest. This means that the chair, secretary and treasurer roles must not be combined in any way.

### **Part 4: The Swanley District Scouts Trustee Board**

The Trustee Board is a team of volunteers who work together, as Charity Trustees, to make sure the Scouts is run safely and legally. At the heart of their role is a focus on strategy, performance and assurance. Effective Trustee support helps other volunteers run the Scout programme that gives young people skills for life.

- I. Members of the District Trustee Board must act collectively as charity Trustees of the Scout District, and in the best interests of its members.
- II. The Trustee Board must act in the charity's best interests, acting with reasonable care and skill and take steps to be confident that:
  - a) The charity is:
    - well managed
    - carrying out its purposes for the public benefit
    - complying with the charity's governing document and the law
    - managing the charity's resources responsibly

- b) Swanley District Scouts is operating compliant with POR, including effective management of the Key Policies listed in POR chapter 2 - The Equal Opportunities Policy, Privacy and Data Protection Policy, Religious Policy, Safeguarding Policy, Safety Policy, Vetting Policy, Youth Member Anti-bullying Policy.
- c) Young people are meaningfully involved in decision making at all levels
- d) there are sufficient resources (funds, people, property and equipment) available to meet the planned work of the Group, District or County (as appropriate) including delivery of the high quality programme and resource requirements of the training programme (POR Rule 4.2.2)
- e) the Scouts has a positive image in the local community

III. The Trustee Board members must themselves collectively:

- a) develop and maintain a risk register, including putting in place appropriate mitigations
- b) ensure that the charity's finances are properly managed, including development and maintenance of appropriate budgets to support the work of Swanley District Scouts.
- c) maintain and manage:
  - a reserves policy for Swanley District Scouts (including a plan for use of reserves outside the 'minimum')
  - an investment policy for Swanley District Scouts
  - a public benefit statement for Swanley District Scouts
- d) ensure that people, property and equipment are appropriately insured, and that any property and equipment owned or used by Swanley District Scouts is properly protected and maintained
- e) promote and support the development of Scouting in the local area.
- f) ensure the appointment and management and operation of any subcommittees, including appointing a Chair to lead the sub-committee
- g) ensure that effective administration is in place to support the work of the Trustee Board
- h) appoint any Administrators, Advisers and co-opted members of the Trustee Board
- i) ensure transparency of operation, including:
  - prepare and approve the Annual Accounts and arrange their examination by an auditor, independent examiner or scrutineer as appropriate and as appointed by the Scout Council at their Annual General Meeting
  - prepare and approve the Trustees' Annual Report (which must include the Annual Accounts)
  - present the approved Trustees' Annual Report and Annual Accounts to the Scout Council at the Annual General Meeting (AGM)
  - following the AGM, ensure that a copy of the Trustee Annual Report and Accounts is sent to the District or County Trustee Board administration and, if a registered charity, is filed with the appropriate charity regulator (if the regulator's rules require it).

- j) take responsibility for adherence to Data Protection Legislation recognising that, dependent on circumstances, it will at different times act as a Data Controller and as a Data Processor
- k) individually and collectively maintain confidentiality regarding appropriate Trustee Board business
- l) Where staff are employed:
  - act as a responsible employer in accordance with Scouting's values and relevant legislation
  - ensure that effective line management is in place for each employed staff member and that these are clearly established and communicated
  - ensure that appropriate specific personnel insurance is in place
- m) The Swanley District Trustee Board must also:
  - maintain confidentiality with regard to appropriate Trustee Board business.
  - provide any necessary support to the District Lead Volunteer, when required, to assist the opening, change, merging or closing of Groups, Explorer Units, Scout Networks and Scout Active Support Units in the District

#### IV. The Swanley District Scouts Trustee Board consists of:

##### I. **Ex-officio members**

- a. The District Chair
- b. The District Lead Volunteer
- c. The District Youth Commissioner
- d. The District Secretary
- e. The District Treasurer
- f. The District Explorer Scout Commissioner
- g. The District Scout Network Commissioner

*Where there are joint role holders (eg for District Youth Commissioner), only one of the joint role holders should be an ex officio member of the District Trustee Board. This must be decided jointly by the role holders in consultation with the District Lead Volunteer and the District Chair.*

##### **Elected members (see POR 5.4.5.8)**

- h. persons elected at the District Annual General Meeting.

These should normally be four to six in number. The actual number must be the subject of a resolution by the District Scout Council but cannot be greater than six.

##### **Nominated members**

- i. persons nominated by the District Lead Volunteer.
- j. the nominations must be approved at the District Annual General Meeting.
- k. persons nominated need not be members of the District Scout Council

- l. The number of nominated members must not exceed that of the elected members.

#### **Co-opted members**

- m. persons co-opted annually by the District Trustee Board.
- n. the number of co-opted members must not exceed that of the elected members.

#### **Right of Attendance**

- o. The County Commissioner and the County Chair have the right of attendance at meetings of the District Trustee Board and its sub-committees.

### **V. Trustee Board - Conduct of meetings**

- a. Only members of a Trustee Board as defined in **IV** above may vote in meetings of the Trustee Board.
- b. At its Annual General Meeting, the Scout Council must make a resolution defining a quorum for meetings of the Scout Council and the Trustee Board and its sub-Committees, if not already done so.
- c. Decisions are made by a majority of votes cast by those present at the meeting. In the event of an equal number of votes being cast on either side the Chair does not have a casting vote and the matter is taken not to have been carried.
- d. In order to discharge their responsibilities, the Trustee Board may meet by telephone and/or video conference as well as face to face when agreed by the appropriate Chair. This includes 'hybrid' meetings, where some members join by telephone or video.
- e. Electronic voting (such as email) is allowed for decision making of the Trustee Board when deemed appropriate by the Chair (for example, where a pressing matter arises between meetings). In such instances at least 75% of its members must approve the decision, and the outcome of the voting must be reported and recorded in the minutes at the next Trustee Board meeting.

### **V. Additional Requirements for sub-Committees:**

- a. sub-Committees consist of members nominated by the Committee.
- b. The District Lead Volunteer and the District Chair will be ex-officio members of any subcommittee of the Swanley District Scouts Trustee Board
- c. Any fundraising committee must include at least two members of the Swanley District Scouts Trustee Board. No Section Leader or Assistant Leader should serve on such a fundraising subcommittee.

### **VI. Additional Requirements for Charity Trustees:**

- a. All ex-officio, elected, nominated and co-opted members of the Swanley District Scouts Trustee Board are Charity Trustees of the Scout District.
- b. Only persons aged 18 and over may be full voting members of the Swanley District Scouts Trustee Board because of their status as Charity Trustees (however the views of young people in the District must be taken into consideration).
- c. Complete any training required by P.O.R (Chapter 16 Roles Table), within the

- timescale required.
- d. Certain people are disqualified from being Charity Trustees by virtue of the Charities Acts. (See P.O.R.)
  - e. Charity Trustees are responsible for ensuring compliance with all relevant legislation including the Data Protection Act 2018.

## **Part 5: The Swanley District Scouts Team Meeting**

- i. The Swanley District Scouts Team meets as frequently as necessary. It is chaired by the District Lead Volunteer and comprises the District Youth Commissioner, Deputy District Lead Volunteers, Explorer Scout Commissioner, Scout Network Commissioner, all Assistant District Lead Volunteers, District Leaders and District Scout Active Support Managers.
- ii. The purpose of the District Team Meeting is to:
  - review the progress, standards and effectiveness of programmes of Groups, Explorer Scout Units and District Scout Network in the District
  - plan a programme of visits to Scout Groups, Explorer Scout Units and District Scout Network
  - give support and encouragement to Leaders
  - plan the support of adults undertaking Adult Training
  - plan any programme of District events deemed to be necessary to supplement Scouting in the Groups, Explorer Scout Units and District Scout Network
  - secure the support of District Scout Active Support Units in the work of the District
  - keep the District Trustee Board advised of the financial requirements of the training programme in the District, including Explorer Scout Units and District Scout Network.

## **Part 6: Conduct of Meetings in the Swanley District Scouts**

### **Trustee Board - Conduct of meetings**

- a. Only members of the Trustee Board (as defined in **Part 4.IV** above) may vote in meetings of the Trustee Board.
- b. The quorum for meetings of the Swanley District Scouts Trustee Board is six voting members, one of whom must be the Swanley District Scouts District Lead Volunteer or Swanley District Scouts Chairperson.
- c. Any changes to the quorum must be approved by the District Scouts Council at an Annual General Meeting or Extraordinary General Meeting.
- d. Decisions are made by a majority of votes cast by those present at the meeting. In the event of an equal number of votes being cast on either side the Chair does not have a casting vote and the matter is taken not to have been carried.
- e. In order to discharge their responsibilities, the Trustee Board may meet by telephone and/or video conference as well as face to face when agreed by the



appropriate Chair. This includes 'hybrid' meetings, where some members join by telephone or video.

- f. Electronic voting (such as email) is allowed for decision making of the Trustee Board when deemed appropriate by the Chair (for example, where a pressing matter arises between meetings). In such instances at least 75% of its members must approve the decision, and the outcome of the voting must be reported and recorded in the minutes at the next Trustee Board meeting.

## **Part 7: Explorer Scout Units**

- I. Explorer Scout Units are part of Swanley District Scouts provision of Scouting.
- II. The rules governing Explorer Scout Units are in the current version of P.O.R.

### **Explorer Scout Unit Partnerships with Groups**

- III. The Rules governing Explorer Scout Unit Partnerships with Groups are in the current version of P.O.R.

## **Part 8: District Scout Networks**

- I. District Scout Networks are part of the District's provision of Scouting.
- II. The rules governing Scout Networks are in the current version of P.O.R.

### **Joint Units**

Whilst formal Joint Units are not permitted between Explorer Scout Units or Scout Networks and sections of Girlguiding, joint activities are encouraged, subject to guidance from the Scout Information Centre.

## **Part 9: Swanley Scouts Active Support Unit**

The District Lead Volunteer, in consultation with the District Trustee Board may form District Scout Active Support Units. Scout Active Support Units are governed by the current version of P.O.R.

## **Part 10: Special Groups (Scouting for people in hospital or with severe disabilities)**

A special provision may be developed to enable young people with a shared protected characteristic to access Scouting e.g. in a hospice or hospital. Special provisions can be used where it is not possible or appropriate for a young person to access mainstream Scouting.

## **Part 11: Administrative, Employment, Assets and Financial**

### **Annual Census**

Swanley District Scouts must comply with any census requirements and record keeping required by The Scout Association, subject to the principles of G.D.P.R.

### **Payment of Membership Subscription**

- a. In order to meet the costs of UK Headquarters services to the movement and the costs of organising and administering The Scout Association, and to meet The Scout Association's obligations to World Scouting, the Board of Trustees of The Scout Association requires a UK Headquarters Membership
- b. Subscription to be paid for each member aged under 18.
- c. The amount of the membership subscription is decided annually by the Board of Trustees.
- d. In addition, to meet local costs, the local Group, District and County may charge a membership subscription.
- e. Swanley Scout District is responsible for the collection and payment of the UK Headquarters membership subscriptions and any Country, County and District subscriptions in accordance with the numbers returned on the annual census return.
- f. Payments should be remitted to the District Treasurer, County Treasurer or UK Headquarters not later than the date annually notified locally.
- g. Membership subscriptions may be collected from youth members or their parents by a method decided by the relevant Trustee Board.
- h. The Group, District and County is encouraged to use the Gift Aid scheme for subscription payments.
- i. The amount of the UK Headquarters membership subscription decided by the UK Headquarters Board of Trustees applies to the whole of the United Kingdom, and The Scout Association members overseas.

### **Employed District Staff**

The employment of staff is subject to the current rules as in P.O.R.

### **Financial**

- a. The Swanley District Trustee Board must ensure that proper financial planning and budgetary control is operated.
- b. The District Team Meeting must be consulted on the financial planning of Swanley District Scouts' activities.
- c. All expenditure not specifically planned within the District Trustee Board's budget must be approved by the Trustee Board to ensure that any financial liability incurred can be met.
- d. When entering into any financial or contractual obligation or commitment with another party, the persons concerned should make it clear to the other party that they are acting on behalf of the charity and not in a personal capacity.

### **Bank Accounts**

- I. All monies received by or on behalf of Swanley District Scouts either directly or via supporters, must be paid into bank account(s) held in the name of the District. The account may, alternatively, be a National Savings Account or a building society account.

- II. The account(s) will be operated by the Treasurer and other persons authorised by the Swanley District Scouts Trustee Board.
- III. A minimum of two signatures must be required for all withdrawals and payments.
- IV. Under no circumstances must any monies received by any section or person on behalf of Swanley District Scouts be paid into a private bank account.
- V. Cash received at a specific activity may only be used to defray expenses of that same specific activity if the Swanley District Scouts Trustee Board has so authorised beforehand and if a proper account of the receipts and payments is kept.
- VI. Funds not immediately required must be transferred into a suitable investment account held in the name of the District in accordance with the guidelines set out in the Trustee Act 2000
- VII. District funds may be invested in one of the special schemes run by Headquarters.
- VIII. The bank(s) at which the District account(s) are held must be instructed to certify the balance(s) at the end of the financial period direct to the scrutineer, independent examiner or auditor as appropriate.

### **Disposal of District Assets at Closure or Amalgamation**

- If Swanley District Scouts ceases to exist or is amalgamated with another District, the disposal of assets must be in line with current rules as given in P.O.R.

### **Preservation of Books of Account**

- Statements of account and all existing accounting records must be preserved for at least six years from the end of the financial year in which they are made, or for such longer period as may be required by H.M. Revenue and Customs or relevant body.

### **Fundraising**

In order to maintain its work and to generate all that is needed to implement its training programme, the Scout movement has to support itself financially.

Swanley District Scouts aims to generate sufficient funds to carry out their own programme of activities. Fundraising carried out on behalf of Scouting must be conducted in accordance with the principles embodied in the Scout Promise and Law.

Within the provisions of this policy the methods of fundraising may be chosen so long as they are consistent with the Movement's reputation and good standing. Fundraising conducted on behalf of Scouting may be by any means not forbidden by law, and which is acceptable to the local community, provided that:

- the proceeds of the activity go wholly to the work of the District or, in the case of joint activities with other organisations, that part of the proceeds allotted to the District is wholly applied to the work of the District.
- When participating in a joint project, terms should be agreed and recorded in a Memorandum of Understanding or non-legal agreement.
- Scout Headquarters should be consulted if there is the slightest doubt as to the bona fides of the other organisation in respect of the purposes of the fundraising activity.
- it does not encourage the habit of gambling.
- Where individual members raise funds for their own Scouting activities, there must be clear indication of who benefits from the fundraising and what will happen to any funds raised if the specified event does not take place or that individual does not attend the specified event. In the event that donations cannot be returned to any donors, the funds will go into the district fund for other district young members to attend future events.
- Public collections of money are allowed provided that the legislation regarding age, action and location of collectors is complied with. Collections may take place even though there is no visible reciprocal effort for the donation. Stickers and flags are appropriate. It is considered that value for the donation has already been given to society by the work of the Scout Movement in and for the community

### **Lotteries and Gaming**

If the District considers raising funds by means governed by the lotteries and gaming legislation, the proposed activity (including raffles, whist drives and similar methods of fundraising involving participation on payment of stakes) must have the approval of the Swanley District Scouts Trustee Board.

- Any advertising material used must conform with the requirements of the legislation and must not contain any matter which is not in strict conformity with the standards of the Movement.
- That the District is a registered charity must be stated in any advertising material.

## **Part 12: This Constitution and Governing Document**

- I. All changes to this Constitution and governing document must be approved by a meeting of the Swanley District Scouts Scout Council.
- II. Minor changes can be provisionally approved by the Swanley District Scouts Trustee Board and brought into effect pending full approval of the Swanley District Scouts Scout Council.
- III. In the event of a significant change being needed before the next Annual General Meeting of the Swanley District Scouts Scout Council, then an Extraordinary Meeting of the Council should be sought.
- IV. This document is based on the Scout Association's Policy, Organisation and Rules (P.O.R.). Where the two differ, P.O.R takes precedence over Swanley District Scouts Constitution.
- V. For any matter not covered in this Constitution and Governing Document, reference should be made to P.O.R. The rules or recommendations made therein will then apply to Swanley District Scouts until consideration is given by the Swanley District Scouts Trustee Board and/or the Constitution is amended.