



**THE CONSTITUTION OF
'SERVICE BY EMERGENCY RIDER VOLUNTEERS (SERV Wessex)'**

Governing Document

**THE CONSTITUTION
OF
SERV WESSEX**

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THE CONSTITUTION OF 'SERVICE BY EMERGENCY RIDER VOLUNTEERS (SERV Wessex)'

1. Title

The title of the organisation shall be 'Service by Emergency Rider Volunteers (SERV Wessex)', herein after referred to as 'SERV Wessex'.

2. Objects

The objects of SERV Wessex shall be: -

- 2.1 The relief of sickness and protection of health through the provision of a transportation service to transport blood, samples, human milk, drugs and other medical items used for the medical or surgical treatment of patients for doctors, hospitals and laboratories.

3. Powers

- 3.1 To advertise its activities and to recruit new members.
- 3.2 To publish, produce, print and distribute anything in any media
- 3.3 To support, administer or set up other charities
- 3.4 To raise funds by donation or other means
- 3.5 To borrow money, invite or receive contributions or grants, enter into contracts, seek subscriptions and give security for loans (but only in accordance with the restrictions imposed by the Charities Act)
- 3.6 To acquire, buy, take on lease, sell, share otherwise dispose of, hire, charge or mortgage property of any kind (but only in accordance with the restrictions imposed by the Charities Act)
- 3.7 To construct, alter, provide, manage, maintain, furnish and fit with all the necessary furniture and other equipment any buildings and any other premises or structures or land
- 3.8 To make or receive grants or loans of money and to give any guarantee or indemnity in respect of the Charity's liabilities.
- 3.9 To set aside funds for special purposes or as reserves against future expenditure.
- 3.10 To deposit or invest in funds in any manner (but to invest only after obtaining such advice from a financial expert as the Trustees consider necessary and having regard to the suitability of investments and the need for diversification).
- 3.11 To insure the property of the Charity against any foreseeable risk and take out other insurance policies to protect the Charity when required.
- 3.12 To pay for indemnity insurance for the Trustees.
- 3.13 To employ independent agents; and experts or other advisors but only on the basis they are not Officers or members of SERV Wessex.
- 3.14 To open and operate bank accounts and other banking facilities.

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- 3.15 To contribute to the funds of any organisation having similar objectives to SERV Wessex and cooperate with any such other organisation in the furtherance of these objectives, or if the Charity AGM determines, affiliate with any such organisation.
- 3.16 To use property and money belonging to SERV Wessex for
- (1) direct application to the objectives of the Service
 - (2) the re-imbusement of reasonable and necessary out-of-pocket expenses only.
- 3.17 To do anything else within the law which promotes or helps to promote the objectives of SERV Wessex.

4. Membership

- 4.1 Membership is open to any individual or organisation interested in promoting the Objects of SERV Wessex.
- 4.2 The Trustees may establish different classes of membership; prescribe their respective privileges and duties and set the amounts of any subscriptions.
- 4.3 The Trustees may by resolution terminate the membership of any member on the ground that in their reasonable opinion the member's continued membership is or could be harmful to SERV Wessex.
- 4.4 Membership of the Charity is not transferable.

5. Records and Accounts

- 5.1 The Trustees must comply with the requirements of the Charities Act as to the keeping of financial records, the audit or independent examination of accounts and the preparation and transmission to the Charity Commission of:
- (5.1.1) annual returns
 - (5.1.2) annual reports and
 - (5.1.3) annual statement of accounts.
- 5.2 The Trustees must keep proper records of:
- (5.2.1) all proceedings at general meetings
 - (5.2.2) all proceedings at meetings of Trustees
 - (5.2.3) all reports of committees and
 - (5.2.4) all professional advice obtained.
- 5.3 Accounting records relating to SERV Wessex must be made available for inspection by any Trustee at any time during normal office hours.
- 5.4 A copy of the Charity's latest available statement of account must be supplied on request to any Trustee who makes such a request in writing. A copy must also be supplied, within two months, to any other person who makes a written request and pays the Charity's reasonable costs.

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6. The Financial Year

The Financial year of SERV Wessex shall be from 1 April to 31 March, unless otherwise agreed by the Trustees and approved at an Annual General Meeting or an Extraordinary General Meeting.

7. Banking

The Executive Committee shall maintain at a bank and/or building society an account in the name of SERV Wessex and all cheques and orders thereon shall be signed or authorised by no fewer than two signatories authorised by the Trustees

8. Trustees

See Appendix 1.

9. Executive Committee and Officers

The Executive Committee shall consist of the Chairman, Secretary and Treasurer as Officers, together with two Membership Representatives.

The Executive Committee shall have the power to co-opt any member onto the Management Committee at its discretion.

10. Election of the Executive Committee

10.1 The Executive Committee, shall be elected from Full Members of SERV Wessex annually at the Charity AGM.

10.2 Members so elected shall assume responsibility for the affairs of the Service at the end of the Charity AGM.

11. Duties of the Executive Committee

The duties of the Executive Committee shall be:-

- 11.1 To act for SERV Wessex in all matters
- 11.2 To have general control over all affairs of SERV Wessex
- 11.3 To promote the aims and activities of SERV Wessex,
- 11.4 To form and publish rules additional but not contrary to the Constitution
- 11.5 To appoint members onto the Management Committee whose role is the day to day functioning of SERV Wessex under the supervision of the Trustees and Executive Committee.

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12. Meetings of the Executive Committee

The Executive Committee shall meet at least 4 times a year and the quorum for such meetings shall be a minimum of One Trustee and Two of the Officers and not less than two co-opted members.

13. Functions of the Chairman

See Appendix 2

14. Functions of the Secretary

See Appendix 2

15. Functions of the Treasurer

See Appendix 2

16. Election procedures

The procedure for the election of the Committee shall be as follows:-

16.1 The following shall be voted for separately in the order given below:

(16.1.1) Chairman

(16.1.2) Secretary

(16.1.3) Treasurer

(16.1.4) Trustee(s)

(16.1.5) Other Committee Members.

16.2 The voting at an EGM or AGM shall be as laid out in Appendix 3

17. Resignation

17.1 A Committee Member may resign the post during the term of office by giving at least one month's notice in writing to the Chairman.

17.2 In the event of the resignation of the Chairman the officers shall fill the post until such time as a Charity AGM or EGM for that purpose is held.

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18. The Charity Annual General Meeting (AGM)

A Charity Annual General Meeting shall be called by the Committee to take place by the 30th June each year and the quorum shall be at least 10% of the voting membership.

19. Decisions on Resolutions

A simple majority of votes decides a resolution. The Chairman of the Meeting shall have the casting vote in all cases of even voting.

20. Business of the Charity AGM

The business of the Charity AGM shall be: -

- Minutes of the previous Charity Annual General Meeting;
- Chairman's report;
- Secretary's report;
- Treasurer's report;
- A resolution to accept the accounts;
- Elections;
- Scheduled business;

21. Motions to the Charity AGM

Motions, proposed, seconded and received by the Secretary prior to the commencement of the Charity Annual General Meeting shall be put during scheduled business. Motions, proposed and seconded during the course of the Annual General Meeting shall be put at the discretion of the Chairman of the Meeting. Except where otherwise provided by this Constitution, every issue at a General Meeting shall be determined by a simple majority of votes cast by the members present in person or voting by an on-line vote or by Proxy.

22. Extraordinary General Meeting (EGM)

22.1 The Executive Committee has the power to call an EGM.

22.2 The Chairman of the Executive Committee shall call an EGM on receiving a request signed by 10 members or 25% of the members, (whichever shall be the lesser number) giving written motions for discussion.

22.3 An EGM shall be held as soon as convenient, and a minimum of seven days' notice shall be given to members.

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23. Quorum of an EGM

The quorum of an EGM shall be 10% of the voting members.

24. Business of an EGM

The business of an EGM shall be restricted to those motions proposed by the members requesting the meeting and except where otherwise provided by this Constitution every issue shall be determined by a simple majority of votes cast by the members present in person or voting by an on-line Vote or by Proxy.

25. Modification of the Constitution

The Executive Committee shall not modify the Constitution without the approval of the Trustees and the authority of a Charity General Meeting.

26. Winding up of SERV Wessex.

26.1 SERV Wessex may be wound up by a decision of an EGM called specifically for that purpose and by a two-thirds majority of votes cast. In the event of SERV Wessex not being financially viable an EGM will be called as soon as possible.

26.2 SERV Wessex shall be wound up within six months if there are not enough nominations to fill the Executive Committee posts or the Trustee posts.

26.3 SERV Wessex shall be wound up if two successive attempts to convene an Extraordinary General Meeting are inquorate.

26.4 The Trustees must apply any remaining property or money:

(a) directly for the objects;

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

(c) in such other manner as the Charity Commission for England and Wales ('The Commission') may approve in writing in advance.

26.5 The Trustees must notify the Commission promptly that the charity has been dissolved. If the Trustees are obliged to send the charity's accounts to the Commission for the accounting period, which ended before its dissolution, they must send the Commission the charity's final accounts.

27. Equal Opportunities

27.1 SERV Wessex is an equal opportunity organisation.

27.2 SERV Wessex shall not tolerate any prejudice or prejudicial behaviour by any of its members.

27.3 Any member found to be in breach of 27.2 will be subjected to the expulsion procedure set out in Appendix 4

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Appendix 1 - Trustees

- 1 The Trustees as **charity trustees** have control of the Charity and its property and funds.
- 2 The Trustees when complete consists of at least three and not more than five individuals, all of whom must be members or authorised representatives.
- 3 The Trustees consist of:
 - (3.1) Three elected Trustees.
 - (3.2) Up to two co-opted Trustees, appointed by resolution of the Trustees to hold office until the end of the next AGM.
- 4 A retiring Trustee who remains qualified may be re-appointed.
- 5 A Trustee's term of office automatically terminates if he or she:
 - (5.1) is disqualified under the Charities Act from acting as a charity trustee
 - (5.2) is incapable, whether mentally or physically, of managing his or her own affairs
 - (5.3) is absent without notice from 3 consecutive meetings of the Trustees and is asked by a majority of the other Trustees to resign
 - (5.4) ceases to be a member of the Charity (but such a person may be reinstated by resolution of all the other members of the Trustees on resuming membership of the Charity before the next AGM)
 - (5.5) resigns by written notice to the Trustees (but only if at least two Trustees members will remain in office)
 - (5.5) is removed by a resolution passed by all the other Trustees after they have invited the views of the Trustee concerned and considered the matter in the light of any such views.
- (5.7) A retiring Trustee is entitled on written request to an indemnity from the continuing Trustees at the expense of the Charity in respect of any liabilities properly incurred while he or she held office.
- (5.8) A technical defect in the appointment of a Trustee of which the Trustees are unaware at the time does not invalidate decisions taken at a meeting.

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6. Trustees' powers

The Trustees have the following powers in the administration of the Charity:

- 6.1 To appoint a Treasurer and other honorary officers.
- 6.2 To delegate any of their functions to committees consisting of two or more individuals appointed by them (but at least [**one**] member of every committee must be a Trustee and all proceedings of committees must be reported promptly to the Trustees).
- 6.3 To make standing orders consistent with this Constitution to govern proceedings at general meetings.
- 6.4 To make rules consistent with this Constitution to govern their proceedings and proceedings of committees.
- 6.5 To make regulations consistent with this Constitution to govern the administration of the Charity (including the operation of bank accounts and the commitment of funds).
- 6.6 To resolve, or establish procedures to assist the resolution of, disputes within the Charity.
- 6.7 To exercise any powers of the Charity which are not reserved to a general meeting.
- 6.8 To set the annual subscription (if any) of its members and determine the payment date of such subscription.

Appendix 2 - Functions of the Officers

1. The Chairman

The functions of the Chairman shall be:-

- 1.1 To ensure adherence to the Constitution and Rules of the Charity
- 1.2 To preside at all meetings and activities organised by SERV Wessex
- 1.3 To personally represent SERV Wessex on all proper occasions
- 1.4 To provide strategic leadership of the Charity ensuring adequate co-opted committee members to be responsible for SERV Wessex within the operational area. This may include but not be limited to:

Rota Manager	Safety Officer	Events Officer
Fundraiser	Web & Communications Officer	Route Trainer
Publicity Officer	Vehicle Manager	Quarter Master
Hospital Relations Manager	Membership Officer	Recruitment Officer
Social Organiser	Training Officer	

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- 1.5 To liaise with the Executive Committee on all publicity and fund-raising projects.
- 1.6 To assist all other Executive Committee members in records, correspondence and other duties
- 1.7 To delegate any other Executive Committee member to act in his stead and with his authority in any matter to which he cannot personally attend, excepting Executive Committee Meetings, AGM's or EGM's where the Secretary shall preside in his stead
- 1.8 To cast the deciding vote when one vote is necessary to break a tie.

2. The Secretary

The functions of the Secretary shall be:-

- 2.1 To handle all correspondence
- 2.2 To ensure that records are kept of the Charities meetings, and to manage the order of meetings.
- 2.3 To preside at SERV Wessex meetings in the absence of the Chairman
- 2.4 To perform such other duties as generally fall on that office
- 2.5 To inform members of Charity AGM's and EGM's (AGM's one months' notice, EGM's one weeks' notice)
- 2.6 To make available for publication to the membership, minutes of the committee meetings.

3. The Treasurer

The functions of the Treasurer shall be:-

- 3.1 To receive and bank all monies due to SERV Wessex
- 3.2 To maintain such accounts as are required for an accurate accounting of funds and assets of SERV Wessex
- 3.3 To handle disbursements
- 3.4 To submit an audited Annual Statement of Account to the AGM
- 3.5 To provide accounting information as required to the committee
- 3.6 To supervise all accounts.

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Appendix 3 – Rules for Voting in a Meeting

Section A - Timetable

- 1) Communication with the members in all election matters may be by email or the posting of notices on the Charity website. Email addresses of the Charity officers shall be made available on the publicly viewed section of the website.
- 2) The Membership shall receive First notification, Nomination, and Application forms for proxy and Online votes 90 days preceding the Charity AGM.
- 3) The Membership shall receive Second notification, Nomination, and Application forms for proxy and Online votes 60 days preceding the Charity AGM.
- 4) All nominees may write a profile of no more than 250 words to introduce themselves to the membership, this is to be published on the website of the Charity not less than 30 days preceding the Charity AGM. No such profiles will be accepted after 30 days preceding the Charity AGM.
- 5) No applications for Online or proxy votes will be accepted after 30 days preceding the Charity AGM.
- 6) No nominations for Committee posts will be accepted after 30 days preceding the Charity AGM. Unless there is no nominee for a particular post or there are fewer nominees for the Executive committee posts than available places, in which case nominations will remain open until the voting for those posts at the Charity AGM itself.
- 7) The Secretary will distribute all proxy empowerment documentation no less than 7 days preceding the Charity AGM.
- 8) No Online votes will be accepted less than 7 days preceding the Charity AGM. Any such votes received after that date will be considered as 'spoiled'.

Section B - Entitlement to vote

- 1) All Members of the Charity shall be entitled to one full vote for all matters that require a vote during the Charity AGM provided they have been a member for at least 4 months prior to the date of the AGM and have carried out a minimum of 10 duties on the Rota.
- 2) All members qualifying in (1) shall be entitled to apply for either:-
 - a) An Online Vote allowing the member who cannot attend the Charity AGM to cast their ballot Online, or;
 - b) a Proxy Vote, where the member appoints another member qualifying under 1) to cast votes on their behalf.
- 3) Any Member, having been granted either an Online or Proxy Vote will not be allowed to vote in person at the Charity AGM

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Section C - Voting at a Charity AGM

- 1) The Secretary shall in conjunction with the Treasurer provide an up to date list of all Full Members of the Charity.
- 2) Only those members who have confirmed their attendance at the AGM will be allowed into the meeting and must register at least 15 minutes before the start of the Charity AGM, with the appointed officer.
- 3) All Members who have a Proxy Vote on behalf of another Member must present the entitlement documentation to the Secretary at the time of registration.
- 4) The Secretary or appointed officer will;-
 - a) mark off the Member from the list in 1),
 - b) issue a 'Voting Ticket' for any Proxy Vote for which the entitlement documentation has been received.
- 5) The 'Voting Ticket' shall:-
 - a) have clearly written upon each on a unique number.
- 6) Where the vote is by a 'Show of Hands', then the tellers shall count the number of 'Voting Tickets' being shown.
- 7) Where a vote is by ballot the tellers shall count one ballot form per 'Voting Ticket'.
- 8) If the number of votes received from the floor exceeds the number of registered votes the Chairman must call for a re-vote.
- 9) The Secretary shall declare the Online votes received and these shall be added to the votes received from the floor.
- 10) Only after 8) and 9) have been satisfied, will the tellers count the votes for each nominee.

Section D - Security of Online Votes

- 1) The Secretary will receive all Online votes. Online votes shall only be accepted from Members whose E-mail address is registered with the Secretary.
- 2) All Online votes for the position of Secretary shall also be copied to the Treasurer.
- 3) All Online Votes will be regarded as confidential; the contents must not be divulged to any other person.
- 4) All Online votes received after the published closure date will be counted as spoilt.

Section E- Jurisdiction over Voting procedures

- 1) Voting shall be in accordance with the above and supervision and jurisdiction of the outgoing Chairman or other officer nominated by him whose decision in the event of any disputes shall be final.
- 2) Prior to the ballot the Chairman, or his nominee, will call for and select two volunteers from the membership to act as tellers and assist him any way he requires. These members will cast their votes before any other ballot forms are distributed.

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Appendix 4 – Expulsion

Reasons for expulsion

A member may be expelled for the following reasons:-

- Misappropriations or misuse of property for which SERV Wessex is responsible.
- Abuse, Threat, or Violence against another member.
- Conduct, (whether in connection with the Charity or otherwise) which is detrimental to the interests or reputation of SERV Wessex.
- Persistent failure to comply with the Constitution or operational instructions of SERV Wessex.
- Where a complaint about the member, their behaviour or actions is lodged with the Committee by more than two members

Disciplinary/Expulsion Procedure

- The Officers of the Committee shall have the power to make an immediate suspension order where the issue is in the opinion of the Chairman and the Officers serious enough to warrant such action and shall follow the procedure as set out in the SERV WESSEX Disciplinary Procedure Document.

Right of Appeal

- Either party may appeal the decision, by applying in writing, to the Trustees during a period of 21 days following receipt of the decision notice.
- The Trustees shall within twenty-one days call a meeting or conference to review the decision.
- In the event of non-availability of any of the Trustees, substitutes chosen by the Trustees may be permitted.
- the decision of the Trustees shall be final.

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