

# Pre-School Constitution

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## **This Document**

1.1 This Constitution shall determine the management structure of the Pre-School within St Paul's Parish, Haywards Heath. It shall be valid following a successful motion of adoption at the Annual General Meeting of the Pre-School, and ratification by the Parish Priest (or his delegate).

1.2 Adoption shall be evidenced by appending of a copy of the appropriate minutes of the AGM and the signatures of the Officers

1.3 Ratification shall be evidenced by the signature of the Parish Priest (or his delegate).

## **2 Name**

2.1 The name of the Pre-School is "The Saint Paul's Pre-School, Haywards Heath" and is referred to in this Constitution as "the Pre-School".

## **3 Status**

3.1 The Pre-School shall be an operation of The Parish of Saint Paul, Haywards Heath, a parish of the Diocese of Arundel and Brighton Trust which is a Registered Charity No 252878.

## **4 Aims**

4.1 The aims of the Pre-School are:

- a) to enhance the development and education of children under statutory school age by offering appropriate play, education and care facilities
- b) to encourage the study of the needs of such children and their families and promoting public interest in and recognition of such needs in the local areas;

## **5 Powers**

5.1 To further its aims the Pre-School has the following powers:

- a) to provide accommodation and equipment;
- b) to raise money to pay for the Pre-School's activities;
- c) to make such payments as shall be necessary;
- d) to fix and collect the fees payable in respect of children attending groups run by the Pre-School;

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- e) subject to adherence with all applicable legislation, to control the admission of children to the groups run by the Pre-School and if appropriate, require parents or guardians to withdraw them;
- f) to hire or acquire assets with the agreement of the Parish Finance Committee;
- g) to sell, lease or otherwise dispose of all or any part of the Pre-School's property subject to the direction of the Parish Finance Committee;
- h) to set aside funds for special purposes or as reserves against future expenditure;
- i) to employ such paid and unpaid staff, agents and advisors as maybe required from time to time;
- j) to do any other lawful things which are necessary or desirable to enable the Pre-School to achieve its aims.

### **6 Membership**

6.1 Membership of the Pre-School is divided into two kinds:

- a) Family Membership, which shall be Parents or guardians of all children who attend any group run by the Pre-School wishing to support the aims of the Pre- School. Each family holding Family Membership will count as one Member of the Pre-School and will be entitled to one vote at any General Meetings of Members of the Pre-School.
- b) Affiliate Membership, which shall be open to those individuals interested in supporting the aims of the Pre-School

6.2 Membership of the Pre-School will cease if the Member concerned:

- a) gives written notice of resignation to the Pre-School;
- b) dies or, in the case of an organisation, ceases to exist;
- c) in the case of a Family Member, the child or children of the Family Member attended any group run by the Pre-School leaves the Pre-School in the previous term;
- d) is removed from membership by a resolution of the Committee on the grounds that the Member has acted in a way which brings the Pre-School into disrepute or has failed to abide by the rules of the Constitution. Before the Committee decides whether to terminate the membership of a Member the Committee will give the Member written notice of the misconduct or failure alleged to have occurred and will give the Member not less than 14

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days in which to submit their answer in writing. The Committee will have regard to the Member's written response in deciding whether or not to terminate membership. The Committee shall have the final decision on whether or not to terminate the membership.

6.3 Membership of the Pre-School is not transferable.

### **7 The Committee**

7.1 The management and control of the Pre-School will rest with the individual members of the Pre-School's management committee ("the Committee") but subject to the direction of the Parish Finance Committee.

7.2 The Pre-School shall employ a clerk who shall also be Clerk to the Committee

7.3 The minimum number of Committee members shall be 5 and the maximum shall be not more than the number of children attending the Pre-School in that year, together with up to a further 5 co-opted members.

7.4 The Committee shall consist of:

- a) The Parish Priest (ex-officio) or his delegate
- b) The OFSTED Nominate Person
- c) Two co-Chairs and a Treasurer ("the Officers");
- d) Not less than 3 elected Members; and
- e) Up to 5 affiliate Members co-opted onto the Committee at any one time.

7.5 Where an individual becomes a Committee member it is that individual who is the Committee member and no other individual with whom they share Family Membership or Affiliate Membership shall be entitled to stand in their place at Committee meetings or have any other rights as a Committee member.

7.6 The Officers shall be elected for one year at the Annual General Meeting. Retiring Officers are eligible for re-election unless they have already served on the Committee in any capacity for four consecutive years.

7.7 Family committee members are members for one year, and can serve up to four years; their membership terminates if they meet the criteria in 6.2, but they can renew it in full if they have a new child attending the Pre-School at the end of the four years.

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7.8 Affiliate co-opted members in 6.1 (b) may join at any time on the invitation of the Committee but shall retire at the next Annual General Meeting. No co-opted member shall serve for more than six consecutive years.

7.9 In the event of the death or resignation of an elected Officer, the vacancy shall be filled until the next Annual General Meeting by a Member appointed by the Committee.

7.10 All Committee members will have one vote each at Committee meetings.

7.11 At the beginning of each meeting one of the Co-Chairs will be designated as holding the casting vote for that meeting. In the event of a tie the Chair holding the casting vote at that meeting may, at their discretion use their casting vote.

7.12 A quorum for Committee meetings is not less than 5 members of the Committee, including any two of the Officers.

7.13 All Family Members shall be eligible to be members of the Committee, except ordinarily a Member who is a paid employee of the Pre-School. A Member who is a paid employee of the Pre-School may however be eligible for election to the Committee subject to the following conditions being satisfied:

a) No Committee member may be paid for services provided to the Pre-School that form part of their duties as a Committee member of the Pre-School;

b) Any services which are provided by a Member who is a paid employee to the Pre-School must be the subject of a written agreement between the individual and the Pre-School on such terms as are considered by the Committee to be in the interests of the Pre-School and have been approved by a resolution of the Committee;

c) The amount of the remuneration for such services shall be what is reasonable in the circumstances and do not exceed the amount that is customarily paid by the Pre-School to other persons who are not Committee members for such services; and

d) Not more than a minority of Committee members may at any time be the subject of such arrangements with the Pre-School and no such Committee members shall vote on or sit in any Committee meeting at which any matters concerning any such agreement relating to the provision of their services to the Pre-School is considered by the Committee.

7.14 Not less than two weeks before the date of the next Annual General Meeting of the Pre-School at which the election of the Officers will take place, each Member shall be sent a

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form which any Member wishing to stand as a candidate for election as an Officer must complete and return to the Clerk to indicate their willingness to act as an Officer if elected.

7.15 At the Annual General Meeting the prospective new Officers of the Committee will be those candidates from amongst those having notified their willingness to stand who receive the highest number of votes from the Members. In the event of a tie, refer to 7.11.

7.16 The term of office of any Officer will automatically cease:

- a) if he or she is not re-elected or re-appointed in accordance with the provisions of this clause 5;
- b) if they are incapable whether mentally or physically of managing his or her own affairs;
- c) if they resign (but only if at least 2 other elected Officers of the Committee will remain in office);
- d) if they are removed by a resolution passed by a majority of the members of the Committee.

### **8 Proceedings of the Committee**

8.1 The Committee shall hold at least 2 meetings each year unless the Committee shall decide by simple majority to hold a further meeting or meetings.

8.2 Every issue considered at Committee meetings may be determined by a simple majority of the votes cast at the meeting. A written resolution signed by all members of the Committee is as valid as a resolution passed in a meeting.

### **9 General Meetings**

9.1 The Pre-School shall in each calendar year hold a general meeting as its Annual General Meeting, in addition to any other general meetings in that year and shall specify the meeting as such in the notice calling it. The Annual General Meeting in each year shall be held at such time and place as the Committee shall decide. All General Meetings other than the Annual General Meeting shall be Extraordinary General Meetings.

9.2 Each Annual General Meeting will be chaired by the Co-Chairs or in their absence another member of the Committee and shall:

- a) receive the accounts of the Pre-School for the previous financial year;
- b) receive an annual report from the Committee;

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c) elect the new Officers of the Committee;

d) transact any other business properly put to the meeting.

9.3 An Extraordinary General Meeting may be called at any time at the request of the Committee or not less than one quarter of the Members.

9.4 The Clerk shall send notice of the date, time and place of each Annual General Meeting and any Extraordinary General Meeting, with a list of items to be discussed, to all Members at least two weeks before the date of the meeting.

9.5 If the Committee do not call an Extraordinary General Meeting within two months of a proper request to do so, any Member may call the meeting by putting up a notice in a conspicuous place where the group meets at least two weeks before the meeting.

9.6 The quorum for a General Meeting shall be 10% of the members or 5 members, whichever is the greater. If fewer attend, a new meeting must be called at a time and place determined by the Committee.

9.7 Proposals may be put to a General Meeting of the Pre-School by the Committee or any Member.

9.8 All proposals put to the vote at General Meetings shall be decided by a simple majority of votes cast, except proposals to amend this Constitution or to dissolve the Pre-School which shall require not less than two thirds of the Members present at the meeting to vote in favour.

9.9 No amendments may be made to this Constitution without the prior approval of the Parish Priest and the Parish Finance Committee, and where any amendment is to the aims of the Pre-School, , or to dissolution under paragraph or to this paragraph this shall not take effect without the prior written consent the Parish Priest.

9.10 A copy of any resolution amending this Constitution must be sent to the Parish Priest and the Parish Finance Committee within 21 days of it being passed.

### **10 Property**

10.1 The Preschool shall not own or lease property directly.

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## **11 Finance and Accounts**

11.1 The Committee will be subject to the direction of the Parish Finance Committee and shall produce accounts in a format agreed by the Parish Finance Committee and suitable for reporting to the Diocese of Arundel and Brighton which shall be the report body for the Trust of which this Pre-School and Parish are a part.

11.2 The accounting records shall, in particular, contain:-

a) entries showing from day to day all monies received and expended and the matters in respect of which the receipts and expenditures took place; and b) a record of the assets held and any monies owed by the Pre-School.

11.3 At each meeting of the Committee the Treasurer shall normally present an up to date written statement of accounts to the Committee.

11.4 All accounting records relating to the Pre-School shall be available for inspection by any member of the Committee at any reasonable time during normal office hours and may be available for inspection by Members at the discretion of the Committee.

11.5 The Pre-School may not have or operate bank accounts outside the Parish Finance Structure.

11.6 The Pre-School shall operate a named account subject to the authorities and operational rules determined by the Parish Finance Committee and the Finance Office of the Diocese of Arundel and Brighton

11.7 Cheques and orders for payment of money from this account shall require to be signed by the signatories authorised by the Diocese of Arundel and Brighton

## **12 Minutes**

12.1 The Committee will keep minutes of all proceedings at meetings of the Pre-School and of the Committee.

## **13 Dissolution**

13.1 If the Committee resolves that the aims of the Pre-School can no longer be fulfilled, the Committee will convene an Extraordinary General Meeting of the Pre-School to consider the winding up and dissolution of the Pre-School.

13.2 If the Extraordinary General Meeting referred to in paragraph 9.1 decides by a two thirds majority of the Members present and voting that the Pre-School should be wound up

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the Committee will seek the agreement of the Parish Priest and shall perform the such duties as are required at the direction of the Parish Priest of the Chair of the Finance Committee

13.3 If at the Extraordinary General Meeting a quorum is not present within 1 hour of the time appointed for the meeting then the meeting will be adjourned to the same day of the next following week at the same time and place. If at the adjourned meeting a quorum is again not present within 1 hour of the time appointed for the meeting then the Members present shall constitute a quorum

13.4 If the Pre-School is wound up or dissolved and after all of its debts and liabilities have been satisfied there remains any property or assets shall revert to the Parish.

### 14 Signatures

<b>Co- Chair</b>			<b>Date:</b>
<b>Co-Chair</b>			<b>Date:</b>
<b>Treasurer</b>			<b>Date:</b>
<b>Parish Priest</b>			<b>Date:</b>