

# **CONSTITUTION**

**of**

## **CRIME CLUB (SCIO)**

**“Any situation in which some individuals prevent others from engaging in the process of inquiry is one of violence. The means used are not important; to alienate human beings from their own decision-making is to change them into objects.”**

**- Paulo Freire -**

## **GENERAL**

### **1. Name**

1.1 The name of the organisation is Crime Club

### **2. Type of organisation**

2.1 Crime Club will, upon registration, be a Scottish Charitable Incorporated Organisation (SCIO).

### **3. Principal office**

3.1 The principal office shall be 2 Coastguard Houses, Auchmithie, Arbroath, Angus, DD11 5SG, Scotland.

### **4. Purposes**

4.1 The organisation's purposes are the advancement of education by:

- a) Providing free criminology courses, workshops and events across Scotland
- b) Encouraging and promoting both alternative and supplemental educational opportunities to those provided by the formal education system. Crime Club is especially interested in working with those for whom formal education has been a less than positive experience
- c) Encouraging and promoting opportunities for teachers to develop skills in critical pedagogy and emancipatory approaches to education

4.2 While Crime Club may charge for private courses, corporate training, staff CPD and other specific commissions, all public courses and workshops are to remain free at the point of use.

4.3 Crime Club exists for the purpose of education not examination. As such students will not be made to sit assessments or examinations of any kind, nor shall Crime Club issue any sort of certification or qualification or attach itself to any third party which does so.

4.4. Crime Club is dedicated to the principals of free and voluntary non-hierarchical association and this should be reflected in the appointment of teachers, the teaching methodologies applied in class and all other business undertaken by the organisation.

### **5. Powers**

5.1 The organisation has power to do anything which is calculated to further its purposes or is conducive or incidental to doing so.

5.2 No part of the income or property of the organisation may be paid or transferred (directly or indirectly) to the charity trustees – either in the course of the organisation's existence or on dissolution – except where this is done in direct furtherance of the organisation's purposes.

## **6. General structure**

6.1 Crime Club shall be managed by a board of charity trustees who are responsible for the general activities of the organisation as well as the monitoring and controlling of its financial affairs.

6.2 The people serving on the board are referred to as ‘charity trustees’ and are also members of the SCIO for the purposes of the Charities and Trustee Investment (Scotland) Act 2005.

6.3 Crime Club shall have a single tier structure, being governed by its charity trustees who shall also form the sole membership body.

## **BOARD**

### **7. Number of charity trustees**

7.1 The maximum number of charity trustees is 5.

7.2 The minimum number of charity trustees is 3.

7.3 Details of all charity trustees both current and former will be kept on a register of charity trustees which will be made available to the public upon request in line with legal and regulatory requirements.

### **8. Eligibility**

8.1 Any natural person aged 16 or over shall be eligible for appointment to the board and may either put themselves forward or be invited by the board to join subject to section 8.2.

8.2 As trustees may on occasion receive remuneration as teachers subject to section 13, no connected persons may be appointed to the board at any time. Connected persons include:

- a) Spouses, civil partners and cohabitees of a charity trustee
- b) Children, stepchildren, parents, grandchildren, grandparents, brothers or sisters of a charity trustee (and a spouse of any such person)
- c) An institution controlled by a charity trustee or a person connected with them or two or more trustees/connected persons when taken together
- d) A body corporate or company in which the charity trustee or a person connected with them has a substantial interest
- e) A Scottish partnership (business) in which the charity trustee or a person connected with them, is a partner.

### **9. Appointment**

9.1 The board may at any time appoint to be a charity trustee, by way of consensus at a board meeting, any person who is willing to act as such and is not excluded from

such an appointment under terms of the Charities and Trustee Investment (Scotland) Act 2005.

9.2 It is expected that the board should include both teachers and at least two students where practicable.

## **10. Termination of office**

10.1 A charity trustee will automatically cease to hold office if:

- a) s/he becomes debarred from acting as a charity trustee of an SCIO under the Charities and Trustee Investment (Scotland) Act 2005
- b) s/he becomes incapable for medical reasons of carrying out her/his duties as a charity trustee, but only if that has continued (or is expected to continue) for a period of more than six months
- c) s/he signs a notice of resignation and gives this to the organisation
- d) s/he is absent, without board approval, from more than three consecutive board meetings and if the board subsequently reaches full consensus to remove said person from office

## **MEETINGS**

### **11. Board meetings**

11.1 The board will meet once every 12 months. Where this is not possible, the board must meet every 15 months in compliance with regulatory standards.

11.2 Trustees will be notified at least 14 days in advance of board meetings and every effort will be made to ensure mutually agreeable arrangements. An agenda will be circulated at this time.

11.3 Where trustees cannot attend they are expected to notify the board in advance.

11.4 The quorum for board meetings is 3. While meetings may proceed without a quorum no decisions can be taken.

11.5 Decisions will be made by consensus. This process shall be recorded in the minutes which will be published on the Crime Club website as well as being available on request via email.

### **12. Other meetings**

12.1 There will be a feedback session after every course to which students are invited. Students will be made aware of this at the start of their course.

12.2 There will be a minimum of two planning sessions or 'open days' per year to which the public are invited.

12.3 No formal decisions are expected to be made at these meetings. Rather they should serve to feed back to the board meetings. As such no voting or other formal decision making shall take place at these meetings.

12.4 Minutes will be published on the Crime Club website and be available on request via email.

## **TEACHERS**

### **13. Selection**

13.1 Any person is welcome to propose a course, workshop, presentation or event to the board.

13.2 The board must agree to the proposal prior to any teaching taking place. Where the teacher is to be remunerated, the conditions in section 14 must also be satisfied prior to the commencement of work.

13.3 Charity trustees may be selected as teachers providing the conditions in sections 13.4 and section 14 are met.

13.4 Where a course has been proposed by a trustee, the remaining trustees must be permitted to meet and discuss the proposal without the proposer being present.

### **14. Remuneration**

14.1 Remuneration for teachers must be agreed by the board prior to commencement of work. This should be recorded in the minutes and those commissioned to provide such services should be made aware that these will be made publicly available.

14.2 Where a charity trustee is also providing services to the charity as a teacher they may only receive remuneration where the following conditions are met:

- a) A charity trustee may only receive remuneration provided that a majority of the trustees do not benefit in this way
- b) The board agrees that the trustee be appointed to provide their services and that those services are in the best interests of the organisation
- c) The amount of remuneration and the exact services to be provided are set out in a written agreement and this agreement is signed by all trustees prior to the commencement of work

14.3 Consensus must be reached by the board on all course topics, choice of teachers, amount and nature of remuneration prior to funding being sought or assigned.

## **TRANSPARENCY**

### **15. Register of charity trustees**

15.1 A register of charity trustees must be maintained and any changes updated within 28 days of notification.

15.2 The register must contain the following information:

- a) Name of the trustee
- b) Address of the trustee
- c) Date of trustee's appointment to the board
- d) Details of any office held by the trustee
- e) Whether the trustee was appointed by OCSR under s.70A of the 2005 Act

15.3 Regarding former trustees the register must retain the following information:

- a) Name of the trustee
- b) Details of any office held by the trustee
- c) The date on which s/he ceased to be a trustee

15.4 The register of charity trustees must be made available, without charge, to any member of the public who reasonably requests it.

15.5 Where the person making such a request is not a charity trustee, Crime Club is permitted to omit the address of any trustee.

15.6 Where it is reasonably believed that the safety or security of any trustee is likely to be compromised by such a request, Crime Club is permitted to omit the name of any trustee.

## **16. Register of interests**

16.1 A register of interests of charity trustees must be maintained and any changes updated within 28 days of notification.

16.2 The register must contain the following information:

- a) Any undertakings for which the trustee receives remuneration
- b) Any financial stake the trustee holds in any company or organisation
- c) Any connected person in relevant organisations
- d) Any other interest which might be of relevance as a potential conflict

16.3 Should a conflict of interest arise which may prevent a trustee from performing their duties then:

- a) The board must be notified in writing within 7 days of the trustee becoming aware of such a conflict
- b) As per section 16.1 the register of interest must be updated within 28 days of notification being received
- c) The trustee in question must withdraw from any meetings at which matters pertaining to the conflict may be discussed
- d) Should this conflict be to the extent that the trustee can no longer perform their duties as such then they should tender their resignation from the board as per section 10

## **MAKING CHANGES**

### **17. Changes to the constitution**

17.1 Where legally permissible changes are proposed to the Crime Club constitution, these must be agreed at a meeting of all charity trustees in accordance with the Charities and Trustee Investment (Scotland) Act 2005.

### **18. Dissolving the organisation**

18.1 Should the organisation be wound up:

- a) Any surplus assets must be used for charitable purposes which are the same or resemble closely those of Crime Club
- b) The board must agree on the body or bodies which will receive these assets
- c) This body or bodies should not be attached to or associated with the formal education system in any way
- d) With regard to surplus assets, the board should give priority to a local body or bodies

**END**