



St John Vianney Primary School Charitable Trust (SCO52981) Constitution

Aims

The advancement of education which will be achieved by the following methods:

- a) Support of the School and Parent Council in provision of academic, extracurricular, social or wellbeing enrichment materials and experiences for the benefit of the pupils at St John Vianney RC Primary School.
- b) Facilitation of equitable access by pupils from all backgrounds to academic, extracurricular, social or wellbeing enrichment activities supported by the school, thus assisting St John Vianney RC Primary School in pursuing their equality, diversity and inclusion aims.

Powers

The St. John Vianney Primary School Charitable Trust Board of Trustees shall have the power to do anything considered by them to be in furtherance of the aims but remembering that they are there to represent the views of the Parent Forum in collaboration with the School.

Number of Members

The membership of the Board of Trustees shall consist of a minimum of 3 parents/carers of children attending St. John Vianney RC Primary School or Early Learning Centre as nominated by the Parent Forum.

Board of Trustees Membership

Every parent/carer of a child attending St. John Vianney RC Primary School or Early Learning Centre is automatically a member of the Parent Forum and may volunteer to be a member of the Board of Trustees of the St. John Vianney Primary School Charitable Trust by putting their name forward via email, in writing or in person at a meeting.

Members of the Board of Trustees shall be appointed following election at an Annual or Extraordinary General Meeting (AGM or EGM) of the St. John Vianney Primary School Charitable Trust. Their term will last until the next AGM and they will be eligible for re-election annually. Parents/carers shall always form the majority of the Board of Trustees.

The Office Bearers will be Chairperson, Secretary, Treasurer and such others as may be required. The Office Bearers will be elected by the Parent Forum at the AGM for EGM or a period of one year after which they may put themselves forward for re-election.

Any individual may serve for a maximum of 3 consecutive years in the same Office Bearer position. The maximum term served in any post may be extended only in exceptional circumstances where there are difficulties recruiting alternative Office Bearers after extensive advertisement within the Parent Forum.

Where there is more than one person interested in an Office Bearer position, resolution shall be passed by a simple majority of members present via written ballot to be counted by the Headteacher (or their representative) and an independent Trustee. In the event of a tie, a resolution shall be passed by the drawing of lots.

Should an Office Bearer cease to be the parent of a child at the school, their Office Bearer functions shall be shared among the remaining Office Bearers and a new Office Bearer appointed at the next AGM or EGM. The previous Office Bearer will continue to be a Trustee unless they also decide to resign.

The Headteacher or his/her representative has a right and a duty to attend meetings of the Board of Trustees, but may choose not to attend meetings such as those held for the sole purpose of event planning.

The Headteacher attends meetings in an advisory capacity and does not have voting rights.

The Board of Trustees of the St John Vianney Primary School Charitable Trust shall invite an Office Bearer of the Parent Council of St John Vianney RC Primary School to join the Board as a Trustee to act as a liaison between these organisations.

The Board of Trustees shall invite St. John Vianney, St Gregory and St Catherine RC Church's combined parish to nominate a representative to be co-opted onto the Board of Trustees by the wider Board of Trustees of the St John Vianney Primary School Charitable Trust each school year. Agreement to co-opt the new Trustee shall be by simple majority vote of the Board of Trustees following receipt of a letter of introduction or in person appearance of the nominated representative.

The Board of Trustees may co-opt up to 3 persons from community members, ex-pupils, school support staff to help carry out its functions at any time. The co-opted members shall retire at the AGM but shall be eligible to be co-opted for a further term for an unlimited number of years and shall have full voting rights.

Each member of the Board of Trustees shall have one vote and resolutions shall be passed by a simple majority vote of those present. The Chairperson shall have both a deliberative and casting vote – one vote as a member of the Board of Trustees and one vote as Chairperson. The Chairperson's casting vote shall be used only in the event of a tie.

The Secretary shall be responsible for keeping accurate minutes of all meetings and shall make these available upon request to any member of the Parent Forum.

A member of the Board of Trustees failing to attend three consecutive meetings without reason/apologies may be deemed to have retired from the Board of Trustees.

Annual General Meetings

The Annual General Meeting (AGM) shall be held in October of each year. Notice calling the meeting shall be sent to the Parent Forum at least two weeks in advance, detailing time and location.

The business shall include:-

- a) The work of the St. John Vianney Primary School Charitable Trust.
- b) Approval of the accounts.
- c) Appointment of an individual who will review the annual accounts.
- d) Any resolutions submitted by the Board of Trustees.
- e) Election of Board of Trustees members and Office Bearers.

At all Annual General Meetings, voting shall be on the basis of one vote per Trustee present at the meeting. The exception being the election of Trustees where it will be one vote per Trustee and Parent Forum member present.

At all Annual General Meetings the quorum shall consist of three (3) Trustees.

Ordinary General Meetings

Meetings of the Board of Trustees shall be held as required.

Meetings could be held either in person in school or online (e.g. Teams/Zoom)

At all meetings of the Board of Trustees three (3) shall form a quorum.

A quorum is only valid if all the Board of Trustees members have been informed of the meeting and sent notice of the items of business 7 days in advance.

All Board of Trustees meetings shall be open and any member of the Parent Forum may attend although they will not have voting rights. The only exception to this shall be where the Board of Trustees is discussing an issue which it considers should be dealt with on a confidential basis. In such circumstances only members of the Board of Trustees and the Head Teacher or his/her representative may attend.

Extraordinary General Meetings

Any 2 Trustees or 20 members of the Parent Forum shall have power to call an Extraordinary General Meeting and can do so by emailing or writing to the Head Teacher or St. John Vianney Primary School Charitable Trust Secretary.

Each member of the Board of Trustees shall have one vote and resolutions shall be passed by a simple majority vote of those present. The Chairperson shall have both a deliberative and casting vote – one vote as a member of the Board of Trustees and one vote as Chairperson. The Chairperson's casting vote shall be used only in the event of a tie.

The Secretary shall be responsible for keeping accurate minutes of all meetings and shall make these available upon request to any member of the Parent Forum.

A member of the Board of Trustees failing to attend three consecutive meetings without reason/apologies may be deemed to have retired from the Board of Trustees.

Finance

The funds of the St. John Vianney Primary School Charitable Trust shall be lodged in a bank, building society or other account in the name of the St. John Vianney Primary School Charitable Trust. Cheques shall be drawn or withdrawals made against the signatures of at least two named Trustees.

The Treasurer shall be responsible for keeping accurate records of the financial transactions of the St. John Vianney Primary School Charitable Trust. The books shall be brought to balance six weeks before the AGM and a draft of the Trustees' report of the Charity's annual accounts produced. The accounts and report shall be subjected to an independent examination by an individual appointed at the previous AGM by the Parent Forum or the School. The individual does not have to be a qualified accountant, simply someone who is comfortable working with figures, who is not a member of or related to a member of the Board of Trustees and whom the Board of Trustees deems competent to carry out this examination. Once approved, the Trustees' report of the Charity's annual accounts will be submitted to The Scottish Charity Regulator (OSCR).

The Board of Trustees shall be responsible for ensuring that all property/money received by/for the St. John Vianney Primary School Charitable Trust shall be applied for the aims of the St. John Vianney Primary School Charitable Trust.

The Board of Trustees determines how the money they have raised or which is raised on their behalf is spent - it is not simply transferred to the school. A report should be made to the Parent Forum at the AGM regarding how funds have been spent or disbursed.

The Board of Trustees shall endeavour to maintain a minimum bank balance of £500 throughout each school year. The Board of Trustees is required to keep a positive bank balance and has no borrowing powers.

Changes to the Constitution

Changes or additions must be made at an AGM or an EGM called for the purpose. The proposed change(s) shall be specified in the notice calling the meeting and be approved by not less than two thirds of those present. Certain changes will need prior consent from OSCR, e.g. name or purpose.

Dissolution

In the event that the St. John Vianney Primary School Charitable Trust ceases to exist, any remaining funds pass to the Parent Council of St. John Vianney RC Primary School to use for the benefit of the School.

Please note, the definition of the term parent, as used in this constitution, is that provided by the Scottish Schools (Parental Involvement) Act 2006:

“parent includes guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person”.

The definition of a quorum as used in this constitution is the minimum number of trustees that must be present at any of its meetings to make the proceedings of that meeting valid.

The OSCR provides [the following guidance](#) on its requirements for an independent examination:

All charities registered in Scotland must have their accounts checked by someone who is external to the charity. This is called external scrutiny. There are two types of external scrutiny:

- independent examination
- audit

An independent examination is less rigorous and less costly than an audit. For many smaller charities independent examination will be appropriate.

Independent examination involves a review of the accounting records and the annual accounts of the charity. The independent examiner considers whether the accounts are supported by the accounting records and show an accurate picture of the financial affairs of the charity.

The examiner also considers whether the accounts are prepared in accordance with the law.

At the end of the examination the examiner will make a report to the charity trustees. This report should be submitted to OSCR along with your accounts.

An Independent Examiner is defined in the 2006 Regulations as:

‘an **independent person** who is reasonably believed by the trustees to have the **requisite ability** and **practical experience** to carry out a **competent examination** of the accounts’.