

# SCOTTISH VARIATIONS FROM THE SEPTEMBER 2021 EDITION OF THE POLICY, ORGANISATION AND RULES (P.O.R.) OF THE SCOUT ASSOCIATION

## Introduction

The Board of the Scout Association is empowered to appoint local bodies for the management of the Association's affairs in any particular part of the United Kingdom and to delegate to them all or any of the Committee's powers. The affairs of the Association in Scotland have been delegated to Scouts Scotland (also referred to as Scottish Headquarters or SHQ), with a Board (known as the Board of Trustees of Scouts Scotland) for the management of its business.

As explained on page 7 of Chapter 6 in POR, some of the Rules in POR do not apply in Scotland without modification. This paper sets out Scottish variations, as approved by the Board of Trustees of Scouts Scotland

In relation to Scotland, the term "Country Headquarters" means Scottish Headquarters.

**County** - although in some parts of the British Isles Scout Counties are known as Areas or Islands - and in one case Bailiwick -for ease of reading POR simply refers to County/Counties. With effect from 1 April 2008 there is no direct equivalent to County or Area in Scotland.

## Region / District - In Scotland

Scouting is organised into Districts and Regions, each with distinct responsibilities. Some 'County' functions are the responsibility of Scottish Regions, whilst others lie with Scottish Districts. The locus of responsibility is outlined in Scottish Variations from POR. Unless otherwise stated, all references to 'County' or 'Counties' relate to 'Region' or 'Regions' in Scotland.

Scottish Variations identifies which of these functions fall under the specific responsibility of Districts in Scotland.

## Regional Commissioners

Any reference to the post of Regional Commissioner refers to England and Wales, and Scotland only. In Scotland a Regional Commissioner leads a number of Scout Districts and is answerable to the Chief Commissioner of Scotland.

## Chapter 3

### The Scout Group

#### Rule 3.21 Suspension of Registration

e. In such a case the Regional Commissioner may direct that Groups will not be suspended but attached to a neighbouring District.

#### Rule 3.22(f) Cancellation of Registration and the Closure of Sections within a Scout Group

A Scout Group is not permitted to transfer from The Scout Association to any other body whether calling itself a Scout organisation or by any other name.

#### Rule 3.24 The Constitution of the Scout Group

The Model Constitution for a Scout Group is appended as Annex A to Scottish Variations from POR and replaces the above.

#### Rule 3.24(b) The Group Executive Committee

ii. All Members of the Group Executive Committee must act collectively as Charity Trustees (if a Scout Group is a registered charity) or with the same duties and responsibilities as Charity Trustees if they are not and in the best interests of its members to:

- Comply with the Policy, Organisation and Rules of The Scout Association
- Protect and maintain any property and equipment owned by and used by the Group
- Manage the Group finances.
- Provide insurance for people, property and equipment.
- Provide sufficient resources for Scouting to operate. This includes, but is not limited to, supporting recruitment, other adult support, and fundraising activities.
- Promote and support the development of Scouting in the local area.
- Manage and implement the Safety Policy locally
- Ensure that a positive image of Scouting exists in the local community.
- Appoint and manage the operation of any sub-Committees, including appointing Chairs to lead the sub-Committees.
- Ensure that Young People are meaningfully involved in decision making at all levels within the Group
- The opening, closure and amalgamation of Sections in the Group as necessary.

### **The Group Executive Committee must also:**

- Appoint Administrators and Co-opted members of the Group Executive Committee
- Approve the Annual Report and Annual Accounts after their examination by an appropriate auditor, or independent examiner.
- Present the Annual Report and Annual Accounts to the Scout Council at the Annual General Meeting; file a copy with the District Executive Committee; and if a registered charity, appropriate charity regulator. (See Rule 13.3)
- Maintain confidentiality with regard to appropriate Executive Committee business.
- Where staff are employed, act as a responsible employer in accordance with Scouting's values and relevant legislation.
- Ensure line management responsibilities for employed staff are clearly established and communicated.

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

- A Scout Group in Scotland may be registered as a charity. (See rule 13.1)
- All Members of the Group Executive Committee of a registered charity are the charity trustees of the Scout Group.
- Where a Scout Group is not a registered charity members of the Group Executive Committee will be regarded as having the same duties and responsibilities as charity Trustees for the purposes of POR.
- Only persons aged 18 and over may be full voting members of the Group Executive Committee. (however, the views of young people in the Group must be taken into consideration)
- Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005. (See rule 13.1)
- Charity Trustees are responsible for ensuring compliance with all relevant legislation including the Data Protection Act

### **Rule 3.27 (b) The Appointment of Adults**

(b) A personal enquiry (including where relevant a criminal records disclosure check) will always be required for a person aged 18 or over who meets any of the following criteria: -

- Wishes to become a Member or Associate Member (for members of Scout Network see 3.27 (m) below) or,
- Will become a trustee of a Scout body registered as a Scottish charity; or
- Will be assisting with overnight activities (including Nights Away): or will undertake any other adult role that may be determined to be a 'childcare' role under the Protection of Children (Scotland) Act or will have unsupervised access to young people.

(d) Where any of the conditions of 3.27 (b) above are met and the individual does not otherwise hold a role requiring a disclosure, the individual must be recorded as a Non-member PVG only on Compass and personal enquiry (including criminal records disclosure check) undertaken

Other casual helpers, who assist less frequently than once a month should complete a Self-declaration form available from Scouts Scotland

### **Rule 3.27 (k)**

Parents and other regular helpers who are involved with the Group monthly or more often must undergo a PVG Scheme membership check and should be appointed as Section Assistants

Membership of the PVG scheme is also required for those involved less often than monthly if the 'normal duties' they are required to undertake meet the definition of 'regulated work' with children as defined in the Protection of Vulnerable Groups (Scotland) Act 2007

**Rule 3.27 (i)** There is no role of Occasional helper in Scotland

### **Rule 3.49 Finance and the Scout Group**

Certain rules in this Section do not apply, without modification, in parts of the British Isles outside England and Wales. (See also Scottish Variation from Chapter 13).

- a. Every Scout Group is required to keep proper books of accounts.
- b. The Charities Acts apply directly only in England and Wales. Charities in Scotland must comply with the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.
- c. The Group Executive Committee must ensure that proper financial planning and budgetary control is operated within the Group. and the assets are to be applied solely for the purposes, management and administration of Scouting.
- d. The Group Scouters' Meeting must be consulted on the financial planning of the group's activities.
- e. All expenditure not specifically delegated to the Group Scouters' Meeting or Section Leaders must be approved by the Group Executive Committee to ensure that the Group can meet any liability incurred.
- f. 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 Group and not in a personal capacity.
- g. An Annual Report and Statement of Account must be prepared annually and be independently examined or audited as appropriate in accordance with these Rules.
- h. The Group must ensure that signed copies of the annual report and accounts are sent to the District Treasurer within the 14 days following the Group's Annual General Meeting at which the annual report and accounts were considered and approved.
- i. If called upon to do so, the Group Treasurer must also send a copy of the latest statement of accounts to the Regional Treasurer or Headquarters.
- j. If the Group is a registered Scottish charity a copy of the annual report and accounts must also be sent to the Office of the Scottish Charity Regulator within nine months of the Group's financial year end.
- k. The annual statement of accounts must account for all monies received or paid on behalf of the Group, including all Sections, Committees and the Group Scout Active Support Unit.
- l. If the annual gross income or expenditure is above the limits laid down in the factsheet 'Accounting and Audit Requirements for Group, Districts, Counties/Areas and Scottish Regions the statement of accounts must be in the form of a Statement of Financial Activities (SOFA) with balance sheet. The factsheet is available from [www.scouts.org.uk](http://www.scouts.org.uk)

m. If the gross income or total income is less than the limits laid down in the factsheet an annual 'receipts and payments' account together with a statement of assets and liabilities may be prepared instead.

n. If the Group is a Registered Charity, the Annual Report and Statement of Account must include

- A Trustee's Annual Report
- An Independent Examiners' Report
- A Receipts and Payments Account
- A Statement of Balances (including a list of assets and liabilities)
- Notes to the Accounts

q. The annual Statement of Account may be in the format of one of two model annual statements available from Scottish Headquarters. These models are suitable for:

- Receipts and payments accounts
- Fully Accrued (SORP) accounts

The appropriate model will depend upon the gross income in the financial year and whether the Group has any special funds whose use is restricted to particular purposes rather than the general purposes of the Scout Group.

r. At each Annual General Meeting of the Group Scout Council an auditor or independent examiner as appropriate must be appointed.

s. Each Group can decide if they need an auditor or independent examiner by reference to the factsheet 'Accounting and Audit Requirements for Group, Districts, Counties/Areas and Scottish Regions

t. The auditor or independent examiner must carry out an external examination of the accounts in accordance with the requirements of the Charities and Trustee Investments (Scotland) Act 2005

u. A report to the trustees (the Group Executive) must be completed in accordance with one of the models in the specimen accounts referred to in the SHQ Guidance as appropriate to an independent examiner or an auditor.

v. An auditor or independent examiner is required to carry out the work programme defined in one of the models in the specimen accounts referred to in the SHQ Guidance

### **Rule 3.51 Bank Accounts**

g. Group funds must be invested as specified by the Charities and Trustees Investment (Scotland) Act 2006.

### **Rule 3.53 Disposal of Group Assets at Closure**

d. Any assets remaining after the closure of a Group will automatically pass to the District Scout Council, which shall use or dispose of these assets at its absolute discretion solely for the purposes of Scouting.

### **Rule 3.55 (a) and (b) Payment of the Membership Subscription**

In terms of the Constitution of the Scottish Council, the Membership Subscription in Scotland is in two parts viz. (a) a sum payable to UK Headquarters (through Scottish Headquarters), the amount of which is determined by agreement between UK Headquarters and the Board of Trustees of Scouts Scotland and (b) a sum determined annually by the Board of Trustees of Scouts Scotland

## Chapter 4

### The Scout District

#### **Rule 4.4(c) Transfer of membership**

If a Member leaves a Scout Network due to moving to another locality, the District Scout Network Commissioner should inform the District Scout Network Commissioner (County Scout Network Commissioner outside Scotland) of the District (County) into which the Member is moving.

#### **Rule 4.19(c) Suspension of Explorer Scout Units**

Suspension may also be a consequence of the suspension of the District. In such a case the Regional Commissioner may direct that Explorer Scout Units will not be suspended but attached to a neighbouring District.

#### **Rule 4.21(e) Cancellation of Registration of the Scout District**

A Scout District is not permitted to transfer from The Scout Association to any other body whether calling itself a Scout organisation or by any other name.

#### **Rule 4.25 (e), (f) and (i) The Constitution of the Scout District; the District Executive Committee; Conduct of Meetings in the Scout District**

The Model Constitution for a Scottish District is appended as Annex B to Scottish Variations from POR and replaces the above.

#### **Rule 4.25 (f) The District Executive Committee**

ii. All ex officio, nominated, elected and co-opted Members of the Executive Committee must act collectively as Charity Trustees (if a Scout District is a registered charity) or with the same duties and responsibilities as Charity Trustees if they are not and in the best interests of its members to:

- Comply with the Policy, Organisation and Rules of The Scout Association.
- Protect and maintain any property and equipment owned by and/or used by the District.
- Manage the District finances.
- Provide insurance for people, property and equipment.
- Provide sufficient resources for Scouting to operate. This includes, but is not limited to, supporting recruitment, other adult support, and fundraising activities.
- Promote and support the development of Scouting in the local area.
- Manage and implement the Safety Policy locally.
- Ensure that a positive image of Scouting exists in the local community.
- Appoint and manage the operation of any sub-Committees, including appointing Chairs to lead the sub-Committees.

- Ensure that Young People are meaningfully involved in decision making at all levels within the District.
- The opening, closure and amalgamation of Groups, Explorer Scout Units, Scout Network and Scout Active Support Units in the District as necessary.
- Appoint and manage the operation of an Appointments Advisory Committee, including appointing an Appointments Committee Chair to lead it.
- Supervising the administration of Groups, particularly in relation to finance and the trusteeship of property.

**The Executive Committee must also:**

- Appoint Administrators, Advisers, and Co-opted members of the Executive Committee
- Approve the Annual Report and Annual Accounts after their examination by an appropriate auditor, or independent examiner.
- Present the Annual Report and Annual Accounts to the Scout Council at the Annual General Meeting; file a copy with the Regional Executive Committee; and if a registered charity, appropriate charity regulator. (See Rule 13.3)
- Maintain confidentiality with regard to appropriate Executive Committee business.
- Where staff are employed, act as a responsible employer in accordance with Scouting's values and relevant legislation.
- Ensure line management responsibilities for employed staff are clearly established and communicated.

lii The ex officio membership of the District Executive does not apply to the District Youth Commissioner in Scotland, but the District Youth Commissioner and an Assistant District Commissioner (Youth Involvement) can serve on the District Executive in an elected, nominated or co-opted position.

v. Additional Requirements for Charity Trustees:

- A Scout District in Scotland may be registered as a charity. (See rule 13.1)
- All ex officio, nominated, elected and co-opted Members of the District Executive Committee of a registered charity are the charity trustees of the Scout District.
- Where a Scout District is not a registered charity members of the District Executive Committee will be regarded as having the same duties and responsibilities as charity Trustees for the purposes of POR.
- Only persons aged 18 and over may be full voting members of the District Executive Committee. (however the views of young people in the District must be taken into consideration)
- Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005. (See rule 13.1)
- Charity Trustees are responsible for ensuring compliance with all relevant legislation including the Data Protection Act.

## **Rule 4.26 Administrators and Advisers**

### **Rule 4.28 The Appointment of Adults in the Scout District**

The variation to Rules 3.27 set out above in relation to Scout Groups also apply to Scout Districts.

### **Rule 4.44(f) District Youth Commissioner**

In Scotland the youth involvement agenda is embedded at all levels. At District level an Assistant District Commissioner (Youth Involvement) should be appointed

The functions of the appointment of an Assistant District Commissioner (Youth Involvement) in Scotland are:

As a member of the District Leadership team the Assistant District Commissioner (Youth Involvement) works in partnership with the District Commissioner and Chair of the District Executive Committee. The role is to ensure that young people from 6-25 years are involved and engaged in every decision that shapes their Scouting experience locally and to empower young people to share their ideas and have a meaningful voice in planning, implementing and reviewing their programme and opportunities. The Assistant District Commissioner (Youth Involvement) also supports the District Youth Advisory Group which will be set up in each District and will be chaired by a District Youth Commissioner who will be elected by their peers according to the Youth Involvement Strategy of Scouts Scotland

### **Rule 4.44(e) Assistant District Commissioner (Adult Training)**

Assistant District Commissioners (Adult Training) are appointed by the District Commissioner to:

- Lead Training in the District
- Identify, allocate, support and manage Training Advisers
- Support Getting Started Training in the District
- Support the District Commissioner in their responsibilities for ongoing learning
- Support the training responsibilities of members of the District Team

## **Rule 4.46 Responsibility for Specialist Subjects**

### **Rule 4.56 c The Duke of Edinburgh's Award**

### **Rule 4.57 The Queen's Scout Award**

c. The completed application is sent to Scottish Headquarters who will dispatch the appropriate emblems and badges to the District Commissioner or their nominee for presentation.

### **Rule 4.59 Finance and the Scout District**

The variation to Rule 3.48 set out above in relation to Scout Groups also applies to Scout Districts.

### **Rule 4.61 Bank Accounts**

g. District funds must be invested as specified by the Charities and Trustees Investment (Scotland) Act 2006.

**Rule 4.64 Disposal of District Assets at Closure**

d. Any assets remaining after the closure of a District will automatically pass to the Regional Scout Council which shall use or dispose of these assets at its absolute discretion solely for the purposes of Scouting.

## Chapter 5

### The Scout Region

A Scout Region comprises several Scout Districts. Additionally, the Region may have one or more Regional Scout Active Support Units.

A Scout Region has primarily, the responsibility for Growth, Communication, Youth Involvement and Adult Training. Responsibility for Youth Programme lies with Districts.

Unless otherwise noted below, the rules applying to Scout Counties also apply to Scout Regions in Scotland.

#### **Rule 5.4 (c) Transfer of Membership,**

#### **Rule 5.13 Cancellation of Registration of the Scout Region**

e. A Scout Region is not permitted to transfer from The Scout Association to any other body whether calling itself a scout organisation or by any other name.

#### **Rule 5.14 Management of the Scout Region**

d.. The Regional Commissioner is assisted and supported by the Regional Team, comprising Deputy Regional Commissioner(s) Assistant Regional Commissioners for Adult Training, Communications, Development, Youth Involvement and Section Support.

#### **Rule 5.16 (a) (e), (f) and (h) The Constitution of the Scout County; the County Executive Committee; Conduct of Meetings in the Scout County**

The Model Constitution for a Scottish Region is appended as Annex C to Scottish Variations from POR and replaces the above.

## **Rule 5.16 (f) The Regional Executive Committee**

ii. All ex officio, nominated, elected and co-opted Members of the Executive Committee must act collectively as Charity Trustees (if a Scout Region is a registered charity) or with the same duties and responsibilities as Charity Trustees if they are not and in the best interests of its members to:

- Comply with the Policy, Organisation and Rules of The Scout Association.
- Protect and maintain any property and equipment owned by and used by the Region.
- Manage the Region finances.
- Provide insurance for people, property and equipment.
- Provide sufficient resources for Scouting to operate. This includes, but is not limited to, supporting recruitment, other adult support, and fundraising activities.
- Promote and support the development of Scouting in the local area.
- Manage and implement the Safety Policy locally.
- Ensure that a positive image of Scouting exists in the local community.
- Appoint and manage the operation of any sub-Committees, including appointing Chairs to lead the sub-Committees.
- Ensure that Young People are meaningfully involved in decision making at all levels within the Region.
- The opening, closure and amalgamation of Districts, Scout Network (where they exist) and Scout Active Support Units in the Region as necessary.
- Appoint and manage the operation of an Appointments Advisory Committee, including appointing an Appointments Committee Chair to lead it.

### **The Executive Committee must also:**

- Appoint Administrators, Advisers, and Co-opted members of the Executive Committee
- Approve the Annual Report and Annual Accounts after their examination by an appropriate auditor, independent examiner or scrutineer.
- Present the Annual Report and Annual Accounts to the Scout Council at the Annual General Meeting; file a copy with Scottish Headquarters and if a registered charity, submit to the appropriate charity regulator. (See Rule 13.3)
- Maintain confidentiality with regard to appropriate Executive Committee business.
- Where staff are employed, act as a responsible employer in accordance with Scouting's values and relevant legislation.
- Ensure line management responsibilities for employed staff are clearly established and communicated.

- lii The ex officio membership of the Regional Executive does not apply to the Regional Youth Commissioner in Scotland, but the Regional Youth Commissioner and an Assistant Regional Commissioner (Youth Involvement) can serve on the Regional Executive in an elected, nominated or co-opted position.

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

- A Scout Region in Scotland may be registered as a charity. (See rule 13.1)
- All ex officio, nominated, elected and co-opted Members of the Region Executive Committee of a registered charity are the charity trustees of the Scout Region.
- Where a Scout Region is not a registered charity members of the Region Executive Committee will be regarded as having the same duties and responsibilities as charity Trustees for the purposes of POR.
- Only persons aged 18 and over may be full voting members of the Region Executive Committee. (however the views of young people in the Region must be taken into consideration)
- Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005. (See rule 13.1)
- Charity Trustees are responsible for ensuring compliance with all relevant legislation including the Data Protection Act.

#### **h. The Regional Team Meeting**

i. The Regional Team, comprising all Assistant Regional Commissioners, and Regional Scout Active Support Managers, meet as frequently as necessary under the chairmanship of the Regional Commissioner.

ii. The purpose of the Regional Team Meeting is to:

- review the progress, standards and effectiveness of Scout programmes in the Districts of the Region, including the Scout Network;
- plan a programme of visits to Districts to give support and encouragement to Leaders and Commissioners;
- plan the provision of Adult Training;
- secure the support of the Scout Active Support in the work of the Region;
- keep the Regional Executive Committee advised of the financial requirements of the training programme in the Region.

## **Rule 5.17 Administrators and Advisers**

### **c. The Regional Chair**

The appointment of the Regional Chair is approved by the Regional Scout Council at its Annual General Meeting. The role may not be held by a Leader, Manager or Supporter where that could lead to any real or potential conflict of interest within the charity or directly related charities. For example, a District Chair should not be the Regional Chair in the same Scout Region but could be a Regional Chair in a different Scout Region (subject to having the time and skill to undertake both roles).

### **e. The Regional Secretary**

Unless employed by the Region - is elected by the Regional Scout Council at the Annual General Meeting every year. The role may not be held by a Leader, Manager or Supporter where that could lead to any real or potential conflict of interest within the charity or directly related charities. For example, a District Chair should not be the Regional Chair in the same Scout Region but could be a Regional Chair in a different Scout Region (subject to having the time and skill to undertake both roles).

### **f. The Regional Treasurer**

This appointment is elected by the Regional Scout Council at the Annual General Meeting every year. The role may not be held by a Leader, Manager or Supporter where that could lead to any real or potential conflict of interest within the charity or directly related charities. For example, a District Chair should not be the Regional Chair in the same Scout Region but could be a Regional Chair in a different Scout Region (subject to having the time and skill to undertake both roles).

## **Rule 5.19 The Appointment of Adults in the Scout Region**

The variations to Rule 3.27 set out above in relation to Scout Groups also apply to Scout Regions.

## **Rule 5.35 Responsibilities of Appointments in the Scout Region**

### **a. The Regional Commissioner**

i. The Regional Commissioner is responsible to the Chief Commissioner for support and development of Scouting within the Scout Region.

vi. If the office of Regional Commissioner is vacant, the Chief Commissioner will either nominate an Assistant Regional Commissioner or another Commissioner to act in this capacity or will perform these duties themselves.

## **b. The Deputy Regional Commissioner**

i. Deputy Regional Commissioners may be appointed to assist and deputise for the Regional Commissioner.

ii. The duties of the appointment are determined by the Chief Commissioner of Scotland and will additionally include Region-specific tasks to be defined by the Regional Commissioner at the time of appointment.

## **d. Assistant Regional Commissioner (Adult Training)**

i. An Assistant Regional Commissioner (Adult Training) may be appointed to assist the Regional Commissioner with the delivery and validation of learning.

ii. The functions of the appointment are to:

- Determine, review and maintain the appropriate structure for the support of learning opportunities in the Region;
- Support those involved in the management, delivery and administration of training;
- Plan and ensure the delivery of the learning provision in the Region for Modules 5 – 36 so that all adults in Scouting completing a 'Personal Learning Plan' have access to suitable learning opportunities using a variety of methods;
- Ensure that people involved in training are suitably qualified (that is have attained or are actively working towards the relevant module) and effective;
- Ensure that the recommendation of Wood Badges is carried out;
- Implement The Scout Association's training policy within the Region;

iii. Assistant Regional Commissioners (Adult Training) must complete Module 33 Planning a learning provision and Module 34 Managing a learning provision within three years of appointment.

## **e. Local Training Managers**

This Rule is deleted as the role does not exist in Scotland.

## **f. Assistant Regional Commissioners**

i. Assistant Regional Commissioners are appointed to assist the Regional Commissioner with particular duties relating to Adult Training, Communication, Development, Explorer Scouts, Scout Network, Youth Involvement and Section Support

j. In Scotland the youth involvement agenda is embedded at all levels. At Region level an Assistant Regional Commissioner (Youth Involvement) should be appointed the functions of the appointment of an Assistant Regional Commissioner (Youth Involvement) in Scotland are:

As a member of the Regional Leadership team the Assistant Regional Commissioner (Youth Involvement) works in partnership with the Regional Commissioner and Chairman of the Regional Executive Committee. The role is to ensure that young

people from 6-25 years are involved and engaged in every decision that shapes their Scouting experience locally and to empower young people to share their ideas and have a meaningful voice in planning, implementing and reviewing their programme and opportunities. The Assistant Regional Commissioner (Youth Involvement) also supports the Regional Youth Advisory Group which will be set up in each Region and will be chaired by a Regional Youth Commissioner who will be elected by their peers according to the Youth Involvement Strategy of Scouts Scotland

### **Rule 5.36 Responsibility for Sectional Matters**

a. Assistant Regional Commissioners (Section Support) may be appointed to support:

- Beavers, Cubs and Scouts
- Explorer Scouts
- Scout Network
- Explorer Scouts and Scout Network.

b. The Assistant Regional Commissioner is usually a Scouter experienced in the particular Section concerned and will normally have completed Wood Badge Training for that Section.

c. The functions of the appointment are:

- To assist the Regional Commissioner with supporting the Section in the Districts, including the personal support and encouragement of District Commissioners and Assistants;
- To visit Districts and provide technical advice on their operations;

NB: Region has no responsibility for organising Programme events.

### **Rule 5.37 Responsibility for Specialist Subjects**

Regional Advisers may be appointed to assist the Regional Commissioner with a variety of special responsibilities including the Duke of Edinburgh's Award, Activities, Inclusion and International

### **Rule 5.38 Responsibility for General Duties**

This rule is deleted as it does not apply in Scotland.

### **Rule 5.44 The Duke of Edinburgh's Award**

The Regional Commissioner should appoint a Regional Adviser for the Duke of Edinburgh's Award. Where a Regional Adviser is not in post, the D of E Manager at Scottish Headquarters will assume responsibility for the award in the interim.

**Rule 5.45 The Queen's Scout Award**

This is a District responsibility.

See Scottish Variation from Rule 4.57.

**Rule 5.47 Finance and the Scout County**

The variation to Rule 3.48 set out above in relation to Scout Groups also applies to Scout Regions.

**Rule 5.48 Funds administered by the Scout Network, Scout Active Support and other Scout Sections in the County**

Delete all references to Scout Network refer to Rule 4.60.

**Rule 5.49 Bank Accounts**

g. Region funds must be invested as specified by the Charities and Trustees Investment (Scotland) Act 2006.

**Rule 5.52 Disposal of Region Assets at Closure**

d. Any assets remaining after the closure of a Region will automatically pass to the Country Headquarters, which shall use or dispose of these assets at its absolute discretion, solely for the purposes of Scouting.

## Chapter 6

### **The Structure of the Headquarters of The Scout Association**

#### **Regional Commissioners**

In Scotland Regional Commissioners are appointed by the Chief Commissioner.

- The appointment of a Regional Commissioner remains valid until the fifth anniversary of the date of the appointment.
- The appointment of Regional Commissioners is subject to formal review by the Chief Commissioner (using Form AR)
- The appointment of a Regional Commissioner may be renewed for a second period not exceeding five years.
- Regional Commissioners are Ex officio members of all District Scout Councils in their Region and have Right of Attendance at all District Executive Committees in their Region.

#### **The Country Scout Councils of Northern Ireland, Scotland and Wales**

Under the Scout Constitution for Scotland, the affairs of The Scout Association are under the charge of Scouts Scotland, with a Board of Trustees for the management of its business. Under the authority of Headquarters, Scottish Headquarters is the body responsible for matters of programme, training and administration in Scotland.

Scotland has separate legal and educational systems and its own system of National (Scottish) and local government. Certain Rules concerning trusteeship, property and charitable status therefore do not apply in Scotland without modification. There are no Scout Areas (Counties) in Scotland. Some functions of Scout Areas (Counties) are allocated to Scout Districts and some to Scout Regions.

[www.scouts.scot](http://www.scouts.scot) is the official website of Scouting in Scotland

Rule 6:2 (v) There is no role as an Occasional Helper in Scotland

## Chapter 9

### Activities

#### Rule 9.1 Activity Rules - Application

c. The District Commissioner is responsible for approving all activities for Scout Network Members. This will usually be by means of an informal system agreed between the District Commissioner and the District Scout Network Commissioner.

d. The relevant District or Regional Commissioner is responsible for approving all activities for groups of adults (i.e. where each individual is aged 18 and over). This will usually be by means of an informal system agreed between the relevant Commissioner and the Assistant Regional Commissioner Scout Network (in respect of Scout Network), Active Support Manager (Scout Active Support) or other person recognised by the relevant Commissioner.

## Chapter 10

### Uniform, Badges and Emblems

#### Rule 10.17 Marching Bands

A dark blue Balmoral bonnet with the metal Arrowhead Badge is added to the list of additional optional items: the Balmoral should have short tails and a navy blue “toorie”, but not a diced border.

#### Rule 10.22 Badges and Awards – Supply

a) Badges and awards must be obtained through Regional Badge Secretaries; District Badge Secretaries or Scout Store. Scottish specific badges may be purchased direct from Scouts Scotland Headquarters.

#### Rule 10.26 Identifying Group, District and County Badges

In addition to the items listed, a Scottish emblem consisting of a St Andrew’s Cross with the word “Scotland” below is authorised for wear on uniform by members in Scotland. It is worn at the top of the right shoulder, immediately below any Group name tape and above any District/ Region badge.

## **Chapter 11**

### **Awards and recognition of service**

#### **Rule 11.1 Award Nominations and Recognition of Service**

b) Nomination forms can be found at [www.scouts.org.uk/awards](http://www.scouts.org.uk/awards). Completed Good Service (Chief Scouts Commendation for Good Service, Award for Merit and Bar to the Award for Merit) nomination forms should be submitted to the relevant Commissioner for approval and then the HQ Awards Team should be notified by the responsible Commissioner of the award decisions using the Good Service Award Completion Form. Completed Good Service (Silver Acorn, Bar to the Silver Acorn & Silver Wolf) nomination forms as well as completed Meritorious Conduct, Gallantry, Cornwell Scout Badge & Chief Scouts Personal Award nomination forms should be submitted by email to the Scottish Awards Advisory Group, in the first instance. Following the Chief Commissioner's approval, they will be forwarded to the National Awards Advisory Group.

Note: In Scotland, Regional Commissioners will submit a nomination for the Silver Acorn to the Scottish Awards Advisory Group, who will make a recommendation to the Chief Commissioner of Scotland. All nominations for Bar to the Silver Acorn and Silver Wolf need to be endorsed by the Chief Commissioner of Scotland before being sent to the National Awards Advisory Group. The Chief Commissioner of Scotland may seek support from the Scottish Awards Group before doing this.

## **Chapter 12**

### **Flags and Ceremonial**

All references to 'County' or 'Counties' or 'Area' or 'Areas' in Chapter 12 should be replaced by 'District' or 'Districts' for Scotland.

## Chapter 13

### Trusteeship, Property and Equipment

Certain Rules in this Chapter do not apply without modification, in parts of the British Isles outside England and Wales.

#### **Rule 13.1 Persons not allowed to act as Trustees**

e. The Charities Acts apply to England and Wales only. The Charities and Trustee Investment (Scotland) Act 2005 applies to Scotland.

f. Certain people are disqualified from continuing as a trustee, or from becoming a trustee. They are people who:

- have been convicted at any time of any offence involving deception or dishonesty, unless the conviction is regarded as spent; or are undischarged bankrupts; or
- have made compositions with their creditors under the Insolvency Act 1986 which have not been discharged; or
- have at any time been removed by the Charity Commissioners or the Office of the Scottish Charity Regulator or by any court in the United Kingdom from being a trustee because of misconduct; or
- are disqualified from being company directors; or
- have failed to make payments under county court administration orders or similar in Scotland.

#### **Rule 13.2 Property and Equipment**

The Scout Association Trust Corporation does not operate in Scotland. In Scotland the following rules apply in regard to the ownership of property and equipment, effectively replacing Rule 13.2 (c) - (i).

**Any heritable property** which the Scottish Council, any Regional Scout Council, any District Scout Council or any Group may acquire by purchase, lease, gift or otherwise shall be vested in and the Title thereto shall be taken in the names of:

(a) in the case of the Scottish Council - the Chief Commissioner of Scotland, the Chair of the Board of Trustees of Scouts Scotland the Treasurer and the Secretary or any three of them for the time and their successors in office as trustees for the Scottish Council, or

(b) in the case of a Regional Scout Council, District Scout Council or Group - the Regional Commissioner, the Regional Chair, the Regional Treasurer and the Regional Secretary or any three of them for the time and their successors in office as trustees for the benefit of the Regional Scout Council, District Scout Council or Group as the case may be.

Such trustees, or a majority of them, have power to sell in respect of the heritable property or any part thereof vested in them as aforesaid, and they have power to borrow on the security thereof for the benefit of the Regional Scout Council, District Scout Council or Group as the case may be.

**All moveable property** including cash and debts due to the Scottish Council, any Regional Scout Council, any District Scout Council or any Group, and claims of every description competent to them shall be held to be vested in the Scottish Council, the Regional Scout Council, the District Scout Council or the Group. Power to take any proceedings necessary to safeguard, recover, vindicate or pursue the same shall be vested in respectively: -

- (a) the Chief Commissioner of Scotland, the Chair of the Board of Trustees of Scouts Scotland, the Treasurer and the Secretary for the time or any two of them
- (b) the Regional Commissioner, the Regional Chair, the Regional Treasurer and the Regional Secretary for the time or any two of them
- (c) the District Commissioner, the District Chair, the District Treasurer and the District Secretary for the time or any two of them, or
- (d) the Group Scout Leader, the Group Chair, the Group Treasurer and the Group Secretary for the time or any two of them.

**Any leases, except heritable leases as aforementioned, and other probative writings** entered into by the Scottish Council (or the Board of Trustees of Scouts Scotland on its behalf), any Regional Scout Council, any District Scout Council or any Group shall be executed for and on their behalf by those listed in (a), (b), (c) and (d) above respectively.

#### **Rule 13.9 Investments**

- a. For any given Group, District or Region, powers of investment are governed by the Charities and Trustee Investment (Scotland) Regulations 2006.

#### **Rule 13.12 Safe Custody of Documents**

Scottish Headquarters can arrange for the safe custody of Title Deeds, Leases, Deeds of Trust, Minutes of Agreement, Insurance Policies and other important documents.

## **Chapter 15**

### **Complaints, Suspensions and Dismissals**

#### **Rule 15.8(a) Termination of Youth Membership**

Youth Membership may be terminated by:  
in the case of Scout Network Members by leaving their District provision without joining another District;

#### **Rule 15.9(a) Dismissal of Scout Network Members**

No Scout Network Member may be dismissed without the approval of the District Scout Network Commissioner.

## **POR: The Appointment Process)**

### **1.2 Roles**

A person who requires a Personal Enquiry (including where relevant a criminal records disclosure check) [Rules 3.26, 4.28, 5.19] and who does not have an active role on Compass that includes a criminal records check must be registered on Compass as District Non-Member PVG or Group Non-Member PVG. These roles on Compass are not otherwise part of the Appointment Process, carry no membership status and are only provided to enable the Personal Enquiry and criminal records disclosure checks to be conducted if required by Rules 3.26, 4.28 and 5.19.

### **Casual Helper**

An adult who offers assistance less than once per month may do so as a Casual Helper and is not required to undergo a PVG Scheme Membership check but should complete a Casual Helper Form including a Self-Declaration. Such Helpers must be supervised at all times.

### **3.3 Duties of the Appointments Advisory Committee**

a) vi. Maintaining links with Assistant Regional Commissioner (Adult Training) or Assistant District Commissioner (Adult Training) as appropriate.

### **4.1 Personal Enquiry**

a) See Scottish Variations to POR Rules 3.26, 4.28 and 5.19.

### **4.4 Elected and Nominated Trustees, Presidents, Deputy Presidents and Vice Presidents Co-opted Trustees, Advisers, Assessors and Administrators**

b) The role may not be held by a Leader, Manager or Supporter where that could lead to any real or potential conflict of interest within the charity or directly related charities.

Additional Requirements for Charity Trustees:

- A Scout Group, District or Region in Scotland may be registered as a charity. (See rule 13.1)
- All ex officio, nominated, elected and co-opted Members of the Executive Committee of a registered charity are the charity trustees of the Scout body.
- Where a Scout body is not a registered charity, members of the Executive Committee will be regarded as having the same duties and responsibilities as charity Trustees for the purposes of POR.
- Only persons aged 18 and over may be full voting members of the Executive Committee. (however the views of young people must be taken into consideration)

- Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005. (See rule 13.1)
- Charity Trustees are responsible for ensuring compliance with all relevant legislation including the Data Protection Act.

## **Table of appointments**

In Scotland the youth involvement agenda is embedded at all levels. At Region level an Assistant Regional Commissioner (Youth Involvement) should be appointed the functions of the appointment of an Assistant Regional Commissioner (Youth Involvement) in Scotland are:

As a member of the Regional Leadership team the Assistant Regional Commissioner (Youth Involvement) works in partnership with the Regional Commissioner and Chairman of the Regional Executive Committee. The role is to ensure that young people from 6-25 years are involved and engaged in every decision that shapes their Scouting experience locally and to empower young people to share their ideas and have a meaningful voice in planning, implementing and reviewing their programme and opportunities. The Assistant Regional Commissioner (Youth Involvement) also supports the Regional Youth Advisory Group which will be set up in each Region and will be chaired by a Regional Youth Commissioner who will be elected by their peers according to the Youth Involvement Strategy of Scouts Scotland

At District level an Assistant District Commissioner (Youth Involvement) should be appointed

The functions of the appointment of an Assistant District Commissioner (Youth Involvement) in Scotland are:

As a member of the District Leadership team the Assistant District Commissioner (Youth Involvement) works in partnership with the District Commissioner and Chairman of the District Executive Committee. The role is to ensure that young people from 6-25 years are involved and engaged in every decision that shapes their Scouting experience locally and to empower young people to share their ideas and have a meaningful voice in planning, implementing and reviewing their programme and opportunities. The Assistant District Commissioner (Youth Involvement) also supports the District Youth Advisory Group which will be set up in each District and will be chaired by a District Youth Commissioner who will be elected by their peers according to the Youth Involvement Strategy of Scouts Scotland

## **ANNEX A MODEL CONSTITUTION FOR A GROUP SCOUT COUNCIL**

All Scout Groups must adhere to the current version of Policy Organisation and Rules of the Scout Association and the Scottish variations from POR published by Scouts Scotland.

The undernoted 'constitution' is a supplement to the adopting of those documents and replicates provisions from the POR and Scottish variations from POR for the purpose of clarity.

### **The Group Scout Council**

---

The Group Scout Council is the electoral body which supports Scouting in the Scout Group. It is the body to which the Group Executive Committee is accountable. The District Commissioner and District Chair are ex officio members of the Group Scout Council

#### **Membership of the Group Scout Council is open to:**

- All adult members and associate members of the Scout Group
- Patrol Leaders
- All parents and guardians of Beaver Scouts, Cub Scouts and Scouts,
- the Sponsoring Authority or its nominee

#### **Nominated members**

- Other supporters of the Group appointed by the Group Scout Council on the recommendation of the Group Scout Leader and the Group Executive Committee.
- 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.
- Explorer Scout Leaders (if stated in a Partnership Agreement)

#### **Membership of the Group Council ceases upon:**

- The resignation of the member
- The dissolution of the Council
- The termination of membership by Headquarters following a recommendation by the Group Executive Committee

## **The Group Scout Council must hold an Annual General Meeting within six months of the financial year end to**

- Receive and consider the Annual Report of the Group Executive Committee, including the annual statement of accounts
- Approve the Group Scout Leader's nomination of the Group Chair and nominated members of the Group Executive Committee
- Elect a Group Secretary and Group Treasurer;
- Elect certain members of the Group Executive Committee
- Appoint an auditor or independent examiner

### **Frequency of meetings**

Apart from the AGM the Group Scout Council will only be required to meet under the circumstances of an Extraordinary General Meeting. The notice of the AGM and any EGM shall be sent at least 14 days in advance to all those eligible to attend. This notice may be sent by written or electronic means.

### **The Group Executive Committee**

---

The Group Executive Committee exists to support the Group Scout Leader in meeting the responsibilities of their appointment.

All ex officio, nominated, elected and co-opted Members of the Executive Committee must act collectively as Charity Trustees (if the Scout Group is a registered charity) or with the same duties and responsibilities as Charity Trustees if they are not and in the best interest of its members to:-

- Comply with Policy Organisation and Rules of the Scout Association
- Manage the protection and maintenance of the Group's property and equipment (either owned or used)
- Manage the Group's finances including the raising of funds and ensure that the assets are to be applied solely for the purposes, management and administration of Scouting.
- Provide insurance of persons, property and equipment
- Provide sufficient resources for Scouting to operate. This includes but is not limited to supporting recruitment, other adult support and fundraising activities

- Manage and implement the safety policy locally
- Ensure that a positive image of Scouting exists in the local community
- Appoint and manage the operation of any sub committees, including appointing a Chair to lead the sub-committees
- Ensure that young people are meaningfully involved in decision making at all levels within the Group
- The opening, closure and amalgamation of sections in the group as necessary

**The Executive Committee must also:**

- Appoint Administrators, and Co-opted members of the Executive Committee
- Approve the Annual Report and Annual Accounts after their examination by an appropriate auditor, or independent examiner
- Present the Annual Report and Annual Accounts to the Scout Council at the Annual General Meeting; file a copy with the District Executive Committee; and if a registered charity, to the appropriate charity regulator if the regulator's rules require it. (See Rule 13.3)
- Maintain confidentiality with regard to appropriate Executive Committee business
- Where staff are employed, act as a responsible employer in accordance with Scouting's values and relevant legislation.
- Ensure line management responsibilities for employed staff are clearly established and communicated.

**Frequency of meetings**

- The Group Executive Committee meetings should be held at least 4 times a year and at least once in each of the three terms
- 

**The Group Executive Committee consists of**

- The Group Chair
- The Group Secretary
- The Group Treasurer
- The Group Scout Leader
- The Deputy Group Scout Leader (s)
- All Section Leaders (i.e. individuals holding Beaver Scout Leader, Cub Scout Leader or Scout Leader roles and subject to that Section Leader expressly indicating to the AGM (in writing or orally at the meeting) that they are willing to perform such a function))
- The Explorer Scout Leader (if stated in a Partnership Agreement and subject to that Explorer Scout Leader expressly indicating to the AGM (in writing or orally at the meeting) that they are willing to perform such a function))

- The Sponsoring Authority or its nominee

### **Elected Members**

- Persons elected at the Group Annual General Meeting
- These should normally be four to six in number
- The actual number is the subject of a resolution by the Group Scout Council and the process is as defined by the Group in bylaws

### **Nominated Members**

- Persons nominated by the Group Scout Leader
- These nominations must be approved at the Group Annual General Meeting
- The number of nominated members must not exceed the number of elected members

### **Co-opted Members**

- Persons co-opted by the Group Executive Committee
- The number of co-opted members must not exceed the number of elected members

### **Right of Attendance**

- The District Commissioner and the District Chair have the right of attendance at meetings of the Group Executive Committee
- Ideally, between the nominated members, elected members and co-opted members, the Group Executive should include a parent of at least one Member of each of the Sections in the Group
- The Group Executive Committee may establish any sub-Committees that it deems necessary
- Sub committees consist of members nominated by the Executive Committee
- The Group Scout Leader and the Group Chair will be ex officio members of any sub-Committee of the Group Executive Committee
- Any fund-raising committee must include at least two members of the Group Executive Committee, in addition to the ex officio members. No Section Leader or Assistant Leader may serve on such a fund-raising sub-Committee

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

- A Scout Group in Scotland may be registered as a charity. (See rule 13.1)
- All ex officio, nominated, elected and co-opted Members of the Group Executive Committee of a registered charity are the charity trustees of the Scout Group.
- Where a Scout Group is not a registered charity members of the Group Executive Committee will be regarded as having the same duties and responsibilities as charity Trustees for the purposes of POR.

- Only persons aged 18 and over may be full voting members of the Group Executive Committee. (however the views of young people in the Group must be taken into consideration)
- Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005. (See rule 13.1)
- Charity Trustees are responsible for ensuring compliance with all relevant legislation including the Data Protection Act

### **The Group Scouters' Meetings**

- Membership of the Group Scouters' Meeting consists of the Group Scout Leader as chair, any Deputy Group Scout Leaders, all Section Leaders and Assistant Leaders and the Manager of any Group Scout Active Support Unit. Explorer Scout Leaders may be included if stated in the partnership agreement.

### **The role of the Group Scouters' Meeting is to:**

- Consider the well-being and development of each Member of the Group
- Ensure the progress of each Member through the programme
- Plan and co-ordinate all the Group's activities
- To keep the Group Executive Committee advised of the financial and other resource requirements of the training programme.

### **Frequency of meeting**

Group Scouters meetings should be held at least 3 times a year.

### **Conduct of Meetings**

---

- Only members as defined may vote in meetings of Group Scout Council and Group Executive
- 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 has NO right of a casting vote and the matter is deemed NOT to have been carried
- The Group Scout Council must make a resolution defining a quorum for meetings of the Group Scout Council and the Group Executive Committee and its sub –committees and issue in bylaws.
- All meetings should have minutes taken by the Secretary, approved by the Chair and circulated to all members (Group Executive meetings) as soon as possible and in case of the Group Scout Council in advance of the next meeting. All minutes to be retained and safely kept by the Group Secretary

All meetings should have an agenda issued at least five days prior to the meeting.

Calling notices for the meetings of the Group Scout Council should be at least 14 days in advance and can be made in writing or by electronic methods.

Electronic voting (such as email) is allowed for decision making of the Group Executive Committee when deemed appropriate by the Chair. In such instances at least 75% of its committee members must approve the decision.

The Group Executive Committee can meet by telephone conference, video conference as well as face to face in order to discharge their responsibilities when agreed by the appropriate Chair.

## ANNEX B

### MODEL CONSTITUTION FOR A DISTRICT SCOUT COUNCIL

#### CONSTITUTION OF THE ..... DISTRICT SCOUT COUNCIL

##### **1. THE DISTRICT SCOUT COUNCIL**

\_\_\_\_\_ (insert District name) District Scout Council (hereinafter referred to as “the DSC”) is responsible for overseeing and supporting Scouting in \_\_\_\_\_ (describe area covered) within geographical boundaries agreed between the DSC and the \_\_\_\_\_ (insert Region name) Regional Scout Council. It is an autonomous body, affiliated to The Scout Association, and its affairs are managed by the District Executive Committee.

##### **2. PRESIDENT AND VICE PRESIDENTS**

The DSC may appoint a President and one or more Vice Presidents from time to time and for such periods as it may decide.

##### **3. MEMBERSHIP OF THE DISTRICT SCOUT COUNCIL**

Membership of the DSC shall consist of:

- All adult members and associate members of the Scout District (see District roles listed in The Appointments Process chapter, Table 2: Appointments).
- All adults holding the following appointments from the Scout Groups in the District
  - i. Group Scout Leader
  - ii. Deputy Group Scout Leader
  - iii. Group Chair
  - iv. Group Secretary
  - v. Group Treasurer
  - vi. Section Leader
  - vii. Assistant Section Leader
  - viii. 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

;

#### 4. MEETINGS OF THE DSC

The DSC shall hold an Annual General Meeting as soon as practicable after the end of each financial year, and in any event within six months of the end of each financial year.

At each Annual General Meeting the business shall be:

- a) to approve minutes of the previous Annual General Meeting and any subsequent Extraordinary General Meeting
- b) to approve the Annual Report of the District Executive Committee, including annual accounts and associated financial statements after their examination by an auditor or independent examiner.
- c) (if appropriate) to elect or re-elect a District President and/or Vice Presidents
- d) to receive and, if thought fit, to approve the District Commissioner's nomination of the District Chair.

The role may not be held by a Leader, Manager or Supporter where that could lead to any real or potential conflict of interest within the charity or directly related charities.

- e) to elect a District Secretary and District Treasurer
- These roles may not be held by a Leader, Manager or Supporter where that could lead to any real or potential conflict of interest within the charity or directly related charities..

- f) to elect elected members of the District Executive Committee
- g) to receive and, if thought fit, to approve the District Commissioner's nominations of nominated members of the District Executive Committee
- h) to elect representatives to serve on the Regional Scout Council
- i) to elect a suitably qualified auditor or independent examiner, as appropriate
- j) to receive a report from the District Commissioner, and
- k) to transact any other business which was specified in the agenda for the meeting either at the request of the District Executive Committee or by requisition signed by five members of the DSC and lodged with the District Secretary at least eight weeks prior to the meeting.

An Extraordinary Meeting of the DSC shall be called by the District Secretary within sixty days at the request of the District Executive Committee, or of either the District Chair or the District Commissioner, or by requisition signed by ten members of the DSC. At Extraordinary Meetings, the business shall be limited to the purpose for which the meeting was called.

Notice of all meetings of the DSC, including a copy of the agenda, shall be issued to

members of the DSC at least two weeks prior to the date of the meeting, either in paper form or electronically.

Such notice may be given by including it in a newsletter or other publication which is circulated throughout the District.

The President (if one has been appointed and if he or she is present and wishes to take the chair) shall preside at meetings of the DSC. Otherwise the District Chair shall preside or, in his or her absence, the meeting shall elect a chair from the members present.

## **5. DISTRICT EXECUTIVE COMMITTEE**

The District Executive Committee shall be responsible to the DSC for managing the affairs of the DSC, for supporting the District Commissioner in meeting the responsibilities of their appointment and for providing support for Scout Groups, Explorer Scout Units and the Scout Network in the District.

Members of the Executive Committee must act collectively as charity Trustees of the Scout District, and in the best interests of its members to:

- Comply with the Policy, Organisation and Rules of The Scout Association
- Protect and maintain any property and equipment owned by and/or used by the District
- Manage the District finances.
- Provide insurance for people, property and equipment.
- Provide sufficient resources for Scouting to operate. This includes, but is not limited to, supporting recruitment, other adult support, and fundraising activities.
- Promote and support the development of Scouting in the local area.
- Manage and implement the Safety Policy locally
- Ensure that a positive image of Scouting exists in the local community.
- Appoint and manage the operation of any sub-Committees, including appointing a Chair to lead the sub-Committees
- Ensure that Young People are meaningfully involved in decision making at all levels within the District
- The opening, closure and amalgamation of Groups, Explorer Scout Units, Scout Network and Scout Active Support Units in the District as necessary.
- Appoint and manage the operation of an Appointments Advisory Committee, including appointing an Appointments Committee Chair to lead it.
- Supervising the administration of Groups, particularly in relation to finance and the trusteeship of property.
- Comply with legislation applicable to charities in Scotland.,

The District Executive Committee may enact and from time to time alter such Bylaws as it may consider appropriate for the regulation of its procedures and the powers and procedures of its sub-committees, provided that any changes in the Bylaws shall be reported to the next Annual General Meeting of the DSC.

All ex officio, nominated, elected and co-opted members of the District Executive Committee shall serve as charity trustees for the DSC, and in that capacity, they shall have the fullest powers to administer and manage the DSC's affairs in furtherance of its charitable purposes providing that the assets are to be applied solely for the purposes, management and administration of Scouting. In particular, but without limitation, the District Executive Committee shall have power, subject to appropriate disclosure in the next Annual Report,

(i) to lend and to borrow, (ii) to invest widely, (iii) to raise funds by levying a subscription on members of the Association in the District, (iv) to award grants, including grants to one or more of their number, (v) to engage one or more of their number or their relations, either directly or through an a connected company or firm, to provide on a commercial basis services which they are suitably qualified to provide, (vi) to grant honoraria, including honoraria to one or more of their number and (vii) to reimburse one or more of their number from the DSC's funds for all or part of any expenses reasonably incurred in the course of their duties.

## **6. MEMBERSHIP OF THE DISTRICT EXECUTIVE COMMITTEE**

The District Executive Committee shall consist of:

Ex officio members: The District Chair, District Commissioner, District Secretary, District Treasurer, District Explorer Scout Commissioner and District Scout Network Commissioner

- Elected members: these should normally be four to six in number, the actual number must be the subject of a resolution by the District Scout Council.

Nominated members: persons nominated annually by the District Commissioner and whose nominations are approved at the District Annual General Meeting, and

Co-opted members: the number of co-opted members must not exceed the number of members who may be elected annually

provided that (a) at the time of their appointment, the number of nominated members must not exceed the number of elected members, (b) persons ineligible to be charity trustees may not serve on the Committee, (c) nominated members and co-opted members need not already be members of the DSC and (d) when considering the appointment of co-opted members, the Committee shall use its best endeavours, if necessary, to ensure that at least two members of the Committee

are aged 18 years or over, but less than 25 years.

The Regional Chair and the Regional Commissioner shall have the right of attendance at meetings of the District Executive Committee.

The District Executive Committee may fill casual vacancies in their number by interim appointment until the next Annual General Meeting of the DSC.

## **7. SUB-COMMITTEES**

The District Executive Committee shall appoint an Appointments Advisory Sub-Committee and such other sub-committees as it decides. The District Chair and District Commissioner shall be ex officio members of all sub-committees. The District Executive Committee shall appoint the chairs, secretaries and other members of all such sub-committees (who need not be members of the DSC), provided that the membership of any fund-raising sub-committee must include at least two members of the District Executive Committee (in addition to ex officio members). No Section Leader or Assistant Leader should serve on such a fundraising subcommittee.

The Appointments Advisory Sub-Committee shall be responsible to the District Executive Committee for carrying out the process of assessing the suitability of all adult applicants for appointments within the District and for associated matters, including applications for change of appointment, the periodic review of existing appointments and the cancellation of appointments, all in accordance with the Rules of The Scout Association as applicable in Scotland.

The District Executive Committee shall set the terms of reference of any other sub-committees.

## **8. CONDUCT OF MEETINGS**

At meetings of the DSC, a quorum shall consist of such number of members present in person as the DSC shall by resolution have determined. However, if a meeting of the DSC is not quorate, it shall be rearranged for a date, time and place decided by the District Executive Committee and the rearranged meeting shall proceed whether or not a quorum is present. The quorum at meetings of the District Executive Committee and its sub-committees shall be prescribed in Bylaws.

Except as provided in clause 9 below, decisions at meetings of the DSC, the District Executive Committee and its sub-committees shall be determined by a simple majority of the votes cast in person by those entitled to vote. The chair of the meeting shall not have a casting vote and, in the event of an equal number of

votes being cast for and against a proposal, it shall be declared that the proposal has not been carried.

Electronic voting (such as email) is allowed for decision making of the District Executive Committee and its sub-Committees when deemed appropriate by the Chair. In such instances at least 75% of committee members must approve the decision.

The District Executive Committee and its sub-Committees can meet by telephone conference, video conference as well as face to face in order to discharge their responsibilities when agreed by the appropriate Chair.

## **9. ALTERATIONS TO CONSTITUTION**

No alterations shall be made to this Constitution except by resolution of the DSC at a meeting of the DSC at which at least two thirds of the votes cast in person by those entitled to vote are in favour of the proposed change or changes. Particulars of the proposed change or changes must accompany the notice calling the meeting.

## **Annex C**

### **MODEL CONSTITUTION FOR A REGIONAL SCOUT COUNCIL**

CONSTITUTION OF THE ..... REGIONAL SCOUT COUNCIL

#### **1. THE REGIONAL SCOUT COUNCIL**

\_\_\_\_\_ (insert Regional name) Regional Scout Council (hereinafter referred to as “the RSC”) is responsible for overseeing and supporting Scouting in the local authority areas of \_\_\_\_\_(insert local authority names and describe any variations if the Region covers part of a local authority area). It has a particular responsibility for supporting District Scout Councils in the Region in regard to development, recruitment, adult training, Youth Involvement and public relations. It is an autonomous body, affiliated to The Scout Association, and its affairs are managed by the Regional Executive Committee.

#### **2. PRESIDENT AND VICE PRESIDENTS**

The RSC may appoint a President and one or more Vice Presidents from time to time and for such periods as it may decide.

#### **3. MEMBERSHIP OF THE REGIONAL SCOUT COUNCIL**

Membership of the RSC shall consist of:

- a. the President and Vice Presidents (if any)
- b. the Regional Chair, Regional Secretary and Regional Treasurer
- c. the Regional Commissioner, Deputy and Assistant Regional Commissioners and Regional Advisers
- d. all District Commissioners, District Chairs and Group Scout Leaders in the Region, including those holding provisional appointments
- e. two named representatives of each District Scout Council in the Region
- f. the Chief Commissioner of Scotland and the Chair of the Board of Trustees of Scouts Scotland, and
- g. any persons elected or re-elected annually by the RSC on the

recommendation of the Regional Commissioner and the Regional Executive Committee.

#### **4. MEETINGS OF THE RSC**

The RSC shall hold an Annual General Meeting as soon as practicable after the end of each financial year, and in any event within six months of the end of each financial year.

At each Annual General Meeting the business shall be:

- a. to approve minutes of the previous Annual General Meeting and any subsequent Extraordinary General Meeting
- b. to receive, to consider and, if thought fit, to adopt the Annual Report of the Regional Executive Committee, including annual accounts and associated financial statements
- c. (if appropriate) to elect or re-elect a Regional President and/or Vice Presidents
- d. to receive and, if thought fit, to approve the Regional Commissioner's nomination of the Regional Chair. This role may not be held by a leader, manager or supporter where that could lead to any real or potential conflict of interest within the charity or directly related charities.
- e. to elect a Regional Treasurer and (unless it is a remunerated post) a Regional Secretary. These roles may not be held by a Leader, Manager or Supporter where that could lead to any real or potential conflict of interest within the charity or directly related charities.
- f. to elect elected members of the Regional Executive Committee
- g. to receive and, if thought fit, to approve the Regional Commissioner's nominations of nominated members of the Regional Executive Committee
- h. to elect a nominated member and a nominated youth representative to serve on the Council of The Scout Association
- i. to appoint a suitably qualified auditor or independent examiner, as appropriate
- j. to receive a report from the Regional Commissioner, and
- k. to transact any other business which was specified in the agenda for the meeting either at the request of the Regional Executive Committee or by requisition signed by five members of the RSC and lodged with the Regional

Secretary at least eight weeks prior to the meeting.

An Extraordinary Meeting of the RSC shall be called by the Regional Secretary within sixty days at the request of the Regional Executive Committee, or either the Regional Chair or the Regional Commissioner, or by requisition signed by ten members of the RSC. At Extraordinary Meetings, the business shall be limited to the purpose for which the meeting was called.

Notice of all meetings of the RSC, including a copy of the agenda, shall be issued to members of the RSC at least two weeks prior to the date of the meeting, either in paper form or electronically. Such notice may be given by including it in a newsletter or other publication which is circulated throughout the Region.

The President (if one has been appointed and if he or she is present and wishes to take the chair) shall preside at meetings of the RSC. Otherwise, the Regional Chair shall preside and, in his or her absence, the meeting shall elect a chair from the members present.

## **5. REGIONAL EXECUTIVE COMMITTEE**

The Regional Executive Committee shall be responsible to the RSC for managing the affairs of the RSC, for supporting the Regional Commissioner in meeting the responsibilities of their appointment and for providing support for Scout Districts, Groups, Explorer Scout Units and the Scout Network in the Region.

- Comply with the Policy, Organisation and Rules of The Scout Association
- Protect and maintain any property and equipment owned by and/or used by the Region
- Manage the Regional finances.
- Provide insurance for people, property and equipment.
- Provide sufficient resources for Scouting to operate. This includes, but is not limited to, supporting recruitment, other adult support, and fundraising activities.
- Promote and support the development of Scouting in the local area.
- Manage and implement the Safety Policy locally.
- Ensure that a positive image of Scouting exists in the local community.
- Appoint and manage the operation of any sub-Committees, including appointing a Chair to lead the sub-committees.
- Ensure that Young People are meaningfully involved in decision making at all levels within the Region.
- The opening, closure and amalgamation of Districts, the Regional Scout Network and Scout
- Active Support Units in the Region as necessary.
- Appoint and manage the operation of an Appointments Advisory Committee, including appointing an Appointments Committee Chair to lead it.

- Comply with legislation applicable to charities in Scotland

The Regional Executive Committee may enact and from time to time alter such Bylaws as it may consider appropriate for the regulation of its procedures and the powers and procedures of its sub-committees, provided that any changes in the Bylaws shall be reported to the next Annual General Meeting of the RSC.

All ex officio, nominated, elected and co-opted members of the Regional Executive Committee shall serve as charity trustees for the RSC, and in that capacity they shall have the fullest powers to administer and manage the RSC's affairs in furtherance of its charitable purposes provided that the RSC's assets are to be applied solely for the purposes, management and administration of Scouting. In particular, but without limitation, the Regional Executive Committee shall have power, subject to appropriate disclosure in the next Annual Report, (i) to lend and to borrow, (ii) to invest widely, (iii) to raise funds by levying a subscription on members of the Association in the Region, (iv) to award grants, including grants to one or more of their number, (v) to engage one or more of their number or their relations, either directly or through an a connected company or firm, to provide on a commercial basis services which they are suitably qualified to provide, (vi) to grant honoraria, including honoraria to one or more of their number and (vii) to reimburse one or more of their number from the RSC's funds for all or part of any expenses reasonably incurred in the course of their duties.

## **6. MEMBERSHIP OF THE REGIONAL EXECUTIVE COMMITTEE**

The Regional Executive Committee shall consist of:

Ex officio members: the Regional Chair, Regional Commissioner, Regional Secretary and Regional Treasurer

Elected members: these should normally be four to six in number, elected annually at the Regional Annual General Meeting. the actual number must be the subject of a resolution by the Regional Scout Council.

Nominated members: persons nominated annually by the Regional Commissioner and whose nominations are approved at the Regional Annual General Meeting, and

Co-opted members: the number of co-opted members must not exceed the number of members who may be elected annually by the Regional Executive Committee provided that (a) at the time of their nomination, the number of nominated

members must not exceed the number of elected members, (b) persons ineligible to be charity trustees may not serve on the Committee, (c) nominated members and co-opted members need not already be members of the RSC and (d) when considering the appointment of co-opted members, the Committee shall use its best endeavours, if necessary, to ensure that at least two members of the Committee are aged 18 years or over, but less than 25 years.

The Chief Commissioner of Scotland and the Chair of the Board of Trustees of Scouts Scotland shall have the right of attendance at meetings of the Regional Executive Committee.

The Regional Executive Committee may fill casual vacancies in their number by interim appointment until the next Annual General Meeting of the RSC.

## **7. SUB-COMMITTEES**

The Regional Executive Committee shall appoint an Appointments Advisory Sub-Committee and such other sub-committees as it decides. The Regional Executive Committee shall appoint the chairs, secretaries and members of all such sub-committees, who need not be members of the RSC or of the Regional Executive Committee. The Regional Chair and Regional Commissioner shall be ex officio members of all sub-committees.

The Appointments Advisory Sub-Committee shall be responsible to the Regional Executive Committee for carrying out the process of assessing the suitability of all adult applicants for Regional appointments, including District Commissioners, and for associated matters, including applications for change of appointment and the periodic review of existing appointments, all in accordance with the Rules of The Scout Association as applicable in Scotland.

The Regional Executive Committee shall set the terms of reference of any other sub-committees.

## **8. CONDUCT OF MEETINGS**

At meetings of the RSC, a quorum shall consist of such number of members present in person as the RSC shall by resolution have determined. However, if a meeting of the RSC is not quorate, it shall be rearranged for a date, time and place decided by the Regional Executive Committee and the rearranged meeting shall proceed whether or not a quorum is present.

The quorum at meetings of the Regional Executive Committee and its sub-committees shall be prescribed in Bylaws.

If any member of the RSC, Regional Executive Committee or of any of its sub-committees holds a remunerated post in the Region, he or she shall not be entitled to vote at meetings.

- Except in relation to proposed constitutional alterations, decisions at meetings of the RSC, the Regional Executive Committee and its sub-committees shall be determined by a simple majority of the votes cast in person by those entitled to vote. The chair of the meeting shall not have a casting vote and, in the event of an equal number of votes being cast for and against a proposal, it shall be declared that the proposal has not been carried. Electronic voting (such as email) is allowed for decision making of the Regional Executive Committee and its sub-Committees when deemed appropriate by the Chair. In such instances at least 75% of committee members must approve the decision.

The Regional Executive Committee and its sub-Committees can meet by telephone conference, video conference as well as face to face in order to discharge their responsibilities when agreed by the appropriate Chair.

## **9. ALTERATIONS TO CONSTITUTION**

No alterations shall be made to this Constitution except by resolution of the RSC at a meeting of the RSC at which at least two thirds of the votes cast in person by those entitled to vote are in favour of the change or changes. Particulars of the proposed change or changes must accompany the notice calling the meeting

