

# **SCOTTISH VARIATIONS FROM THE JULY 2023 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 in 6.12.1.2 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 or Scouts Scotland.

**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.

## **Volunteering Experience**

Between November 2023 and February 2024, significant changes to how we volunteer in Scouting are being introduced. These Scottish Variations to the July 2023 edition of Policy, Organisation and Rules apply until the transition date for Regions in Scotland and its Sections, Groups and Districts.

## **Chapter 4 - Local Scouting – organisation of sections, Groups, Districts and Scottish Regions**

### **4.5.2 The King's Scout Award**

4.5.2.2 The completed application should be sent to Scouts Scotland who will dispatch the appropriate emblems and badges to the District Commissioner or their nominee for presentation.

### **4.5.5 The Duke of Edinburgh's Award**

4.5.5.1 Scouts Scotland is a Licenced Organisation for the Duke of Edinburgh's (DofE) Award

4.5.5.3 The Regional Commissioner should appoint a Regional Adviser for the Duke of Edinburgh's Award. Where a Regional Adviser is not in post, the DofE Manager at Scouts Scotland will assume responsibility for the award in the interim.

4.5.5.5 The District Commissioner **may not** appoint a District DofE Adviser as support for DofE is provided by Regions in Scotland

4.5.5.8 All Expedition Assessors must have The Scout Association or Scouts Scotland listed as a Licenced Organisation on their DofE training record

### **4.14 Registrations, changes, amalgamations, suspensions and closures**

4.14.1.3 The District Commissioner may register, suspend or close the Scout Network following agreement by the District Scout Network Commissioner and the District Trustee Board. It must be reported to the Regional Commissioner

4.14.7.3 A District Scout Network may be suspended by the District Commissioner in consultation with the District Trustee Board and the District Scout Network Commissioner and reported to the Regional Commissioner.

## **Chapter 5 - Local Scouting – Groups, Districts and Regions (Scotland) - Governance and Finance**

There have been some significant changes to Policy, Organisation and Rules, and particularly in relation to Chapter 5 – Local Scouting Governance and Finance – Groups, Districts and Counties.

Chapter 5 in Policy, Organisation and Rules reflects the requirements for the Annual General Meetings of the Groups, Districts and Counties (Regions in Scotland). It also reflects a change from Executive Committees to Trustee Boards for Groups, Districts and Counties and the role name change from Executive Committee Member to Trustee.

Scouts Scotland have developed new Model Constitutions for a Group, District or Region in Scotland, which reflects these changes. These Model Constitutions align with Policy, Organisation and Rules and relevant Scottish Variations.

Although every charity can agree its own constitution, it is strongly recommended that Groups, Districts or Regions in Scotland adopt the Model Constitutions developed by Scouts Scotland. In the interests of openness, the Scout Council should re-adopt their constitution at each Annual General Meeting and record this in the Minutes.

If a Group, District or Region in Scotland adopts unchanged the Model Constitution, it should record in its Minutes that the Model Constitution in Scottish Variation to Policy, Organisation and Rules is fully adopted as its constitution. If there are any local amendments, they should record that Scottish Variation to Policy, Organisation and Rules is the basis of its constitution and set out the specifics of the local amendments along with clear reasoning for the amendments.

## **5.1 Scope**

A Group, District or Region in Scotland may decide to register as a Scottish charity.

## **5.2 Constitution – Governance Context**

A Group, District or Region in Scotland may decide to register as a Scottish charity.

## **5.3 Constitution - Requirement**

A Model Constitution for a Group, District or Region in Scotland is appended as Annex A, B and C respectively to Scottish Variations from POR

5.3.1.5 Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005.

## **5.4 Constitution for a Group, District or Region (Scotland)**

### **5.4.4 Trustee Board – purpose**

All Members of the Trustee Board must act collectively as Charity Trustees (if a registered charity) or with the same duties and responsibilities as Charity Trustees if they are not registered and in the best interests of its members.

### **5.4.5 Trustee Board - Membership**

5.4.5.3 Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005.

5.4.5.4 A Group, District or Region in Scotland may decide to register as a Scottish charity.

5.4.5.8 The District Trustee Board

a) The ex officio members of a District Trustee Board in Scotland are:

- The District Chair
- The District Commissioner
- The District Secretary
- The District Treasurer
- The District Explorer Scout Commissioner
- The District Scout Network Commissioner

Where there is more than one District Commissioner appointed within a District, only one of the District Commissioners can be an ex officio member of the District Trustee Board. This must be decided jointly by the District Commissioners, in consultation with the District Chair.

The ex officio membership of the District Trustee Board 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 Trustee Board in an elected, nominated or co-opted position.

#### 5.4.5.9 The Region Trustee Board

a) The ex officio members of a Region Trustee Board in Scotland are:

- The Region Chair
- The Region Commissioner
- The Region Secretary
- The Region Treasurer

Where there is more than one Regional Commissioner appointed within a Region, only one of the Regional Commissioners can be an ex officio member of the Region Trustee Board. This must be decided jointly by the Regional Commissioners, in consultation with the Regional Chair.

The ex officio membership of the Region Trustee Board 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 Region Trustee Board in an elected, nominated or co-opted position.

## 5.5 Finance

### 5.5.1 Finance in Groups, Districts, Regions (Scotland)

5.5.1.1 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).

5.5.1.2 A Group, District or Region in Scotland may decide to register as an unincorporated Scottish charity but must act with the same duties and responsibilities even if they are not registered and in the best interests of its members.

5.5.1.3 The Charities Act 2011 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.

### 5.5.2 Statement of Accounts

5.5.2.2 If the Group, District or Region 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.

5.5.2.5 If the Group, District or Region 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

5.5.2.6 The annual Statement of Account must be in the format of one of two model annual statements available from Scouts Scotland. 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, District or Region has any special funds whose use is restricted to particular purposes rather than the general purposes of the Group, District or Region.

### **5.5.3 Independent Examination of Accounts**

5.5.3.2 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.

A report to the Trustee Board must be completed in accordance with one of the models in the specimen accounts referred to in the Scouts Scotland Guidance as appropriate to an independent examiner or an auditor.

### **5.5.5 Bank Accounts**

5.5.5.7 Group, District or Region funds must be invested as specified by the Charities and Trustees Investment (Scotland) Act 2006.

### **5.5.6 Disposal of Assets**

5.5.6.4 Assets or liabilities remaining after closure

b) 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.

c) 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

### **5.5.8 Payment of the Membership Subscription**

In terms of the Constitution of the Scottish Council, the Membership Subscription in Scotland is in two parts (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 6 - The Structure of the Headquarters of The Scout Association**

### **6.10.5 Regional Commissioners**

6.10.5.1 In Scotland, Regional Commissioners are appointed by the Chief Commissioner.

6.10.5.2 The appointment of a Regional Commissioner remains valid until the fifth anniversary of the date of the appointment.

6.10.5.3 The appointment of Regional Commissioners is subject to formal review by the Chief Commissioner

6.10.5.4 The appointment of a Regional Commissioner may be renewed for a second period not exceeding five years.

6.10.5.5 Regional Commissioners are Ex officio members of all District Scout Councils in their Region and have Right of Attendance at all District Trustee Boards in their Region.

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

### **6.12.1.2 Scotland**

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 UK Headquarters, Scottish Headquarters is the body responsible for matters of programme, training and administration in Scotland.

Scotland has separated 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

## **Chapter 9 - Activities**

### **9.1.2 –Approval of an Activity**

9.1.2.2 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.

9.1.2.3 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 an informal system agreed between the relevant Commissioner and the District Scout Network Commissioner or Assistant Regional Commissioner (Scout Network), Scout Active Support Manager or another person recognised by the relevant Commissioner.

## **Chapter 10 - Uniform, Badges and Emblems**

### **10.18 Marching Bands**

10.18.1.3 Additional options:

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.

### **10.22 Badges and Awards – Supply**

10.22.1.1 Badges and awards must be obtained through Scout Store, Regional Badge Secretaries, or District Badge Secretaries. Scottish specific badges may be purchased direct from Scouts Scotland Headquarters or Glasgow Scout Shop.

### **10.26.1.2 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**

### **11.1.1 Award Nominations and Recognition of Service**

11.1.1.4 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 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.

### **13.1.1 Persons not allowed to act as Trustees**

13.1.1.1 A Scout Group, District or Region in Scotland may be registered as a charity and where so, the Members of the Group, District or Region Trustee Board are the 'charity trustees' of the Group, District or Region.

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

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

13.1.1.6 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.

### **13.1.2 The Charities Acts**

These rules do not apply in Scotland.

### **13.1.3 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.

## 13.3 Land and Property

### 13.3.1 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.

**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:

- 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
- 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 13.4 Investments

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



## Chapter 16 – Adult Roles

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
- 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.

Where any of the conditions 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.

### 16.7.2 Helpers

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 that they are required to undertake meet the definition of 'regulated work' with children as defined in the Protection of Vulnerable Groups (Scotland) Act 2007

16.7.2.3 There is no role of Occasional Helper in Scotland. The nearest equivalent in Scotland is non-member PVG only.

16.7.2.4 There is no role of Occasional Helper in Scotland. The nearest equivalent in Scotland is non-member PVG only.

### Roles Table

In Scotland there are a number of appointments at District and Regional level which differ from similarly named roles in the rest of the UK. Care should be taken with appointments and advice on job descriptions must be sought from Scouts Scotland

In reference to Youth Involvement you should replace rules relating to Youth Commissioner at District with Assistant District Commissioner (Youth Involvement) and at Region with Assistant Region Commissioner (Youth Involvement)

### 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.

### Management of the Scout Region

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.

## **The Regional Team Meeting**

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.

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 Trustee Board advised of the financial requirements of the Region.

## **Office Bearers**

### **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).

### **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 Secretary should not be the Regional Secretary in the same Scout Region but could be a Regional Secretary in a different Scout Region (subject to having the time and skill to undertake both roles).

### **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 Treasurer should not be the Regional Treasurer in the same Scout Region but could be a Regional Treasurer in a different Scout Region (subject to having the time and skill to undertake both roles).

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

### **The Regional Commissioner**

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

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

## **The Deputy Regional Commissioner**

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

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

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

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;

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.

## **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

## **Local Training Managers**

This role does not exist in Scotland

## **Assistant Regional Commissioners**

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

## **Responsibility for Sectional Matters**

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

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

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

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.

### **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

### **Responsibility for General Duties**

This role does not exist in Scotland

### **County Leaders**

This role does not exist in Scotland

### **Adult Responsibility for the Scout Network Programme**

See note referring to Scout Counties and Scottish Regions on page 1

### **Scout Active Support members**

All members of Scout Active Support, at all levels, should attend an appointment panel, unless they are considered exempt from this attendance by the panel, by virtue of currently holding another Scout appointment.

## **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 [Insert Scout Group Name] Group Scout Council**

The Group Scout Council is the body which has charity governance responsibility for Scouting in the Scout Group. The Trustee Board is accountable to the Scout Council.

Membership of the Scout Council does not provide membership of the Scouts

### **Group Scout Council Membership**

The ex-officio members of the Group Scout Council are:

- All adult members of the Scout Group
- All Patrol Leaders of the Troop(s) in the Group
- All parents or carers of Squirrels, Beavers, Cubs and Scouts
- All Explorer Scout Leader(s)
- Explorers\*
- All parents or carers of Explorers\*

\* if so stated in a Partnership Agreement between the Unit, the Group and the District  
The Sponsoring Authority, where there is one, or its nominee  
The District Commissioner  
The District Trustee Board Chair

The nominated members of the Group Scout Council are other supporters of the Group appointed by the Group Scout Council on the recommendation of the Group Scout Leader and the Group Trustee Board. The number of nominated members must not exceed the number of ex officio members.

Nominated members of the Group Scout Council must be appointed for a fixed period not exceeding three years. Subsequent reappointments are permitted.

The Regional Commissioner has a right of attendance at all Group Scout Council meetings in the Region.

Membership of the Group Scout Council ceases upon:

- The resignation of the Scout Council member
- The member no longer qualifying as a member of the Scout Council
- The dissolution of the Scout Council
- The termination of membership by Headquarters following a recommendation by the Group Trustee Board

## **Annual General Meeting**

The Group Scout Council must hold an Annual General Meeting within six months of the end of the Scout Group's financial year.

The Annual General Meeting must:

Undertake governance oversight

- Adopt (or re-adopt) the constitution of the Scout Group
- Note the dates of the Scout Group's financial year
- Agree the number of members that may be elected to the Group Trustee Board
- Agree the quorum for each of:
  - Meetings of the Group Scout Council
  - Meetings of the Group Trustee Board
  - Meetings of any sub-committees

Review the previous year

- Receive and consider the Trustees' Annual Report, including the annual statement of accounts prepared by the Trustee Board
- The accounts must have been examined by an appropriate auditor, independent examiner or scrutineer
- The Trustees' Annual Report and Accounts presented to the Scout Council must include the formal report prepared by the auditor, independent examiner or scrutineer

Make appointments

- Approve the Group Scout Leader's nomination of Chair of the Group Trustee Board
- Approve the Group Scout Leader's nomination of members of the Group Trustee Board
- Elect a Group Secretary and Group Treasurer;
- Elect Trustees to the Trustee Board
- Approve the appointment (or re-appointment) of any Presidents or Vice Presidents
- Appoint (or re-appoint) an auditor, independent examiner or scrutineer as required

Following each Annual General Meeting, the Secretary must ensure that all nominated or elected Trustees are recorded on the membership system and that the Trustees' Annual Report and Accounts are filed as required.

The Group Trustee Board will verify the draft Minutes of the Annual General Meeting at their first meeting following the Annual General Meeting. These Minutes cannot be formally approved until the Scout Group's next Annual General Meeting

Governance roles must be distinct to help manage conflict of interest. The roles of Chair and Treasurer must not be combined in any way.

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 Trustee Board**

The Group Trustee Board is a team of volunteers who work together, as Trustees, to make sure the Scouts is run safely and legally. At the heart of their role is a focus on strategy, performance and assurance.

Effective Trustee support helps other volunteers run the Scout programme that gives young people skills for life.

Members of the Group Trustee Board 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 registered and in the best interest of the charity and its members to:

- Ensure the charity is well managed, carrying out its purposes for the public benefit, complying with the charity's governing document and the law and managing the charity's resources responsibly.
- Comply with Policy Organisation and Rules of the Scout Association and Scottish variations from POR, including effective management of the Key Policies listed in chapter 2 – The Equal Opportunities Policy, Privacy and Data Protection Policy, Religious Policy, Safeguarding Policy, Safety Policy, Vetting Policy, Youth Member Anti-Bullying Policy
- Ensure that young people are meaningfully involved in decision making at all levels within the Group
- Provide sufficient resources (funds, people, property and equipment) to meet the planned work of the Group including delivery of the high-quality programme
- Ensure that a positive image of Scouting exists in the local community
- Develop and maintain a risk register, including putting in place appropriate mitigations
- Ensure that the charity's finances are properly managed, including development and maintenance of appropriate budgets to support the work of the charity
- Maintain and manage a reserves policy for the charity (including a plan for use of reserves outside of the minimum), an investment policy for the charity and a public benefit statement for the charity
- Ensure that people, property and equipment are appropriately insured, and that any property and equipment owned or used by the charity is properly protected and maintained
- Promote and support the development of Scouting in the local area
- 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.
- Appoint and manage the operation of any sub committees, including appointing a Chair to lead the sub-committees
- Ensure that effective administration is in place to support the work of the Trustee Board
- Appoint Administrators, Advisers and Co-opted members of the Trustee Board
- Prepare and approve the Trustees' Annual Report and Annual Accounts after their examination by an appropriate auditor, independent examiner or scrutineer and as appointed by the Scout Council at their Annual General Meeting
- Present the Annual Report and Annual Accounts to the Group Scout Council at the Annual General Meeting; file a copy with the District Trustee Board; and if a registered charity, to the appropriate charity regulator if the regulator's rules require it
- Take responsibility for adherence to Data Protection Legislation recognising that, depending on circumstances, it will at times act as a Data Controller and as a Data Processor
- Maintain confidentiality with regard to appropriate Trustee Board business
- Where staff are employed, act as a responsible employer in accordance with Scouting's values and relevant legislation, ensure effective line management responsibilities for employed staff are clearly established and communicated and ensure that appropriate specific personnel insurance is in place

- Provide support to the Group Scout Leader, when required, to assist the opening, change, merging or closing of sections in the Group as necessary

The Group Trustee Board may create sub-committees to manage the work it deems necessary ensuring that the purpose of each sub-committee is clear and has been agreed by the Group Trustee Board, that it consists of members approved by the Group Trustee Board, that the Chair of the Group Trustee Board and the Group Scout Leader are ex-officio members of each sub-committee.

Members of sub-committees are not Trustees unless they are members of the Group Trustee Board.

The Group Trustee Board meetings should be held at least four times per year and at least once in each of the three terms.

### **Membership of the Group Trustee Board**

Subject to conflict of interest rules, a Trustee may be a member of more than one Trustee Board

Ex officio, nominated, elected and co-opted members of the Group Trustee Board are charity Trustees (if the Scout Group is a registered charity) or have the same duties and responsibilities as Charity Trustees if they are not. People invited to attend, or with right of attendance, may be present at the meeting but are not charity Trustees and have no voting rights.

Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005.

All Trustees must complete training as specified in Policy, Organisation and Rules.

The Group Trustee Board consists of:

- The Group Chair
- The Group Secretary (if appointed as a Trustee)
- The Group Treasurer
- The Group Scout Leader
- The Deputy Group Scout Leader
  - Where there are joint role holders, only one of them may be an ex officio member of the Group Trustee Board. This should be decided in consultation with the Group Scout Leader and the Group Chair
- All Section Leaders (i.e. individuals holding Squirrel Scout Leader, 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 of the Group Trustee Board are persons elected at the Group Annual General Meeting. The actual number of persons elected is the subject of a resolution by the Group Scout Council at their AGM.



Nominated Members of the Group Trustee Board are persons nominated by the Group Scout Leader, in consultation with the Group Chair. 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 of the Group Trustee Board are persons co-opted annually by the Group Trustee Board. The number of co-opted members must not exceed the number of elected members.

The District Commissioner, the District Chair and the Regional Commissioner each have the right of attendance at meetings of the Group Trustee Board.

If a Group Trustee Board Chair, Secretary (if appointed as a Trustee) or Treasurer resigns, filling the vacancy as soon as possible should be prioritised. All actions must be taken by a majority vote of the Trustees, with vacancies of the role of Chair also requiring agreement by the Group Scout Leader. These appointments are short term until the next annual general meeting. The Trustees must either:

- Appoint a current Trustee to the role, or
- Co-opt a Trustee to take the role, subject to the provisions in the charity's constitution for co-opting Trustees

There is no role of acting Chair, acting Secretary or acting Treasurer

In extreme circumstances, the Group Scout Leader may act as Chair for a short period of time

### **Conduct of Group Trustee Board Meetings**

Only members as defined may vote in meetings of Group Scout Council and Group Trustee Board. At its Annual General Meeting, the Group Scout Council must make a resolution defining a quorum for meetings of the Group Scout Council and the Group Trustee Board and its sub-committees. 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 does not have a casting vote and the matter is deemed not to have been carried.

All meetings should have minutes taken by the Secretary, approved by the Chair and circulated to all members (Group Trustee Board 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 Trustee Board when deemed appropriate by the Chair. In such instances at least 75% of its committee members must approve the decision.

The Group Trustee Board 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**

All Scout Districts 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 [Insert Scout District Name] District Scout Council**

The District Scout Council is the body which has charity governance responsibility for Scouting in the Scout District with its geographical boundaries agreed between the District Scout Council and the [Insert Scout Region Name] Regional Scout Council. The Trustee Board is accountable to the Scout Council.

Membership of the Scout Council does not provide membership of the Scouts

### **District Scout Council Membership**

The ex-officio members of the District Scout Council are:

All adult members of the Scout District

All adults with the following appointments in the Scout Groups in the District

- Group Scout Leader
- Deputy Group Scout Leader
- Group Trustee Board Chair
- Group Trustee Board Secretary
- Group Trustee Board Treasurer
- Section Leader
- Assistant Section Leader
- Group Active Support Manager

All Explorer Scouts (including Young Leaders)

All members of the District Scout Network

All parents and carers of Explorer Scouts

A representative of the District Troop Leadership Forum, selected from amongst the membership of the Forum

The Regional Commissioner

The Regional Trustee Board Chair

The nominated members of the District Scout Council are other supporters of the District appointed by the District Scout Council on the recommendation of the District Commissioner and the District Trustee Board. The number of nominated members must not exceed the number of ex-officio members.

Nominated members of the District Scout Council must be appointed for a fixed period not exceeding three years. Subsequent reappointments are permitted.

The Chief Commissioner of Scotland has a right of attendance at all District Scout Council meetings in the Country.

Membership of the District Scout Council ceases upon:

The resignation of the Scout Council member

The member no longer qualifying as a member of the Scout Council

The dissolution of the Scout Council  
The termination of membership by Headquarters following a recommendation by the District Trustee Board

### **Annual General Meeting**

The District Scout Council must hold an Annual General Meeting within six months of the end of the Scout District's financial year.

The Annual General Meeting must:

Undertake governance oversight

- Adopt (or re-adopt) the constitution of the Scout District
- Note the dates of the Scout District's financial year
- Agree the number of members that may be elected to the District Trustee Board
- Agree the quorum for each of:
  - Meetings of the District Scout Council
  - Meetings of the District Trustee Board
  - Meetings of any sub-committees

Review the previous year

- Receive and consider the Trustees' Annual Report, including the annual statement of accounts prepared by the Trustee Board
- The accounts must have been examined by an appropriate auditor, independent examiner or scrutineer
- The Trustees' Annual Report and Accounts presented to the Scout Council must include the formal report prepared by the auditor, independent examiner or scrutineer

Make appointments

- Approve the District Commissioner's nomination of Chair of the District Trustee Board
- Approve the District Commissioner's nomination of members of the District Trustee Board
- Elect a District Secretary and District Treasurer;
- Elect Trustees to the Trustee Board
- Approve the appointment (or re-appointment) of any Presidents or Vice Presidents
- Appoint (or re-appoint) an auditor, independent examiner or scrutineer as required
- Nominate representatives of the District Scout Council to represent the District on the Regional Scout Council.

Following each Annual General Meeting, the Secretary must ensure that all nominated or elected Trustees are recorded on the membership system and that the Trustees' Annual Report and Accounts are filed as required.

The District Trustee Board will verify the draft Minutes of the Annual General Meeting at their first meeting following the Annual General Meeting. These Minutes cannot be formally approved until the Scout District's next Annual General Meeting

Governance roles must be distinct to help manage conflict of interest. The roles of Chair and Treasurer must not be combined in any way.

Apart from the AGM the District 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 President (if one has been appointed and if they are present and wishes to take the chair) shall preside at meetings of the District Scout Council. Otherwise the District Chair shall preside or, in their absence, the meeting shall elect a chair from the members present.

## **The District Trustee Board**

The District Trustee Board is a team of volunteers who work together, as Trustees, to make sure the Scouts is run safely and legally. At the heart of their role is a focus on strategy, performance and assurance.

Effective Trustee support helps other volunteers run the Scout programme that gives young people skills for life.

Members of the District Trustee Board must act collectively as Charity Trustees (if the Scout District is a registered charity) or with the same duties and responsibilities as Charity Trustees if they are not registered and in the best interests of the charity and its members to:

- Ensure the charity is well managed, carrying out its purposes for the public benefit, complying with the charity's governing document and the law and managing the charity's resources responsibly.
- Comply with Policy Organisation and Rules of the Scout Association and Scottish variations from POR, including effective management of the Key Policies listed in chapter 2 – The Equal Opportunities Policy, Privacy and Data Protection Policy, Religious Policy, Safeguarding Policy, Safety Policy, Vetting Policy, Youth Member Anti-Bullying Policy
- Ensure that young people are meaningfully involved in decision making at all levels within the District
- Provide sufficient resources (funds, people, property and equipment) to meet the planned work of the District including delivery of the high-quality programme and resource requirements of the training programme
- Ensure that a positive image of Scouting exists in the local community
- Develop and maintain a risk register, including putting in place appropriate mitigations
- Ensure that the charity's finances are properly managed, including development and maintenance of appropriate budgets to support the work of the charity
- Maintain and manage a reserves policy for the charity (including a plan for use of reserves outside of the minimum), an investment policy for the charity and a public benefit statement for the charity
- Ensure that people, property and equipment are appropriately insured, and that any property and equipment owned or used by the charity is properly protected and maintained
- Promote and support the development of Scouting in the local area
- Manage the District'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.
- Appoint and manage the operation of any sub committees, including appointing a Chair to lead the sub-committees
- Ensure that effective administration is in place to support the work of the Trustee Board
- Appoint Administrators, Advisers and Co-opted members of the Trustee Board
- Prepare and approve the Trustees' Annual Report and Annual Accounts after their examination by an appropriate auditor, independent examiner or scrutineer and as appointed by the Scout Council at their Annual General Meeting
- Present the Annual Report and Annual Accounts to the District Scout Council at the Annual General Meeting; file a copy with the Regional Trustee Board; and if a registered charity, to the appropriate charity regulator if the regulator's rules require it
- Take responsibility for adherence to Data Protection Legislation recognising that, depending on circumstances, it will at times act as a Data Controller and as a Data

#### Processor

- Maintain confidentiality with regard to appropriate Trustee Board business
- Where staff are employed, act as a responsible employer in accordance with Scouting's values and relevant legislation, ensure effective line management responsibilities for employed staff are clearly established and communicated and ensure that appropriate specific personnel insurance is in place
- Provide support to the District Commissioner, when required, to assist the opening, change, merging or closing of Groups, Explorer Scout Units, Scout Networks 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.
- Create a support network amongst Scout Groups, particularly in relation to finance and the trusteeship of property.
- Comply with legislation applicable to charities in Scotland

The District Trustee Board may create sub-committees to manage the work it deems necessary ensuring that the purpose of each sub-committee is clear and has been agreed by the District Trustee Board, that it consists of members approved by the District Trustee Board, that the Chair of the District Trustee Board and the District Commissioner are ex-officio members of each sub-committee.

Members of sub-committees are not Trustees unless they are members of the District Trustee Board

The District Trustee Board 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 District Scout Council.

All ex officio, nominated, elected and co-opted members of the District Trustee Board shall serve as charity trustees for the District Scout Council, and in that capacity, they shall have the fullest powers to administer and manage the District Scout Council'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 Trustee Board shall have power, subject to appropriate disclosure in the next Annual Report:

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

#### **Membership of the District Trustee Board**

Subject to conflict of interest rules, a Trustee may be a member of more than one Trustee Board

Ex officio, nominated, elected and co-opted members of the District Trustee Board are charity Trustees (if the Scout District is a registered charity) or have the same duties and responsibilities as Charity Trustees if they are not. People invited to attend, or with right of attendance, may be present at the meeting but are not charity Trustees and have no voting rights.

Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005.

All Trustees must complete training as specified in Policy, Organisation and Rules.

At District, all Trustee Boards and any sub-committees should, wherever possible, have as full voting members at least two people aged between their 18<sup>th</sup> and 25<sup>th</sup> birthdays.

The District Trustee Board consists of:

- The District Chair
- The District Secretary (if appointed as a Trustee)
- The District Treasurer
- The District Commissioner
- The District Explorer Scout Commissioner
- The District Scout Network Commissioner

Where there are joint role holders, only one of them may be an ex officio member of the District Trustee Board. This should be decided in consultation with the District Commissioner and the District Chair

The ex officio membership of the District Trustee Board 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 Trustee Board in an elected, nominated or co-opted position.

Elected Members of the District Trustee Board are persons elected at the District Annual General Meeting. The actual number of persons elected is the subject of a resolution by the District Scout Council at their AGM.

Nominated Members of the District Trustee Board are persons nominated by the District Commissioner, in consultation with the District Chair. These nominations must be approved at the District Annual General Meeting. The number of nominated members must not exceed the number of elected members.

Co-opted Members of the District Trustee Board are persons co-opted annually by the District Trustee Board. The number of co-opted members must not exceed the number of elected members.

The Regional Commissioner and the Regional Chair each have the right of attendance at meetings of the District Trustee Board.

If a District Trustee Board Chair, Secretary (if appointed as a Trustee) or Treasurer resigns, filling the vacancy as soon as possible should be prioritised. All actions must be taken by a majority vote of the Trustees, with vacancies of the role of Chair also requiring agreement by the District Commissioner. These appointments are short term until the next annual general meeting. The Trustees must either:

- Appoint a current Trustee to the role, or
- Co-opt a Trustee to take the role, subject to the provisions in the charity's constitution for co-opting Trustees

There is no role of acting Chair, acting Secretary or acting Treasurer

In extreme circumstances, the District Commissioner may act as Chair for a short period of time

## **Conduct of District Trustee Board Meetings**

Only members as defined may vote in meetings of District Scout Council and District Trustee Board. At its Annual General Meeting, the District Scout Council must make a resolution defining a quorum for meetings of the District Scout Council and the District Trustee Board and its sub-committees.

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 does not have a casting vote and the matter is deemed not to have been carried.

All meetings should have minutes taken by the Secretary, approved by the Chair and circulated to all members (District Trustee Board meetings) as soon as possible and in case of the District Scout Council in advance of the next meeting. All minutes to be retained and safely kept by the District Secretary

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

Calling notices for the meetings of the District 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 District Trustee Board when deemed appropriate by the Chair. In such instances at least 75% of its committee members must approve the decision.

The District Trustee Board 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 C - MODEL CONSTITUTION FOR A REGIONAL SCOUT COUNCIL**

All Scout Regions 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 [Insert Scout Region Name] Regional Scout Council**

The Regional Scout Council is the body which has charity governance responsibility for Scouting in the Scout Region with its geographical boundaries agreed between the Regional Scout Council and the Scottish Scout Council. 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. The Trustee Board is accountable to the Scout Council.

Membership of the Scout Council does not provide membership of the Scouts

### **Regional Scout Council Membership**

The ex-officio members of the Regional Scout Council are:

All adult members of the Scout Region

All adults with the following appointments in the Scout Districts in the Region

- District Commissioner
- Deputy District Commissioner
- District Trustee Board Chair
- District Trustee Board Secretary
- District Trustee Board Treasurer
- District Active Support Manager

A representative of the Region Troop Leadership Forum, selected from amongst the membership of the Forum

A representative of the Region Explorer Scout Leadership Forum, selected from amongst the membership of the Forum

A representative of the Scout Network, selected from amongst the membership of the District Scout Networks in the Region

The Chief Commissioner of Scotland

The nominated members of the Regional Scout Council are drawn from these four categories:

- Members nominated by District Scout Councils
- Explorer Scout members nominated by District Explorer Scout Meetings
- District Scout Network members nominated by the District Scout Networks
- Other supporters of the Region appointed by the Regional Scout Council on the recommendation of the Regional Commissioner and the Regional Trustee Board. The number of nominated members must not exceed the number of ex-officio members.

Nominated members of the Regional Scout Council must be appointed for a fixed period not exceeding three years. Subsequent reappointments are permitted.

The Regional Scout Council may co-opt members at their Annual General Meeting. These may include representatives from Girlguiding, religious bodies, schools, local authorities or other youth organisations where it is desired to maintain co-operation. Co-opted members are nominated by the Regional Commissioner and are not required to be members of the Scouts.



The number of co-opted members must not exceed the total of ex-officio and nominated members.

Membership of the Regional Scout Council ceases upon:

The resignation of the Scout Council member

The member no longer qualifying as a member of the Scout Council

The dissolution of the Scout Council

The termination of membership by Headquarters following a recommendation by the Regional Trustee Board

### **Annual General Meeting**

The Regional Scout Council must hold an Annual General Meeting within six months of the end of the Scout Region's financial year.

The Annual General Meeting must:

Undertake governance oversight

- Adopt (or re-adopt) the constitution of the Scout Region
- Note the dates of the Scout Region's financial year
- Agree the number of members that may be elected to the Regional Trustee Board
- Agree the quorum for each of:
  - Meetings of the Regional Scout Council
  - Meetings of the Regional Trustee Board
  - Meetings of any sub-committees

Review the previous year

- Receive and consider the Trustees' Annual Report, including the annual statement of accounts prepared by the Trustee Board
- The accounts must have been examined by an appropriate auditor, independent examiner or scrutineer
- The Trustees' Annual Report and Accounts presented to the Scout Council must include the formal report prepared by the auditor, independent examiner or scrutineer

Make appointments

- Approve the Regional Commissioner's nomination of Chair of the Regional Trustee Board
- Approve the Regional Commissioner's nomination of members of the Regional Trustee Board
- Elect a Regional Secretary (unless this is a paid appointment)
- Elect a Regional Treasurer;
- Elect Trustees to the Trustee Board
- Approve the appointment (or re-appointment) of any Presidents or Vice Presidents
- Appoint (or re-appoint) an auditor, independent examiner or scrutineer as required
- Elect representatives of the Regional Scout Council to be nominated members of the Council of The Scout Association (see Policy, Organisation and Rules for quota)

All adult members of the Region are ex-officio members of the Scottish Scout Council so no nomination of such is required at the Regional Annual General Meeting

Following each Annual General Meeting, the Secretary must ensure that all nominated or elected Trustees are recorded on the membership system and that the Trustees' Annual Report

and Accounts are filed as required.

The Regional Trustee Board will verify the draft Minutes of the Annual General Meeting at their first meeting following the Annual General Meeting. These Minutes cannot be formally approved until the Scout Region's next Annual General Meeting

Governance roles must be distinct to help manage conflict of interest. The roles of Chair and Treasurer must not be combined in any way.

Apart from the AGM the Regional 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 President (if one has been appointed and if they are present and wishes to take the chair) shall preside at meetings of the Regional Scout Council. Otherwise the Regional Chair shall preside or, in their absence, the meeting shall elect a chair from the members present.

### **The Regional Trustee Board**

The Regional Trustee Board is a team of volunteers who work together, as Trustees, to make sure the Scouts is run safely and legally. At the heart of their role is a focus on strategy, performance and assurance. Effective Trustee support helps other volunteers run the Scout programme that gives young people skills for life.

Members of the Regional Trustee Board must act collectively as Charity Trustees (if the Scout Region is a registered charity) or with the same duties and responsibilities as Charity Trustees if they are not registered and in the best interests of the charity and its members to:

- Ensure the charity is well managed, carrying out its purposes for the public benefit, complying with the charity's governing document and the law and managing the charity's resources responsibly.
- Comply with Policy Organisation and Rules of the Scout Association and Scottish variations from POR, including effective management of the Key Policies listed in chapter 2 – The Equal Opportunities Policy, Privacy and Data Protection Policy, Religious Policy, Safeguarding Policy, Safety Policy, Vetting Policy, Youth Member Anti-Bullying Policy
- Ensure that young people are meaningfully involved in decision making at all levels within the Region
- Provide sufficient resources (funds, people, property and equipment) to meet the planned work of the Region including delivery of the high-quality programme and resource requirements of the training programme
- Ensure that a positive image of Scouting exists in the local community
- Develop and maintain a risk register, including putting in place appropriate mitigations
- Ensure that the charity's finances are properly managed, including development and maintenance of appropriate budgets to support the work of the charity
- Maintain and manage a reserves policy for the charity (including a plan for use of reserves outside of the minimum), an investment policy for the charity and a public benefit statement for the charity
- Ensure that people, property and equipment are appropriately insured, and that any property and equipment owned or used by the charity is properly protected and maintained
- Promote and support the development of Scouting in the local area
- Manage the Region'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.
- Appoint and manage the operation of any sub committees, including appointing a Chair to lead the sub-committees
- Ensure that effective administration is in place to support the work of the Trustee Board
- Appoint Administrators, Advisers and Co-opted members of the Trustee Board
- Prepare and approve the Trustees' Annual Report and Annual Accounts after their examination by an appropriate auditor, independent examiner or scrutineer and as appointed by the Scout Council at their Annual General Meeting
- Present the Annual Report and Annual Accounts to the Regional Scout Council at the Annual General Meeting; file a copy with the Scouts Scotland Trustee Board; and if a registered charity, to the appropriate charity regulator if the regulator's rules require it
- Take responsibility for adherence to Data Protection Legislation recognising that, depending on circumstances, it will at times act as a Data Controller and as a Data Processor
- Maintain confidentiality with regard to appropriate Trustee Board business
- Where staff are employed, act as a responsible employer in accordance with Scouting's values and relevant legislation, ensure effective line management responsibilities for employed staff are clearly established and communicated and ensure that appropriate specific personnel insurance is in place
- Provide support to the Regional Commissioner, when required, to assist the opening, change, merging or closing of Districts 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.
- Create a support network amongst Scout Districts, particularly in relation to finance and the trusteeship of property.
- Comply with legislation applicable to charities in Scotland

The Regional Trustee Board may create sub-committees to manage the work it deems necessary ensuring that the purpose of each sub-committee is clear and has been agreed by the Regional Trustee Board, that it consists of members approved by the Regional Trustee Board, that the Chair of the Regional Trustee Board and the Regional Commissioner are ex-officio members of each sub-committee.

Members of sub-committees are not Trustees unless they are members of the Regional Trustee Board

The Regional Trustee Board 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 Regional Scout Council.

All ex officio, nominated, elected and co-opted members of the Regional Trustee Board shall serve as charity trustees for the Regional Scout Council, and in that capacity, they shall have the fullest powers to administer and manage the Regional Scout Council'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 Regional Trustee Board shall have power, subject to appropriate disclosure in the next Annual Report:

- to lend and to borrow
- to invest widely
- to raise funds by levying a subscription on members of the Association in the Region
- to award grants, including grants to one or more of their members

- to engage one or more of their members or their relations, either directly or through a connected company or firm, to provide on a commercial basis services which they are suitably qualified to provide to grant honoraria, including honoraria to one or more of their members
- to reimburse one or more of their members from the Regional Scout Council's funds for all or part of any expenses reasonably incurred in the course of their duties.

### **Membership of the Regional Trustee Board**

Subject to conflict of interest rules, a Trustee may be a member of more than one Trustee Board

Ex officio, nominated, elected and co-opted members of the Regional Trustee Board are charity Trustees (if the Scout Region is a registered charity) or have the same duties and responsibilities as Charity Trustees if they are not. People invited to attend, or with right of attendance, may be present at the meeting but are not charity Trustees and have no voting rights.

Certain people are disqualified from being charity trustees by virtue of the Charities and Trustee Investment (Scotland) Act 2005.

All Trustees must complete training as specified in Policy, Organisation and Rules.

At Region, all Trustee Boards and any sub-committees should, wherever possible, have as full voting members at least two people aged between their 18<sup>th</sup> and 25<sup>th</sup> birthdays.

The Regional Trustee Board consists of:

- The Regional Chair
- The Regional Secretary (if appointed as a Trustee)
- The Regional Treasurer
- The Regional Commissioner

Where there are joint role holders, only one of them may be an ex officio member of the Regional Trustee Board. This should be decided in consultation with the Regional Commissioner and the Regional Chair

The ex officio membership of the Regional Trustee Board 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 Trustee Board in an elected, nominated or co-opted position.

Elected Members of the Regional Trustee Board are persons elected at the Region Annual General Meeting. The actual number of persons elected is the subject of a resolution by the Regional Scout Council at their AGM.

Nominated Members of the Regional Trustee Board are persons nominated by the Regional Commissioner, in consultation with the Regional Chair. These nominations must be approved at the Region Annual General Meeting. The number of nominated members must not exceed the number of elected members.

Co-opted Members of the Regional Trustee Board are persons co-opted annually by the Regional Trustee Board. The number of co-opted members must not exceed the number of elected members.

The Chief Commissioner of Scotland and the Scouts Scotland Chair each have the right of attendance at meetings of the Regional Trustee Board.

The Region's nominated members of the Council of The Scout Association must be invited to attend meetings of the Regional Trustee Board.

If a Regional Trustee Board Chair, Secretary (if appointed as a Trustee) or Treasurer resigns, filling the vacancy as soon as possible should be prioritised. All actions must be taken by a majority vote of the Trustees, with vacancies of the role of Chair also requiring agreement by the Regional Commissioner. These appointments are short term until the next annual general meeting. The Trustees must either:

- Appoint a current Trustee to the role, or
- Co-opt a Trustee to take the role, subject to the provisions in the charity's constitution for co-opting Trustees

There is no role of acting Chair, acting Secretary or acting Treasurer

In extreme circumstances, the Regional Commissioner may act as Chair for a short period of time

### **Conduct of Regional Trustee Board Meetings**

Only members as defined may vote in meetings of Regional Scout Council and Regional Trustee Board. At its Annual General Meeting, the Regional Scout Council must make a resolution defining a quorum for meetings of the Regional Scout Council and the Regional Trustee Board and its sub-committees.

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 does not have a casting vote and the matter is deemed not to have been carried.

All meetings should have minutes taken by the Secretary, approved by the Chair and circulated to all members (Regional Trustee Board meetings) as soon as possible and in case of the Regional Scout Council in advance of the next meeting. All minutes to be retained and safely kept by the Regional Secretary

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

Calling notices for the meetings of the Regional 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 Regional Trustee Board when deemed appropriate by the Chair. In such instances at least 75% of its committee members must approve the decision.

The Regional Trustee Board 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.