

Constitution of Pain Support Jersey (PSJ)

August 2015

The name of the association (hereinafter called the “Charity”), is
Pain Support Jersey (PSJ).

This is a Non-Profit Organisation (N.P.O.) with the reference number 0732.

1. Objects:

- A. To promote the wellness of persons who are suffering from persistent pain and in particular, but not exclusively, those who have previously attended the Jersey Pain Management Centre, by carrying out such charitable purposes as will relieve their conditions of need.
- B. To help support the charitable work of pain management in Jersey.
- C. To contribute to the evaluation and improvement of pain services in the island.

2. Definitions:

- a) “The Charity” shall mean the “Pain Support Jersey (PSJ)”.
- b) “Rules” shall mean the Rules of this Constitution as amended from time to time.
- c) Words importing the singular number only shall include the plural and vice versa.
- d) Words importing the masculine gender only shall include the feminine gender.

3. Powers:

For the purpose of carrying out the above objects the executive committee shall have the following powers:

- a) To accept subscriptions and donations.
- b) To take such lawful steps by appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the charity in the form of donations, subscriptions or otherwise.
- c) To borrow or raise money for the purposes of the Charity on such terms and on such security as may be thought fit.
- d) To print and publish or procure to be printed and published or to circulate or procure to be circulated (whether gratuitously or not) any newspapers, periodicals, magazines, books, pamphlets or other documents that may be deemed necessary or desirable for the promotion of the objects of the Charity.

- e) To invest the monies of the charity not immediately required for its purposes, in or upon such investments, securities or property as may be thought fit.
- f) To establish and support or aid in the establishment and support of, or become a member of, or co-operate with any charitable association or institutions, whether incorporated or not and whether in Jersey or elsewhere and to subscribe or guarantee money for charitable purposes in any way connected with the purposes of the Charity or calculated to further its objects.
- g) To employ such persons as may be necessary in the carrying out and general implementation of these rules and to provide for, arrange and implement the training of such persons.
- h) To do such things as are incidental or necessary to the attainment of the above objects.
- i) The charity will be financed through activities which include fundraising, grants and annual and weekly subscription. Any profits generated will be applied to furthering the charitable objects.
- j) To appoint and constitute such advisory committees as the executive committee may think fit.
- k) To ensure all attendees agree, adhere to and sign the Charity's waiver form on their initial visit.
- l) To ensure individuals are aware that **Pain Support Jersey** cannot accept liability for any injury to individuals participating in the exercise regimes.
- m) To complete all activities in a friendly and relaxed atmosphere whilst ensuring that the active participants are respected.

4. Membership:

- a) Membership of the Charity shall consist of those persons whose names have been enrolled as members, and have not subsequently been removed from the Register of Members, in accordance with the Rules of the Charity. The privileges of membership shall not be transferable or transmissible and shall cease on death.
- b) Membership of the Charity shall be open to all persons who are interested in and participate in furthering the aims of the Charity.
- c) Every member shall have one Vote.
- d) The Executive Committee may, by unanimous vote for good reason, terminate the membership of any individual, provided that the individual concerned shall have the right to be heard by the Executive Committee, accompanied by a friend, before a final decision is made.

5. Officers of the Charity:

The Officers of the Charity shall be those persons named in the schedule hereto. No person who is not a member of the Charity shall be eligible to be an officer.

There shall be the following officers of the Charity:

A chairperson

A vice-chair person

A treasurer

A secretary

...and such other officers as the Members of the Charity may from time to time elect.

6. Removal of an Officer:

Any officer of the charity shall cease to be an officer:-

- a) If he shall fail to attend three consecutive meetings of the committee except by leave of the chairperson or vice chairperson, or
- b) If by notice in writing, addressed to the secretary, he resigns his office, or
- c) If the Committee by a majority of two thirds of the Committee Members as shall be present at a meeting duly convened for the purpose, shall resolve that an officer be removed, or
- d) If:
 - i. he is guilty of misconduct;
 - ii. is incapable by reason of mental or physical disability, of performing his duties;
 - iii. suffers his goods to be declared “en désastre”

7. Executive Committee:

- a) The affairs of the Charity shall be managed by an executive body (herein referred to as the Committee), which shall consist of the Officers of the Charity, together with no less than four Committee Members, who shall be elected annually at the Annual General Meeting of Members.
- b) The proceedings of the Committee shall not be invalidated by any vacancy amongst their number.
- c) No person shall be appointed as a member of the Committee who is aged under 18 years.
- d) No person shall be entitled to act as a member of the Executive Committee until they have signed a declaration of acceptance and of willingness to act in the interests of the charity.
- e) All members of the Committee whether elected or holding office by virtue of being an Officer, shall be entitled to vote at proceedings of the Committee.
- f) A quorum for Committee meetings shall consist of that number of persons attending in person, which shall exceed fifty percent of all of those persons entitled to attend and vote at such meetings, provided that at least one of such persons shall be an Officer.

- g) By rotation one third of the elected Committee members, (or the number nearest to one third), shall retire from the Committee each year, but will be eligible for re-election if nominated. The members to retire shall be those who have been members of the Committee for the longest period since their last election. If this is between members who have served for the same length of time on the Committee, the decision as to which of them shall retire, shall be arrived at by mutual agreement or lot.
- h) The Committee shall have power to fill casual vacancies among the Committee members, provided that the nominee commits to holding office for the original elected time.
- i) The committee shall have power to appoint sub-committees.

8. Patron(s):

A Patron, President or Vice-president may be elected or removed from that office by the Members of the Charity at any General Meeting.

The positions of Patron, President or Vice-president shall be of an honorary nature and shall not carry with them the right to attend or vote at any meeting of the Members.

9. The Chair Person:

The Chair Person or Vice-Chair Person shall preside, at the meetings of the Committee and of the General Meetings and failing this, the meeting shall elect chairperson. The chairperson of the meeting shall have a casting vote in addition to his ordinary vote.

10. Meetings of the Members of the Charity:

- a) There shall be an Annual General Meeting of the Members of the Charity held within six calendar months after the end of each financial year.
- b) The Annual General Meeting shall be called by notice in writing of 21 days at least. The notice shall name retiring Committee members and shall call for nominations and any amendments to the rules, duly proposed and seconded.
- c) The Committee may at any time convene an Extraordinary General Meeting by giving 14 days' notice in writing.
- d) At all general meetings quorum shall consist of one third of members.
- e) Provided that at least 10 members of the Charity may, in writing to the chairperson, require that an Extraordinary Meeting be convened for the purpose to be stated in the notice, the meeting will be convened within four weeks of the receipt of the said notice.

The Annual General Meeting, Ordinary Meetings and Extraordinary Meetings are herein referred to as 'General Meetings'.

11. Finance

- a) The Charity's financial year shall end on 31st of December each year.
- b) The Treasurer shall cause proper books of account to be kept with respect to:
 - i. all sums of money received and expended by the Charity and the matters in respect of which such receipts and expenditure takes place;
 - ii. all sales and purchases of goods by the Charity; and
 - iii. the assets, credits and liabilities of the Charity.
 - iv. The Treasurer shall prepare accounts for a period of not more than 6 months beginning on the day of constitution, or if the Charity has previously prepared a profit and loss account, beginning at the end of the period covered by the most recent accounts.
 - v. The accounts shall be prepared in accordance with generally accepted accounting principles and show a true and fair view of the profit and loss of the Charity for the period and of the state of the Charity's affairs at the end of the period.
 - vi. The Charity's accounts shall be approved by the executive committee and put before the members for their approval.
- c) Proper books shall be kept to give a true and fair view of the affairs of the Charity and to explain the transactions.
- d) All funds of the Charity shall as soon as possible after receipt, be paid into the Bank Accounts to be opened and maintained in its name. Such accounts shall be under the control of the committee which shall from time to time provide for their method of operation and the signature of both the Chairperson and Treasurer or any other designated signatory from the committee being required.
- e) All payments of money to be made on behalf of the Charity shall be applied towards the object of the Charity, as set out in its Constitution and shall be approved by the Committee. However, when it is not practicable to obtain the Committee's prior approval, payment may be made on the written authority of two Officers and the payment so made shall be submitted for approval at the next meeting of the Committee.
- f) The Committee shall make adequate arrangements for the security and safe custody of all monies and books belonging to the Charity.

12.Accounts:

The Executive Committee shall comply with their obligations under the Charities Act 1993 (or any statutory change in the law), with regard to:

- a) The keeping of accounting records of the Charity.
- b) The preparation of annual statements of accounts for the Charity.
- c) The transmission of the statements of account of the Charity to the Jersey Charities Commission.

13.Audit:

- a) The accounts relating to the Charity's affairs shall be audited if the Members at an Annual General Meeting pass a resolution requiring an audit. In such event the auditor shall be such firm or persons as are appointed by the Members of the Charity at the Annual General Meeting and the following provisions shall apply:-
- i. The accounts relating to the Charity's affairs shall be audited by such persons as are appointed by the Members of the Charity at the Annual General Meeting.
 - ii. The report shall state whether in the Auditor's opinion the Charity's balance sheet and profit and loss account have been properly prepared and whether in his opinion a true and fair view is given:-
 - a. In the case of the balance sheet, of the state of the Charity's affairs as at the end of its financial year.
 - b. In the case of the profit and loss account, of the Charity's profit and loss for its financial year.
- b) It shall be the duty of the Auditor, in preparing his report, to carry out such investigations as will enable him to form an opinion as to the following matters:-
- i. Whether proper books of account have been kept by the Charity.
 - ii. Whether the Charity's balance sheet and profit and loss account are in agreement with the books of account and returns.
 - iii. If the Auditor is of the opinion that proper books of account have not been kept by the Charity or if the balance sheet and profit and loss account are not in agreement with the books of account and returns, the Auditor shall state that fact in his report
- c) If the Auditor fails to obtain all the information and explanations which, to the best of his knowledge and belief, are necessary for the purposes of his audit, he shall state that fact in his report.

14.Members right of inspection:

The Members of the Charity shall have the right at all times to examine all books documents and accounts of the Charity with 10 days of notice, in writing.

15.Indemnity:

The Officers and Committee Members of the Charity shall be indemnified by the Charity for any liabilities incurred by them in good faith, as a result of acting as the representatives of the Charity.

16. Dissolution:

If the Charity resolved by a simple majority of those present and voting that the Charity shall be dissolved, any assets remaining after the satisfaction of all proper debts and liabilities shall be given to:

- a) Such other charity or charities preferably having objects similar to those of the Charity, or
- b) the charitable works of pain agencies, provided that no funds are provided which would offset their statutory obligations, or
- c) transferred to The Association of Jersey Charities for its general charitable purposes.

17. Alterations to this Constitution:

These Rules may be altered by a resolution passed by a simple majority of those present and voting at a meeting of the Members of the Charity, provided that no such resolution shall be considered unless notice in writing, setting out the terms of the resolution, shall have been sent to every Member of the Charity not less than four weeks before the date of the meeting at which it is to be considered.