



Constitution

Mission Statement

AdvoCard is an Edinburgh-wide advocacy project for adults who have experience of mental ill health. We provide a free, independent and confidential service which supports people in getting their voices heard.

Our long-term aim is to work towards a community where each individual's needs are met and where people have greater influence over the services they use.

Contents

Page

| | | |
|----------|---|----------|
| 1 | Name | 5 |
| 2 | Purposes | 5 |
| | 2.1 | 5 |
| | 2.2 | 5 |
| | 2.3 | 5 |
| | 2.4 | 5 |
| | 2.5 | 5 |
| | 2.6 | 5 |
| 3 | AdvoCard Objectives | 5 |
| | 3.1 | 5 |
| | 3.2 | 5 |
| | 3.3a | 5 |
| | 3.3b | 5 |
| | 3.4 | 5 |
| | 3.5 | 5 |
| | 3.6 | 5 |
| 4 | Powers | 6 |
| | 4.1 Range | 6 |
| | 4.1.1 Heritable Property | 6 |
| | 4.1.2 Bank account | 6 |
| | 4.1.3 Employment of staff | 6 |
| | 4.1.4 Outside professionals and consultants | 6 |
| | 4.1.5 Expenses | 6 |
| | 4.1.6 Sessional fees | 6 |
| 5 | Membership | 6 |
| | 5.1 Individual membership | 6 |
| | 5.2 Organisational membership | 6 |
| | 5.3 Subscriptions | 6 |

| | | |
|----------|---|----------|
| 6 | Management Committee | 7 |
| 6.1 | Tasks | 7 |
| 6.2 | Membership | 7 |
| | 6.2.1 | 7 |
| | 6.2.2 | 7 |
| | 6.2.3 | 7 |
| | 6.2.4 | 7 |
| 6.3 | Right to attend | 7 |
| 6.4 | Sub-committees and working groups | 7 |
| | 6.4.1 Constitution | 7 |
| | 6.4.2 Membership | 7 |
| 6.5 | Frequency of meetings | 7 |
| 6.6 | Notice of meetings | 7 |
| | 6.6.1 Written notice | 7 |
| | 6.6.2 Verbal notice | 7 |
| 6.7 | Quorum | 8 |
| 6.8 | Standing Orders | 8 |
| 6.9 | Minutes | 8 |
| | | |
| 7 | Office bearers | 8 |
| 7.1 | Election of office bearers | 8 |
| | | |
| 7.2 | Offices | 8 |
| 7.3 | Restrictions on re-election | 8 |
| | | |
| 8 | Executive Committee (EC) | 8 |
| 8.1 | Composition | 8 |
| 8.2 | Task | 8 |
| 8.3 | Powers | 8 |
| 8.4 | Quorum | 9 |
| 8.5 | Voting | 9 |
| | | |
| 9 | Annual General Meeting (AGM) | 9 |
| 9.1 | Date of AGM | 9 |
| 9.2 | Notice | 9 |
| | 9.2.1 Notice of Resolutions or Amendments | 9 |
| | 9.2.2 Notice of meeting | 9 |
| | 9.2.3 Verbal notice | 9 |
| 9.3 | Agenda | 9 |
| 9.4 | Quorum | 9 |
| 9.5 | Voting | 9 |

| | | |
|------------|--|--------------|
| 9.5.1 | Eligibility to vote | 9 |
| 9.5.2 | Required majority | 9 |
| 9.5.3 | Casting vote | 10 |
| 9.6 | Minutes | 10 |
| 10 | Extraordinary General Meeting (EGM) | 10 |
| 10.1 | Procedure for calling an EGM | 10 |
| 10.2 | Rules governing EGMs | 10 |
| 11 | Finance | 10 |
| 11.1 | How money can be spent | 10 |
| 11.2 | Keeping of books | 10 |
| 11.3 | Signatories to the bank account | 10 |
| 11.4 | Annual accounts | 10 |
| 11.5 | Financial year | 10 |
| 12 | Dissolution | 10 |
| 12.1 | Decision to dissolve AdvoCard | 10 |
| 12.2 | Notice | 11 |
| 12.3 | Quorum | 11 |
| 12.4 | Voting | 11 |
| 13 | Disposal of assets | 11 |
| 13.1 | Payment of debts and liabilities | 11 |
| 13.2 | Remaining assets | 11 |
| 14. | AdvoCard Policies and Procedures | 11 |
| 15. | Signatories to Adoption | 12 |
| 16. | Glossary | 13-14 |

1 Name

The name of the organisation is **AdvoCard***.

2 Purposes

AdvoCard is committed to the following Purposes which are included in the purposes listed in Section 7(2) of the Charities and Trustee Investment (Scotland) Act 2005.

2.1 The advancement of human rights, conflict resolution or reconciliation.

2.2 The advancement of citizenship or community development

2.3 The advancement of mental health

2.4 The promotion of equality and diversity

2.5 The relief of those in need by reason of age, ill- health, disability, financial hardship or other disadvantage

2.6 The advancement of education

3 AdvoCard Objectives

In order to fulfill these purposes we shall seek :

3.1 To allow users of mental health services in Edinburgh use of AdvoCard's facilities, first and foremost the use of independent individual advocacy services but also the help and support of the staff team and the use of equipment owned by AdvoCard.

3.2 To train advocacy workers to provide good quality independent advocacy services to mental health service users in Edinburgh.

3.3a To provide training and information to individuals who will or may use AdvoCard's services and to other mental health service users.

3.3b To provide training and information on advocacy and mental health issues to those associated with the organisation and if possible to the wider community.

3.4 To promote the benefits of advocacy to potential users of AdvoCard as well as to other organisations and the wider community

3.5 To establish and maintain contact with users of mental health services and other relevant statutory and voluntary groups

3.6 To encourage the involvement of service users in participating in the planning and provision of services they receive.

4 Powers

4.1 Range

AdvoCard will have the power to do all lawful things necessary for the achievement of its objectives, and in particular:

4.1.1 Heritable Property*

To lease, buy or otherwise acquire heritable property as required for AdvoCard to work effectively.

The title to any heritable property which may be acquired for AdvoCard, will be taken and remain in the names of their office bearers as trustees and their successors in their respective offices.

4.1.2 Bank account

To set up and run a bank account in the name of AdvoCard.

4.1.3 Employment of staff

To employ staff as required and to do all that is right and proper regarding such employment within the limits laid down by the employment legislation for the time being in force.

4.1.4 Outside professionals and consultants

To employ professional advisers and consultants when the Management decides it is required.

4.1.5 Expenses

To pay reasonable travel and subsistence expenses properly incurred to advocacy workers, staff and members of the management committee.

4.1.6 Sessional fees

To pay people sessional fees for non-management tasks as appropriate.

5 Membership

5.1 Individual membership

Individual membership of AdvoCard is open to those who agree with the purposes and objectives of AdvoCard as outlined in points **2.1-2.6** and **3.1-3.6**. (See our Membership Procedure for information on how to become a member.)

5.2 Organisational membership

Organisational membership is open to those groups who agree with the purposes and objectives of AdvoCard as outlined in points **2.1-2.6** and **3.1-3.6**. (See our membership procedure for information on how to become a member.)

5.3 Subscriptions

The amount of subscriptions to be paid by individual and organisational members will be fixed by the members of AdvoCard at Annual General Meetings.

6 Management Committee

6.1 Tasks

The Management Committee is responsible for the working of AdvoCard and will follow the purposes and objectives of AdvoCard as outlined in points **2.1-2.6 and 3.1-3.6**.

6.2 Membership

The Management Committee consists of a maximum of twelve people. Membership of the Management Committee should follow AdvoCard's Equal Opportunities policy and in particular service users should, where possible, form at least half this membership.

Members can be:

Representatives of organisations in Scotland working in agreement with the purposes and objectives of AdvoCard as outlined in points **2.1-2.6 and 3.1-3.6**.

Representatives of mental health user groups; and specifically users of the AdvoCard service.

Any other person(s) the Management Committee finds it has to co-opt* when vacancies arise.

6.3 Right to attend

The following people can take part in Management Committee meetings, but they cannot vote:

- Members of staff as employed by AdvoCard
- Members of staff's trade union representatives, when matters affecting the members of staff's terms and conditions are under discussion.
- Advisors to the Management Committee

6.4 Sub-committees and working groups

6.4.1 Constitution

The Management Committee may form sub-committees or working groups to help achieve the aims and objectives of AdvoCard and will decide on their powers and terms of reference.

6.4.2 Membership

Although the membership of sub-committees will usually be made up of members of AdvoCard or its Management Committee, the Management Committee can ask people outside AdvoCard to be part of these committees when they think it is required.

6.5 Frequency of meetings

The Management Committee will meet at least eight times each year.

6.6 Notice of meetings

6.6.1 Written notice

At least seven days notice in writing should be given to each member of the Management Committee.

6.6.2 Verbal notice

The Secretary* must give verbal as well as written notice to any member of the Management Committee who has a visual impairment.

6.7 Quorum*

The quorum* for meetings will be one half of the membership of the Management Committee. If less than half of the Management Committee is at a meeting, any decisions that they make must be confirmed at the next Management Committee meeting at which at least half of the Committee are present.

6.8 Standing Orders*

The Management Committee may create Standing Orders to help with the smooth running of AdvoCard.

6.9 Minutes

The Secretary* will keep a written record of Management Committee meetings.

7 Office Bearers

7.1 Election of office bearers

AdvoCard members will elect office bearers at the Annual General Meetings each November from members of the Management Committee.

7.2 Offices

The office bearers consist of:

- **Convener***
- **Vice-convener***
- **Secretary***
- **Treasurer***

7.3 Restrictions on re-election

Any Management Committee member who has held the office of Convener, Vice-convener or Secretary for three years in a row will not be allowed to stand for election for that position again for at least one year.

8 Executive Committee (EC)

8.1 Composition

The Executive Committee (EC) is made up of the four office bearers of the Management Committee. (See 7.2 and Glossary)

8.2 Task

The task of the EC will be to take action and make decisions on behalf of AdvoCard when an emergency arises and it is not possible to call a proper meeting of the Management Committee in the time available.

8.3 Powers

The EC will have the same powers as the Management Committee as outlined in this Constitution, but the next scheduled Management Committee meeting must confirm any action taken and any decision(s) made in the event of emergency action.

8.4 Quorum

The EC cannot act unless at least three out of the four members are involved in the decision.

8.5 Voting

If the EC cannot all agree on a course of action, they will vote on the matter and a majority only will be needed.

9 Annual General Meeting (AGM)

9.1 Date of AGM

The AGM will be held in November each year.

9.2 Notice

9.2.1 Notice of Resolutions or Amendments

Members of AdvoCard who wish to move a Resolution* or Amendment* to the Constitution or Standing Orders must send a written copy of the Resolution or Amendment to the Secretary to reach them at least 28 days before the date of the AGM.

9.2.2 Notice of meeting

The Secretary must give the members of AdvoCard at least 21 days notice in writing of the date, time and place of the AGM, as well as details of any Resolution or Amendment received.

9.2.3 Verbal notice

The Secretary must give verbal as well as written notice to any member of AdvoCard who has a visual impairment.

9.3 Agenda

The agenda will include:

- Consideration of the minutes of the previous AGM
- Reports by the Management Committee, including the presentation of accounts and election of Office Bearers and auditors
- Any other business considered relevant by Management Committee members.

9.4 Quorum

The quorum* at AGMs is twelve. If less than twelve members are present, any decision made at the meeting must be confirmed at the next Annual General Meeting at which a minimum of twelve members are present.

9.5 Voting

9.5.1 Eligibility to vote

Each member of AdvoCard has one vote. Each member organisation is entitled to send a maximum of two voting representatives.

9.5.2 Required majority

Where there is an amendment to the Constitution or the Standing Orders, the required majority will be two thirds of the members of AdvoCard present and voting. In all other cases voting will be by simple majority of those present and voting.

9.5.3 Casting vote

Where the same number of votes are cast for and against a Resolution which needs a simple majority, the Convener will have a second, or casting vote which must always be cast in favour of the status quo.

9.6 Minutes

The Secretary will keep a written record of all that happens at the AGM in the form of minutes.

10 Extraordinary General Meeting (EGM)

10.1 Procedure for calling an EGM

An extraordinary general meeting (EGM) may be called at the request of the Management Committee or by at least two members of AdvoCard writing to the Secretary to ask for an EGM to be called.

10.2 Rules governing EGMs

The rules concerning notice, quorum, voting and general procedure at EGMs are the same as AGM rules as detailed in point **9.2**.

11 Finance

11.1 How money can be spent

All money raised by or on behalf of AdvoCard will be used to achieve the purposes and objectives of AdvoCard as outlined in points **2.1-2.6 and 3.1-3.6** and for no other purpose.

11.2 Keeping of books

The Treasurer will be responsible for overseeing the keeping of accurate books and recording the financial transactions of AdvoCard.

11.3 Signatories to the bank account

Two signatories are necessary for any withdrawal. Both signatories may be members of staff for withdrawals up to the value of £1000 but for higher amounts one of the signatures must be that of an Office Bearer.

11.4 Annual accounts

The accounts will be audited at the end of each financial year and presented at the Annual General Meeting.

11.5 Financial year

AdvoCard's financial year runs from the first day of April until the last day of March.

12 Dissolution

12.1 Decision to dissolve AdvoCard

If the Management Committee decide by a simple majority at any time that AdvoCard has to be wound up or dissolved (because of expense or for any other reason), it will call an Extraordinary General Meeting of all members and ask them to vote on whether AdvoCard should be dissolved.

12.2 Notice

The Secretary will give the members at least 21 days notice in writing of the date, time, and place of the meeting, as well as the wording of any Resolution to dissolve AdvoCard. Verbal notice must be given to any member who has a visual impairment.

12.3 Quorum

Any meeting called to dissolve AdvoCard cannot go ahead unless at least half the membership is present.

12.4 Voting

AdvoCard cannot be dissolved unless at least two thirds of the members present are in favour of the resolution to dissolve it.

13 Disposal of assets

13.1 Payment of debts and liabilities

In the event of AdvoCard being dissolved, any money owed must be paid out of its assets.

13.2 Remaining assets

If any money or equipment is left after the debts of AdvoCard have been paid, the Management Committee must give it to an organisation or organisations who:

- Are registered as a charity
- Are working in agreement with the purposes and objectives of AdvoCard outlined in points **2.1-2.6** and **3.1-3.6**
- Exist for the benefit of the people of Edinburgh.

14 AdvoCard Policies and Procedures

AdvoCard has the following list of Policies and Procedures which are available at the Leith Walk and Norton Park offices.

Anti-harassment Policy
Dealing with Incidents at Leith Walk
Equal Opportunities Policy
Fair Treatment Policy
Confidentiality Policy

Complaints Procedure
Recruitment Policy
Appraisal Policy
Expenses Policy
Data Protection Policy
Policy on Secure Handling, Use, Storage, Retention, and Disposal of Disclosure information
Freedom of Information Policy
Recruitment of Ex-Offenders Policy
Protection of Vulnerable Adults and Young People Policy
Health and Safety Policy
Home Visiting Procedure
Personal Safety and Lone Working Procedure
Smoke Free Policy
Stress Management Policy
Whistle Blowing Policy

16 Signatories to Adoption

This constitution was officially adopted at a meeting held at The Quaker Meeting House

on 29th day of November two thousand and six,

having been proposed by Dot Twyman - Convener and seconded

by Willie Twyman – Individual member of AdvoCard

We certify that this is a true copy of the duly amended Constitution:

Convener

Address

Committee member

Address

Signed

Convener

Committee member

15. Glossary

| | |
|---------------------------|---|
| Advocacy | Standing up for and sticking with a person or a group, taking their side, helping them to get their point across. Advocacy adds weight to people's views, concerns, rights and aspirations. |
| AdvoCard | AdvoCard provides an advocacy service for individuals with experience of mental ill health and is a registered independent mental health advocacy charity |
| Constitution | An official document that states the principles, practices and procedures of an organisation. |
| Convener | Elected official who oversees the whole organisation, similar to that of a Chairperson. |
| Co-opt | To appoint someone to a position by agreement with other members of the Committee. |
| Dissolution | The bringing to an end of a meeting or organisation |
| Heritable Property | Land or buildings. |
| Office Bearer | Person elected for a specific duty on the Management Committee, such as secretary or treasurer. |
| Quorum | A fixed minimum number of members who must be present before the members can conduct valid business. |
| Resolution | A formal expression of a decision or plan that has to be discussed. |
| Secretary | Person elected to keep the records of AdvoCard meetings and write or answer letters on AdvoCard's behalf. |
| Service user | An individual who uses services |

| | |
|-----------------------|---|
| Signatory | Someone authorised to sign cheques and other documents |
| Standing Order | A statement which is explicit in the Constitution and which requires proper notice and consultation to be amended. |
| Sub-committee | Formed by the Committee to progress a piece of work. Also called a sub-group. |
| Successors | People who follow in the roles of the current post holders. |
| Treasurer | An elected Committee member who manages AdvoCard's finances. |
| Trustees | People who are given the legal authority to manage money or property on behalf of AdvoCard |
| Vice-convener | An elected official who assists the Convener in their role and deputises for them if they are absent. |
| Working group | A group set up to progress a piece of work. Membership of the group will vary. The group will usually be established by the staff team. |